

South East Waste Planning Advisory Group

Comments on the draft New London Plan

2 March 2018

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Introduction

These are the comments of the South East Waste Authority Planning Advisory Group (SEWPAG) on the Draft London Plan.

The South East Waste Authority Planning Advisory Group (SEWPAG) comprises Waste Planning Authorities (WPAs) in the south east of England, the Environment Agency, representatives from similar fora in London and the east of England and waste industry representation through the Environmental Services Association (ESA). It is a non-executive body, funded directly by the WPA members.

SEWPAG exists to help WPAs in the south east fulfil the statutory plan making 'Duty to Co-operate' on strategic cross boundary waste issues, and to give effect to the Government's stated intention to encourage WPAs to work together in groups in order that they may carry out their individual responsibilities more effectively.

The overall aim of SEWPAG is to ensure that meaningful, collaborative joint working between WPAs, the Environment Agency and the waste industry (represented by the ESA) within the South East of England on strategic waste management issues is undertaken diligently and on an ongoing basis for the mutual benefit of those authorities.

General comments

1. In helping SEWPAG understand the content of the Draft London Plan, and the Waste Chapter in particular, it has received support from Peter Heath of the GLA and would like to take this opportunity to record its gratitude. It will be important that such support and cooperation between the GLA and SEWPAG continues to ensure that the Draft London Plan is fit for purpose and is implemented effectively. On behalf of its member Waste Planning Authorities, SEWPAG would also like to record its thanks for any support received from the GLA associated with preparation of their Waste Local Plans and would urge the GLA to continue to provide such support in future. So, while SEWPAG supports the statement made in paragraph 9.8.3 regarding

working with neighbouring 'Regional Technical Advisory Bodies' it is disappointed that there is not a related policy commitment as currently exists in London Plan policy 5.16 and suggests that an appropriate amendment to policy S18 is therefore required (see suggested wording). Clearly it will also be necessary for the Mayor to commit resources to this important work.

2. It is not always clear how intentions expressed in the 'preamble' to policies are followed through in policy. In other words while intentions may be set in supporting text unless these are clearly followed through in policy it is unlikely that they will be realised. For example, whilst text concerning energy infrastructure (related to Policy S13) notes that to achieve the Mayor's zero-carbon by 2050 target there will be an increasing need for decentralised energy, there appears to be no explicit general requirement in policy for boroughs and/or developers to ensure that development utilises decentralised energy. Another example is the clear support stated in text at paragraph 9.3.5 for the development of low temperature networks whereas it is not obvious how this support has translated into policy. This also applies to statements concerning hazardous waste which are considered in more detail below.
3. Parts of the Plan are drafted in a manner which perpetuates the sense that waste management is a service of lesser importance than other utilities such as energy and water. An example is the first sentence of paragraph 9.6.7. Historically it has certainly been the case that waste production and management has been a lesser consideration and given lower priority by planners when making decisions on the appropriateness of development; the London Plan must do all it can to avoid any such suggestion and ensure that waste is treated on a par with the other essential utilities.

Other Comments

Chapter 9 – Sustainable Infrastructure

Policy S13 Energy Infrastructure

4. Support for inclusion of expectation that 'Energy Masterplans' should be prepared for 'large-scale development' that should identify possible opportunities to utilise energy from waste. (S13 A 4)), as this will support development of energy from waste/thermal treatment facilities within London. The policy would be more effective if a definition of 'Energy from Waste' was included that should include mass burn incineration.

5. Support for expectation that major development proposals within Heat Network Priority Areas should have a communal heating system with heat source from existing or planned heat networks and use of available local secondary heat (S13 D 1) a) & b) as this will support development of energy from waste/thermal treatment facilities within London.
6. The Mayor's zero-carbon by 2050 target is supported, as is the support for renewable energy and secondary heat sources and the clear recognition (paragraph 9.3.7) that energy from waste schemes connected to a heat network constitutes such an energy source.

Policy SI7 Reducing waste and supporting the circular economy

The general approaches set out in Policy SI7 are supported, however SEWPAG has concerns about the effectiveness of the policy which are detailed below:

7. As it stands the London Plan implies a meaning to the term 'circular economy' and related terms ('circular economy principles'; 'highest use') but it is considered that the effectiveness of the Plan would be improved if clear definitions for such terms were included. For example, SI7 A 1) states that waste reduction etc. will be achieved by 'promoting a *more* circular economy...'. It is noted that the term 'circular economy' is not explained in the glossary.
8. SI7 A 1) would be more effective if it was clear how it is envisaged that 'a more circular economy' will actually be promoted – what would such promotion entail?
9. It is noted the term 'waste avoidance' is used in A 2) – does this mean the same as the term 'waste prevention' which is used within the Waste Hierarchy (Waste Management Plan for England, Waste Prevention Programme for England and National Planning Policy for Waste)? If so it would be more consistent and clearer to use the term 'waste prevention'.
10. A 2) may be taken to conflate waste avoidance with waste reuse – waste cannot be reused if it does not exist in the first place (i.e. has been avoided) and higher order strategies should be put in place to avoid waste, such as increasing product life, ahead of waste reuse. It is suggested that 'respectively' be added at the end of the clause to make it clear that waste minimisation relates to reuse of materials and waste avoidance relates to using fewer resources.
11. Despite the text in paragraph 9.7.3, clause A 4) appears to conflate recycling with generating low carbon energy from waste and so it is suggested that a separate clause be inserted that clearly sets out how proposals for energy from waste would be supported by the London Plan. As it stands it may be implied from this clause that the 65% by 2030 MSW target applies to a combination of waste management by energy generation and recycling.

12. A 95% by 2020 target for construction, demolition and excavation waste may be hard to achieve – is this intended to refer to inert CDEW? And, as above, it's unclear if this is to be achieved by recycling or energy from waste. The target also seems to overlook the fact that adoption of the London Plan is timetabled for Autumn 2019 and therefore it is hard to see how any of its policies will realistically have time to influence its achievement. The meaningfulness of the target as currently drafted is therefore questioned.
13. The requirement to consider waste management when designing developments in clause A 5) is supported, however it is suggested this clause should refer to 'collection systems' as well as storage space.
14. SEWPAG supports the mention of the work completed by LWARB and LEDNET concerning the management of waste from flatted development in paragraphs 9.8.17 and 3.4.11 but suggests consideration be given to inserting the wording of the template policy that was prepared as part of this work. An outcome of this work was a 'Waste Management Strategy' template to be used by developers to show how waste would be managed during the construction and operational phases of the development – it is considered that this template fulfils many of the requirements of a 'Circular Economy Statement' and could usefully be referred to and/or replicated in the 'further guidance' mentioned in paragraph 9.7.6. Indeed, perhaps the second sentence of paragraph 9.8.17 would also more logically appear within paragraph 9.7.6, or elsewhere within the supporting text for Policy SI7.
15. As above, clause B 4) should reference 'collection systems' as well as storage space.
16. Clause B 5) should expect the details concerning waste management to show how waste will be 'managed in accordance with the waste hierarchy', rather than simply 'handled'.
17. SEWPAG would also like to reiterate the following related comment it made on the Draft London Environment Strategy:

“Developers should be expected to design in optimal waste management systems and local authorities should be resourced to determine how well proposals for managing waste in a development are aligned with best practice on the management of waste in flats. Resources are needed to help architects and designers and local authorities identify the optimum solution for managing waste in flats. Such resources include examples of existing best and worst practice from recent developments around the world in terms of social, environmental and economic impacts of different solutions taking account of the complex and psychological relationship between users and their space. Resources should allow evidence based decisions on the best options for waste management in new flatted development. A citizen centred approach is needed as successful waste management within high density housing can only be achieved with the participation of its residents. Any strategies need to factor in how the behaviour of

residents will affect their success and foster pro-social, rather than anti-social, behaviour.”

18. The second sentence of paragraph 9.7.1 mentions reuse and recycling but not energy generation which seems to be inconsistent the approach espoused by clause A 4) in the related policy.

Hazardous Waste

19. The quantity of hazardous waste produced in London, and the fact that is considered as a subset of household and commercial and industrial waste, should be made clear in Paragraph 9.7.2.
20. Paragraph 9.8.15 is specifically concerned with hazardous waste and proposes actions needed to ensure its management however SEWPAG is concerned that there are no specific policies concerned with hazardous waste management, especially in light of the following statement in paragraph 9.8.15: *“Without sustained action, there remains the risk of a major shortfall in our capacity to treat and dispose of hazardous waste safely.”* And *“There is therefore a need to continue to identify hazardous waste capacity for London.”* To remedy this situation SEWPAG propose changes to policies and SI9 and paragraph 9.8.15
21. Data provided by the Environment Agency to SEWPAG suggests that 382,000 tonnes of hazardous waste was exported from London in 2015. This does not take account of hazardous waste produced in London that is managed in London and so it likely that the value of hazardous waste arising in London provided in paragraph 9.8.15 (324,000 tonnes) is an underestimate.

Draft London Environment Strategy

22. Paragraph 9.7.3 suggests that *“The London Environment Strategy sets out the Mayor’s approach to waste management in detail”*, however SEWPAG has concerns that the draft LES does not do this and made the following comments on the draft LES:

“On page 260 the Draft London Environment Strategy (LES) states: *“The Mayor has no responsibility or powers in this strategy to directly control the management of industrial waste and construction, demolition and excavation waste where it is not in the possession or control of a waste authority.”* This statement appears inaccurate, as there is nothing to stop the Mayor preparing a strategy for non-municipal waste if he chooses – there is nothing in legislation that would prevent this. Clear statements on the issues associated with the production and management of non-municipal waste, with a strategy to address them, are needed as without this the Environment Strategy simply cannot be said to address the management of London’s waste. This is especially important as the mayor’s own

data indicates that municipal waste constitutes less than half of the total waste produced in London with non municipal waste. Indeed the GLA strategy 'Making sense of business waste' states that Commercial & Industrial (C&I) and Construction, Demolition and Excavation (CDE) waste streams *"account for 16 million tonnes, or around 80 per cent of solid waste generated in London."*

Construction and Demolition Waste

23. Paragraph 9.7.4 seems to suggest that all construction, demolition and excavation waste is 'inert' however this waste stream contains significant quantities of wood, metal, plastic etc. which cannot be used in land reclamation and coastal defences. As it stands the Plan does not appear to have considered how the non-inert fraction of construction, demolition and excavation waste will be managed.
24. It is noted that paragraph 9.7.4 suggests 'safeguarded wharves' could be used 'where appropriate', 'to achieve a more beneficial re-use' of 'construction, demolition and excavation waste', however wharves have a specific purpose of the landing of waterborne materials and SEWPAG is concerned that alternative uses might hinder their effectiveness and greater clarity is therefore needed on what is meant by 'where appropriate'.
25. SEWPAG would question whether the use of inert construction, demolition and excavation waste in what are essentially bulk fill applications (land reclamation and coastal defences) constitutes 'more beneficial and higher order uses'. SEWPAG suggests that a 'higher order use' would be one for which the materials within the construction, demolition and excavation waste were originally intended e.g. as a building material such as that used in concrete.
26. Paragraph 9.7.4 essentially suggests that there is no need for any new sites for the management of construction, demolition and excavation waste however the evidence to support this assertion is not clear.
27. Paragraph 9.7.5 mentions the need to discuss export waste (apparently of any type) to landfills in areas outside of London with the receiving authorities – and in doing so essentially repeats the statutory Duty to Cooperate requirements – suggesting that the export of waste to landfills in areas outside of London is part of the London Plan's strategy for managing waste. Statements made elsewhere suggest no biodegradable and recyclable waste will be exported after 2026. SEWPAG consider that the London Plan should make it much clearer that such a management approach is one of last resort and any export to landfills beyond London should be kept to an absolute minimum. Further comments are included below
28. The second sentence of footnote 130 is unclear.

Policy SI8 Waste capacity and net waste self sufficiency

29. SEWPAG supports the target for net self sufficiency by 2026. However it is unclear what volumes and types of waste London expects to import/export as part of the 'exchange' of waste between areas within and beyond London. Unless this is clear it is hard to see how this target will be met as the required facilities may not exist or be available. Further comments on waste imports/exports are provided below.
30. SEWPAG strongly supports the safeguarding of existing waste management sites proposed by this policy.
31. It is unclear what clause A 3) means by the optimisation of capacity of existing sites – for example, does this expect transfer stations to become recycling facilities, or is it intended that the ability of existing sites to manage waste should be optimised (e.g. by increasing throughput)? This should be clarified.
32. Would clause A 5) sit better within policy SI7 (as this seems to reflect a principle of the circular economy)?
33. Clause B 1) suggests Development Plans should identify how waste will be reduced in line with Circular Economy principles, however this is not wholly within the remit of a Development Plan e.g. a Development Plan cannot set out how goods can be designed to maximise their life. Furthermore it is not clearly stated what the London Plan considers 'circular economy principles' to be. It might be clearer, and consistent with National Planning Policy for Waste, to refer to the Waste Hierarchy instead.

Borough apportionments

34. In implementing clause B 2) (identifying land for managing waste apportionments) it is considered that it would be helpful to provide a guide as to how much waste can reasonably be managed per hectare. Comments on the level of apportionments in Table 9.2 are provided below.
35. Clause B 2) states that 'capacity' should be provided within each borough to manage specific apportionments of household and commercial and industrial waste and in principle SEWPAG supports the provision of clarification in paragraph 9.8.4 of what waste managed in London means, however it is considered that the Plan should make it clear that the activities listed in paragraph 9.8.4 are those which qualify to meeting Borough apportionments. Furthermore paragraph 9.8.4 notes that "*waste is deemed to be managed in London if any of the following activities take place within London:*
- *waste is used for energy recovery*
 - *it relates to production of solid recovered fuel (SRF), or it is high- quality refuse-derived fuel (RDF) meeting the Defra RDF definition as a minimum*
 - *it is sorted or bulked for re-use (including repair and re-manufacture) reprocessing or recycling (including anaerobic digestion)*
 - *It is reused, recycled or reprocessed."*

However there appears to be no recognition of the management of residues from these activities nor the fact that bulking will rely on management at a further facility which may place further requirements on SEWPAG authorities as ultimately Borough apportionments may lead to Local Plans being prepared which do not result in true net self-sufficiency. In particular, it must be made clear that facilities which merely bulk waste for onward transport should not be counted as qualifying capacity.

36. SEWPAG has the following comments on Table 9.2 that sets out the apportionment of household and C&I waste to be planned for by each Borough:
- a. SEWPAG generally agrees with the approach to the apportionment of household and commercial and industrial waste to the London Boroughs. It is noted that the approach generally anticipates outer London boroughs to manage a greater quantity of waste than that which arises in their areas by managing some of the waste arising in inner London Boroughs. In light of relative constraints and opportunities this appears appropriate though SEWPAG is concerned that any planned change to the pattern of distribution of facilities does not weaken the safeguarding of existing facilities i.e. if the apportionment means that a Borough has capacity in excess of its apportionment this should not mean that existing sites can be released for non-waste development unless it has been demonstrated that replacement capacity is available elsewhere in London.
 - b. SEWPAG has reviewed the data underpinning the apportionment and considers that an overly optimistic approach to estimating waste growth has been taken. Baseline arisings estimates have been established using approaches which would result in lower values and the projections of arisings have assumed low or negative growth. Taken together these factors result in apportionments which are on the low side of the estimates. To allow for flexibility and avoid underprovision, it is more appropriate to err on the side of caution. Indeed, the underpinning data reports note that *“in developing projections for the London Plan, a tension exists between the circular economy imperative of substantial waste reduction, and the requirement to ensure adequate provisioning for London’s future waste arisings.”* and it is considered that greater weight should be placed on ensuring adequate provision (Specific concerns are included in Appendix 1);
 - c. It is suggested that it would be help Boroughs prepare their Local Plans if apportionment values for 2026, 2031, 2036 as well as 2021 and 2041. This approach of providing requirements on a 5 yearly basis would be consistent with the existing and previous versions of the London Plan.
37. Clause B 3) a) encourages maximising existing capacity, particularly of waste transfer facilities, however, in its purest sense a transfer facility merely facilitates the

movement of waste by bulking up (and so reduces vehicle movements) rather than processing e.g. by screening and sorting to produce a useable material. The clause should therefore be reworded to make it clear that it is recycling and recovery capacity at existing sites that should be optimised.

38. With respect to clause B 3) c) see the comment on use of safeguarded wharves above.
39. Clause C mentions 'development proposals' but it is not clear whether this means all development proposals or development proposals concerned with the management of waste.
40. Clause C 1) suggest insert ', or result in,' between 'deliver and 'a'
41. Clause C 2) – 'repair, refurbishment and remanufacture' does not result in the 'production of secondary materials' - this clause needs to be reworded to ensure it is meaningful and effective (perhaps 'materials' should be replaced with 'goods'?).
42. Clauses C 3) and 4) appear to encourage energy from waste, however this should be caveated to ensure that the waste to be used as fuel in such developments is that which cannot be practically reused or recycled (in accordance with the waste hierarchy).
43. Clause D 1) states that proposals for waste sites should be evaluated against 'the nature of the activity, its scale and location' but isn't this the case for most types of development? It isn't clear why this clause is necessary. Similarly shouldn't clause D 2) also apply to a development proposal for any industrial use? The clauses suggest that on these matters the bar may be set higher for waste management development which would not be justified.

Net self-sufficiency

44. SEWPAG strongly supports the separate consideration of waste exportation in paragraphs 9.8.1 to 9.8.3 and notes that overall London is currently 60% net self sufficient with 4.2mt exported to the south east in 2015 (42% of all exports) with 2.2mt being exported to landfill.
45. SEWPAG notes the suggestion in Table 9.3 that by 2026 there will be no export of household and commercial and industrial waste from London, however the table is inconsistent with clause A 1) of policy SI8 that London will be 100% net self-sufficient. In other words, in terms of household and commercial and industrial waste, whilst the policy anticipates movement (import and export) of waste beyond 2026 table 9.3 does not and is unrealistic. The table should therefore indicate what net self sufficiency might look like in terms of quantities of waste imported and exported (including construction and demolition waste and hazardous waste) . This would most helpful to neighbouring Waste Planning Authorities preparing their Waste Local Plans

46. It may be that no export of household and commercial and industrial waste is anticipated with net self sufficiency in construction, demolition and excavation waste but it seems unlikely that equivalent quantities of such waste will be imported and exported, indeed paragraphs 9.7.4 and 9.7.5 seem to indicate that management of this waste stream beyond London is likely. In any event a much clearer statement on exactly how London expects to rely on areas beyond its boundary for the management of its waste is needed. Further comments are provided in Appendix 1.
47. Paragraph 9.8.3 suggests that the *“Mayor will work with boroughs, the London Waste and Recycling Board, and the London and neighbouring Regional Technical Advisory Bodies to address cross-boundary waste flow issues.”* and while SEWPAG appreciates the sentiment it feels that the Policy SI8 should make it explicit that Boroughs should not treat their apportionments as caps on waste development (wording of an additional clause is proposed).
48. Clarification of what is anticipated in terms of imports and exports in Table 9.3 is required as without it authorities within and beyond the capital may interpret this in different ways which will hinder effective cross boundary strategic planning.
49. In any event SEWPAG consider the London Plan should make the following clear statements concerning imports and exports of waste to and from London:
- A. From 2026 London should be 100% net self sufficient in non-inert non-hazardous waste (inc. waste sourced from construction and demolition and biodegradable and recyclable waste);
 - B. Only inert waste should be exported from London for use as recycled aggregate or in applications such as coastal defences, land reclamation and restoration of mineral workings;
 - C. London should be 100% net self sufficient in hazardous waste
50. It is noted that paragraph 9.8.9 states that Table 9.3 is included to help neighbouring authorities plan for exports and, while this is helpful for 2026 onwards, the data for 2021 is of little use without some indication of which ‘region’ the waste might be exported to.

Policy SI9 Safeguarded waste sites

51. SEWPAG strongly supports the approach to the safeguarding of existing waste sites proposed by Policy SI9. There is extreme pressure on development land in London and, if net self sufficiency is to be achieved, waste sites should not be redeveloped for non waste uses other than in exceptional circumstances and when compensatory capacity can be provided.
52. SEWPAG is concerned that compensatory capacity will be calculated using the maximum throughput achieved over the last 3 years, and so if a site has been dormant this suggests that no compensatory capacity is required. Instead SEWPAG

suggest that the compensatory capacity should equal the maximum design capacity of the facility or maximum capacity achieved over the life of the facility.

53. Policy SI9C should make it clear that transfer capacity cannot compensate for treatment capacity. At a minimum compensatory capacity should be at the same level of the waste hierarchy.

Monitoring

54. There is no obvious commitment to monitoring the management of waste in London including achievement of the targets and it is important that such a commitment be included.

Proposed changes to text and policies

To help address some of the comments made above the following changes to text of the Draft London Plan are proposed:

Policy SI 7 Reducing waste and supporting the circular economy

“A Waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal will be achieved by:

- 1) promoting a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible
- 2) encouraging waste minimisation and waste avoidance through the reuse of materials and using fewer resources in the production and distribution of products **respectively**
- 3) ensuring that there is zero biodegradable or recyclable waste to landfill by 2026
- 4) meeting or exceeding the recycling targets for each of the following waste streams and generating low-carbon energy in London from suitable remaining waste:
municipal waste¹²⁷ – 65 per cent by 2030
construction **and**; demolition **and excavation** waste – 95 per cent by 2020
- 5) designing developments with adequate and easily accessible storage space that supports the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass) and food.
- 6) **ensuring that environmental, social and economic benefits from waste and secondary materials management are created.**

B Referable applications should promote circular economy outcomes and aim to be net zero-waste. A Circular Economy Statement should be submitted, to demonstrate:

- 1) how all materials arising from demolition and remediation works will be re-used and/or recycled

1A) how the best environmental and most practicable option for the management of excavation waste will be used

2) how the proposal's design and construction will enable building materials, components and products to be disassembled and re-used at the end of their useful life

3) opportunities for managing as much waste as possible on site

4) adequate and easily accessible storage space to support recycling and re-use

5) how much waste the proposal is expected to generate, and how and where the waste will be handled.

Paragraph 9.7.3:

“The London Environment Strategy sets out the Mayor’s approach to waste management in detail. The Mayor is committed to meeting or exceeding the **recycling targets** for each of the following waste streams, and to generating low-carbon energy in London from suitable remaining waste: municipal waste¹²⁹ – 65 per cent recycling/composting by 2030 construction **and**; demolition **and excavation** waste – 95 per cent recycling by 2020.”

Paragraph 9.7.4:

“Re-use and recycling rates for **construction and; demolition and excavation waste (C&D&E)** in London is estimated between 50-60 per cent for 2015 with some large construction projects including the Olympic Park achieving 85 – 95 per cent recycling rates. ~~Nevertheless, more beneficial and higher order uses of this inert waste, for example in conjunction with land reclamation or coastal defences, are possible.~~ **For C&D waste, a** combination of mobile facilities on construction sites, effective use of existing waste processing sites and, where appropriate, safeguarded wharves, as well as the provision of recycling facilities at aggregate extraction sites, should be capable of meeting the anticipated future requirement within London to achieve a more beneficial re-use of this material.”

New paragraph to follow on from paragraph 9.7.4:

9.7.4A Non-hazardous excavation wastes, which include clean inert excavated materials (such as subsoils and clayey materials arising from tunnelling), cannot be ‘recycled’, however such waste can be put to a beneficial use in engineering operations for example in conjunction with land reclamation or coastal defences. It is possible, and preferred, that such operations take place within London, however for large infrastructure projects (such as Crossrail 2 and HS2) the significant quantities of excavation waste arising mean that large quantities are likely to be exported for management in neighbouring areas. Due to case law, the Methley Quarry decision, proposals which would have previously counted as recovery, such as the restoration of Wallasea Island in the Thames Estuary using excavation waste from Crossrail, would now be classified as landfilling. Therefore the target in Policy SI 7

applies to Construction and Demolition Waste only. 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. It is also possible that CL:AIRE protocols¹ may be applied such that excavation materials can be managed in a manner where they are not considered as waste.

Paragraph 9.7.5:

9.7.5 The Mayor recognises that the **export of waste to landfill outside of London** is, in most cases, the least preferred waste management option. Therefore ~~w~~When it is intended to **export waste** to landfill outside of London², it will be important to show that:

- a. all other practicable options for the management of that waste have been considered and that this is the best practicable environmental option; and,
- b. the receiving authority has the capacity to deal with waste over the lifetime of the development. This will also help receiving authorities plan for future needs.

Policy SI 8 Waste capacity and net waste self-sufficiency

“A In order to manage London’s waste sustainably:

- 1) the equivalent of 100 per cent of London’s waste should be managed within London (i.e. net self-sufficiency) by 2026
- 2) existing waste management sites should be safeguarded (see Policy SI9 Safeguarded waste sites)
- 3) the waste management capacity of existing sites should be optimised
- 4) new waste management sites should be provided where required
- 5) environmental, social and economic benefits from waste and secondary materials management should be created.
- 6) the Mayor will maintain guidance on London’s hazardous waste management requirements and more generally work with planning authorities in the neighbouring regions to co-ordinate strategic waste management across the wider south east of England.

B Development Plans should:...

insert new clauses:

- 4) identify the need for, and make an appropriate contribution to, hazardous waste management capacity sufficient to achieve, at a strategic level, the necessary waste management requirements

¹ CL:AIRE oversees the application of the “Definition of Waste Code of Practice” that enables the direct transfer and reuse of clean naturally occurring materials between sites without the need for an Environmental Permit.

² Either by developers in new development proposals or by Boroughs when preparing Local Plans

- 6) identify the need for, and make an appropriate contribution to, construction, demolition and excavation waste management capacity sufficient to achieve the necessary waste management requirements
- 5) explicitly allow for development required to manage waste arising in other Boroughs regardless of whether apportionments have been met ”

New paragraph to follow on from paragraph 9.8.1:

9.8.1 In 2015, London managed 7.5mt of its own waste and exported 11.4mt of waste. London also imported 3.6mt of waste. This gives London a current **waste net self-sufficiency** figure of approximately 60 per cent. Around 5mt (49 per cent) of waste exported from London went to the East of England and 4.2mt (42 per cent) to the South East. The bulk of this waste is CD&E waste. Approximately 1.3mt of waste was exported overseas.

9.8.1A The 100% net self-sufficiency target by 2026 is meant to apply to all waste streams with the exception of non-hazardous excavation waste. While it is preferred for this waste stream to be managed within London, its particular characteristics and quantities mean it is likely to be extremely challenging for London to provide either sites for non-hazardous excavation waste or the level of compensatory provision needed to apply net self-sufficiency to this waste stream.

Paragraph 9.8.3:

9.8.3 Waste contracts do not recognise administrative boundaries and waste flows across borders. Therefore, sufficient sites should be identified within London to deal with the equivalent of 100 per cent of the waste apportioned to the boroughs as set out in Table 9.2. Boroughs will also need to plan for other waste streams for which the London Plan does not give them an apportionment. This will involve consideration of the following:

- safeguarding existing sites;
- identification of sites which may be suitable for reconfiguration and intensification of uses such that management capacity can be increased; and,
- likely cross boundary flows of waste to and from neighbouring areas³.

The Mayor will work with boroughs, the London Waste and Recycling Board, and the London and neighbouring Regional Technical Advisory Bodies to address **cross-boundary waste flow issues**. In particular, the Mayor will support the waste planning work of neighbouring authorities by providing information on the likely quantities of non-hazardous excavation waste that may need to be managed in their areas.

Paragraph 9.8.9 and 9.8.10:

³ This includes areas beyond London
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9.8.9 As noted above waste flows across boundaries and London exported 3.4mt of Household and Commercial & Industrial waste in 2015. To meet the Mayor's policy commitment of net self-sufficiency by 2026 there needs to be a **reduction in exports or an increase in imports** over the decade to 2026. Table 9.3 is included to help neighbouring authorities plan for London's **Household and Commercial & Industrial** waste exports.

9.8.10 Tables 9.1, 9.2 and 9.3 only refer to Household and Commercial and Industrial Waste, not Construction, Demolition and Excavation (CD&E) Waste. As the reliability of CD&E waste data is low, apportionments for this waste stream are not set out. For a fuller discussion of the issues around CD&E data see **paragraph 9.74** and the SLR consulting report (task 2) (May 2017).

Paragraph 9.8.15

9.8.15 In 2015 around 324,000 tonnes of hazardous waste was produced in London. London sends small amounts of hazardous waste to landfill outside of London, approximately three per cent of the national total. The amount of such waste produced has continued to grow in the short and medium term. Without sustained action, there remains the risk of a major shortfall in our capacity to treat and dispose of hazardous waste safely. This could lead to storage problems, illegal disposal (including fly tipping) and rising public concern about health and environmental impacts. There is therefore a need to continue to identify hazardous waste capacity for London. The main requirement is for sites for regional facilities to be identified **As this is a strategic matter, the Mayor has a key role in ensuring adequate hazardous waste management capacity is planned for and work with Regional Technical Advisory Bodies, the Environment Agency and Industry to address this matter.** Boroughs will **also** need to work with neighbouring authorities to consider the necessary facilities when planning for their hazardous waste.

Paragraph 9.9.3:

9.9.3 Policy SI8 Waste capacity and net waste self-sufficiency promotes **capacity increases at waste sites** where appropriate to maximise their use. 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 at appropriate sites over the Plan period **such that the target of achieving 100% net self-sufficiency is not compromised.** In such cases, sites could be released to other land uses.

Policy SI9 Safeguarded waste sites

- A Existing waste sites should be safeguarded and retained in waste management use.
- B 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 local benefits.

C 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 be at or above the same level of the waste hierarchy and at least meet, and should exceed, the maximum achievable throughput of the site proposed to be lost.

D Development proposals that would result in the loss of existing sites for the treatment and/or disposal of hazardous waste should not be permitted unless compensatory hazardous waste site provision has been secured in accordance with this Policy

Appendix 1 Comments concerning draft London Plan approach to net self-sufficiency and non-hazardous excavation waste

'Net self-sufficiency' is a useful principle for waste planning as it helps waste planning authorities establish how much waste they should be planning for. It is a principle which acknowledges the following:

- The principle that every area should take a fair share of the responsibility for managing waste that is produced and, to be fair, this 'share' should be equivalent to the amount of waste produced in an area.
- Waste arising in one waste planning area is not necessarily managed in that area i.e. the management of waste often involves its transportation from its point of production to a facility which be located in an area to that is different to where it was produced.
- The National Planning Policy for Waste (NPPW) expectation 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"

However, in identifying the quantity of waste to be planned for, the 'net self sufficiency' principle cannot be taken as an absolute because there will be some areas which have particular constraints meaning that they cannot take their 'fair share' of waste management capacity and so they are more reliant on other areas to manage waste arising in their areas.

So, while 'net self sufficiency' provides a useful theoretical starting point for determining how much waste should be planned for, its application has to be tempered with an awareness of other realities affecting how waste can (or can't) be managed.

These facts are recognised in NPPW that states that in preparing Local Plans authorities should:

- "work jointly and collaboratively with other planning authorities to collect and share data and information on waste arisings, and take account of: (i) waste arisings across neighbouring waste planning authority areas;"
- "consider the need for additional waste management capacity of more than local significance"
- "take into account any need for waste management, including for disposal of the residues from treated wastes, arising in more than one waste planning authority area but where only a limited number of facilities would be required"
- "plan for the disposal of waste and the recovery of mixed municipal waste in line with the proximity principle, recognising that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant;"

To a certain extent this is recognised by the current London Plan that only seeks net self-sufficiency in household and commercial and industrial waste.

Within Chapter 9 (Sustainable Infrastructure), the draft London Plan includes Policy (SI8) specifically concerned with how capacity will be provided to manage waste in London taking account of the principle of net self sufficiency. As currently drafted, Policy SI8 includes the following (with underlining added):

“In order to manage London’s waste sustainably:

1) the equivalent of 100 per cent of London’s waste should be managed within London (i.e. net self-sufficiency) by 2026”

The policy goes on to set out how the required capacity to achieve this will be provided (by safeguarding and optimising existing sites and providing new ones) and provides more detail about what should be included in Borough Local Plans (including apportionments), the suitability of certain types of capacity and types of location. Supporting paragraph 9.8.1 considers the extent to which London is already net self sufficient as follows (with underlining added):

*“In 2015, London managed 7.5mt of its own waste and exported 11.4mt of waste. London also imported 3.6mt of waste. This gives London a current **waste net self-sufficiency** figure of approximately 60 per cent. Around 5mt (49 per cent) of waste exported from London went to the East of England and 4.2mt (42 per cent) to the South East. The bulk of this waste is CD&E waste. Approximately 1.3mt of waste was exported overseas.”*

Para 9.7.4 of the draft London Plan considers how CD&E waste is managed as follows:

“Re-use and recycling rates for construction, demolition and excavation waste (CD&E) in London is estimated between 50-60 per cent for 2015 with some large construction projects including the Olympic Park achieving 85 – 95 per cent recycling rates. Nevertheless, more beneficial and higher order uses of this inert waste, for example in conjunction with land reclamation or coastal defences, are possible. A combination of mobile facilities on construction sites, effective use of existing waste processing sites and, where appropriate, safeguarded wharves, as well as the provision of recycling facilities at aggregate extraction sites, should be capable of meeting the anticipated future requirement within London to achieve a more beneficial re-use of this material.”

Data for 2015 provided by the Environment Agency suggests that 6.45 Mt was exported and 1.8Mt was imported giving London a net self sufficiency figure of 28%. The EA data suggests the following % net self sufficiency applies to different waste streams as follows:

Exports from London										
Haz	382,000		HIC	3,073,000		Inert	6,455,000		Total	9,910,000
Imports to London										
Haz	100,000		HIC	2,290,500		Inert	1,810,500		Total	4,201,000
% Self sufficient	26%			75%			28%			42%

Furthermore, a report⁴ prepared to support the London Plan approach to CD&E waste (using 2015 data) indicates the following (with underlining added):

“In 2015, facilities in London disposed of 3.6 Mt of CDEW originating from London. A further 6.4 Mt of CDEW was then recorded as received from London at sites outside the Capital. Accounting for these contributions, it is estimated that circa 9.7 Mt of CDEW was generated in London and managed at facilities operating under an environmental permit.”

And,

“In presenting these findings, it should be noted that analysis of WDI tonnage data also highlights a discrepancy in tonnages reported for London:

- *As noted above, waste facilities outside London reported receiving 6.4 Mt of CDEW from the capital in 2015.*
- *Conversely analysis of WDI data on the destinations of outputs from London’s transfer facilities indicates a substantially lower export of 3.5 Mt.*

A possible explanation for this discrepancy is that significant tonnages of CDEW are exported from London without processing at waste facilities operating under an environmental permit, such that the full scale of exports is not captured via the Interrogator. These waste flows occurring outside the EA’s permitting regime may include:

- *material loaded to bulk haulage vehicles at the point of arising, and exported directly out of London (for example this is likely to be the case for excavation waste); and*
- *material processed at exempt sites, before export from London to a permitted waste facility (for example to landfill outside the Capital).”*

⁴ SLR consulting report (Task 2 - CDEW and Hazardous Waste Forecasts) (May 2017)

https://www.london.gov.uk/sites/default/files/task_2_-_cdew_and_haz_waste_forecasts.pdf

Therefore it is possible that 2.9 Mt of CD&E waste arising in London in 2015 was excavation waste exported directly from construction sites in London to management sites in other areas.

The report also suggests the following quantities of excavation waste have arisen and may arise from infrastructure projects:

- Crossrail (2009-2018) – 6 million tonnes;
- HS2 (2018-2025) – 19.7 million tonnes;
- Thames Tideway Main Tunnel (2016-2022) – 4.7 million tonnes;
- Northern Line Extension (2016-2020) – 1 million tonnes

The report notes that for several reasons this is unlikely to place additional burdens on existing waste management capacity in London, including the following (with underlining added): *“In many cases, and particularly for the case of excavation waste, CDEW generated by these large projects will be bulk-hauled from the point of arising to an end disposal point – avoiding the requirement for intermediate handling at existing waste management facilities.”*

This all supports the statement in paragraph 9.8.1 of the draft London Plan that the majority of waste exported is CD&E waste and indeed this is to be expected as the management of non-hazardous excavation waste in particular is generally achieved by its bulk placement over large areas of land of the type that simply do not exist within greater London. An example of this is noted in the CD&E waste data report: *“A major recipient of material excavated by the Crossrail project has been the RSPB nature reserve at Wallasea Island, Essex.....Waste Data Interrogator records indicate that the Wallasea project received circa 900 kt of CDEW from London in 2014.”*

While the draft London Plan (para 9.7.4) notes the possibility that some CD&E waste could be managed *“in conjunction with land reclamation or coastal defences”*, it does not consider what opportunities there might be for such activities within the London (indeed there are none for coastal defences!). Clearly therefore, practicalities dictate that a significant quantity of non-hazardous excavation waste arising in London will continue to be managed beyond London – most likely in the south east and east of England. Furthermore, significant infrastructure projects (HS2 and Crossrail²) are planned over the period of the London Plan which will generate large quantities of non-hazardous excavation waste from associated tunnelling.

If 100% net self sufficiency is to be achieved, as stated by the Draft London Plan, an equivalent quantity of waste would have to be imported for management within London. As

London does not have capacity for excavation waste this would have to be in the form of construction and demolition waste, household and commercial and industrial waste. This is neither practical or sustainable. Indeed to pursue a theoretical target of 100% self sufficiency, for all wastes, could have the following adverse consequences:

1. Waste Planning Authorities beyond London assuming that they can plan on the basis of 100% net self sufficiency without having specific regard to exports from London (i.e. excavation waste);
2. Leading on from point 1 above, exports of excavation waste from London being managed in an unplanned way leading to sub-optimal solutions and difficulties with obtaining planning permission for the management of such waste;
3. London Boroughs having to plan for a theoretical amount of additional waste management capacity that will in practice never be developed.

Proposed changes to the text of the draft London Plan and its policies which reflect these concerns are set out in the main body of the response.

Appendix 2 – Comments on Data Underpinning the Draft London Plan

A review of the data reports published alongside the Draft London Plan identified the following issues which SEWPAG request be addressed:

Approach to calculating apportionment

- A2(1) SEWPAG generally agree with the approach to the apportionment of household and commercial and industrial waste to the London Boroughs. It is noted that the approach generally anticipates outer London boroughs to manage a greater quantity of waste than that which arises in their areas by managing some of the waste arising in inner London Boroughs. This is appropriate and to be expected in light of the relevant constraints and opportunities associated with the management of waste that exist within the boroughs.

Household Waste

- A2(2) The data used to establish the Borough apportionments is in part based on population estimates from 2015 and waste data from 2015/16. It is important that the apportionments be updated to reflect the most recent datasets.
- A2(3) For household waste an alternative modelling approach to illustrate the effect of modelling based on households should be undertaken as a sensitivity. It is considered that the current approach results in a lower estimate of future waste arisings
- A2(4) The projection of household waste based on a negative growth scenario are not considered appropriate. It is noted that a reduction factor was not included in the FALP projections of household waste arisings and the per person waste production rate reduction target used to develop the waste reduction factor has not been translated into the Draft London Environment Strategy that supersedes the Major's Municipal Waste Management Strategy. When compared to a static growth scenario the 5% reduction factor has the effect of reducing the total amount of waste apportioned in 2041 by 281ktpa.

C&I waste

- A2(5) The method for assessing waste arisings is out of date – arisings should be estimated using the methodology set out in the 2014 DEFRA Report "New Methodology to Estimate Waste Generation by the Commercial and Industrial Sector in England."

Hazardous Waste

- A2(6) The justification for using growth in population estimates as a proxy for growth in hazardous waste is unclear and not pursued by other authorities in the South East.
- A2(1) It is considered that growth estimates for hazardous waste should align with those used for C&I waste

Landfill Capacity

- A2(7) Historically, landfill capacity in the South East has been tied to the number of mineral workings in the region and the need to restore these mineral workings. Traditional restoration schemes have required large amounts of material to fill the void which has resulted once the mineral is extracted. More recently, there has been

a decline in landfill capacity due to a number of sites being restored and closed and changes in restoration schemes to include no-fill or low-fill restoration. Due to European and national policy and legislation declining capacity is not surprising but the result is that, if no new sites come forward, capacity for disposal of non-inert waste to landfill in the South East will be exhausted in the near future. Data of permitted non-inert landfill capacity, based on the Environment Agency (EA) Waste Data Tables for the South East⁵ is shown in Figure 1.

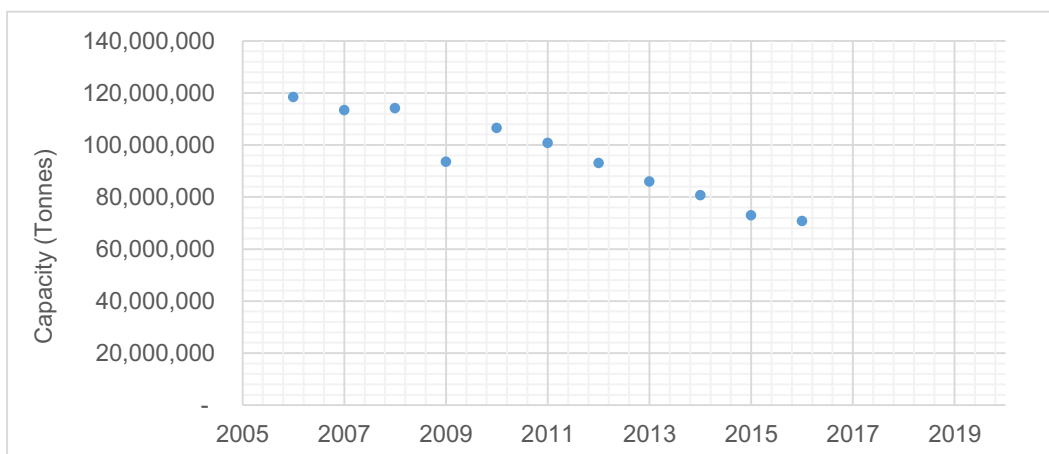


Figure 1 Non-inert landfill capacity from EA Waste Data Tables for the South East

If no new capacity becomes available non-hazardous landfill capacity in the South East will be exhausted in 6.2 years based on 2016 inputs to non-hazardous to facilities for the South East Former Planning Region⁶. Non-inert may be slightly longer as will include some hazardous capacity.

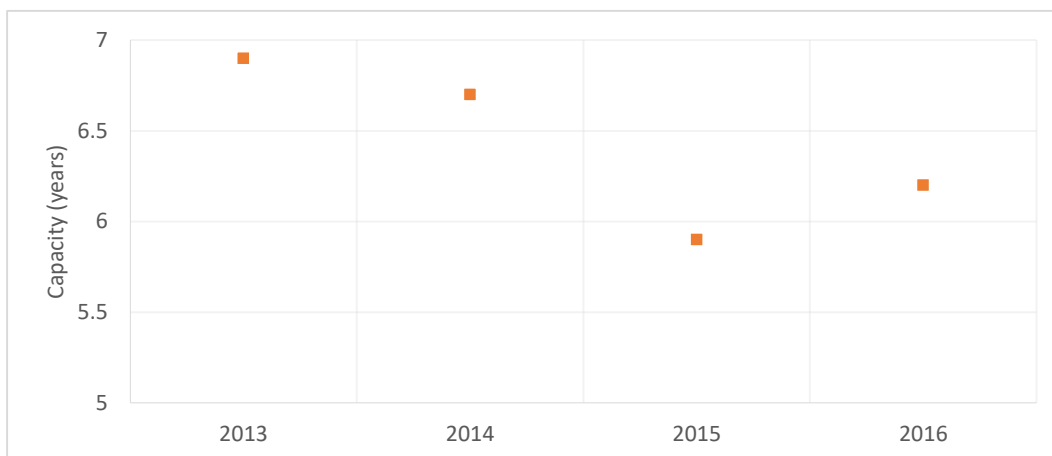


Figure 1 Landfill life for non-hazardous wastes only based on inputs (years)

⁵ From the EA Waste Data Tables 2016 <https://www.gov.uk/government/publications/waste-management-for-england-2016>

⁶ Based on the Regional Picture Report 2016 <https://www.gov.uk/government/publications/waste-management-for-england-2016>

It should be noted that the EA assessment may not take into account constraints such as:

- Conditions requiring certain types of restoration schemes
- Temporary planning consents which have an end date
- Market factors such as other sites closing or a lack of material which could increase or decrease rates of fill

If zero waste to landfill is a realistic objective in the foreseeable future then this would not necessarily be an issue. However, it has been raised by industry⁷ that there will always be the need to dispose of some residual waste to landfill where this cannot be further processed in any other way.

- A2(8) Data provided to SEWPAG suggests that at the end of 2016 non-hazardous waste landfill capacity was 47Mt which would in theory be depleted in 2023.

⁷ As an example responses to the Issues and Options Consultation undertaken by Surrey County Council in September 2016.