



**London Borough of  
Lambeth**



**London Borough of  
Wandsworth**



THE ROYAL BOROUGH OF  
**KENSINGTON  
AND CHELSEA**

**Royal Borough of  
Kensington and Chelsea**

## **OPDC Local Plan**

**Position Statement on waste on behalf of the London Borough of Lambeth, the London Borough of Wandsworth and the Royal Borough of Kensington & Chelsea.**

### **Background**

The Western Riverside waste planning authorities of Lambeth, Kensington & Chelsea, Hammersmith & Fulham, Wandsworth and the Old Oak and Park Royal Development Corporation (OPDC) are waste planning authorities and have a responsibility to plan for waste in line with the Waste Management Plan for England and the National Planning Policy for Waste.

In January 2017, the Western Riverside waste planning authorities prepared a joint waste technical paper (WTP). The purpose of this was to provide an up to date evidence base to support waste planning. The WTP identifies existing waste capacity for meeting apportioned waste and other types of waste, forecasts waste needs to 2036 and identifies capacity gaps for all waste streams.

Lambeth, along with Kensington & Chelsea and Wandsworth, aimed to plan for waste jointly across the Western Riverside area by pooling capacity and apportionment targets. National and regional policy both encourage joint working on waste. At a meeting in January 2017, officers of the Western Riverside WPAs agreed to “pool apportionments, arisings and available capacity for all waste streams”. The WPAs sought to formalise this agreement through a Memorandum of Understanding (MoU) and in subsequent meetings of the Western Riverside WPAs to discuss the MoU, Lambeth, Kensington & Chelsea and Wandsworth have continued to voice their aspiration to pool capacity and apportionment targets and to plan for waste collectively across the Western Riverside area. At the same time, Hammersmith & Fulham and the OPDC have resisted planning for waste collectively.

### **Objection to OPDC’s Local Plan**

The London Boroughs of Lambeth and Wandsworth and the Royal Borough of Kensington & Chelsea provided a joint response on OPDC’s first revised draft Local Plan in September 2017. In that response we noted that planning for waste management is a strategic (cross-borough) matter and subject to the legal requirement of the Duty to Cooperate. We also pointed out that OPDC’s strategy for waste is an impediment to joint waste planning across the Western Riverside area. There was no contact from OPDC about these comments.

The London Boroughs of Lambeth and Wandsworth and the Royal Borough of Kensington & Chelsea also provided a joint response on OPDC's second revised draft Local Plan in July 2018. We expressed our disappointment that none of the supporting documentation for the second revised draft Local Plan mentions Lambeth, Kensington & Chelsea and Wandsworth's aspiration to pool capacity and apportionment targets and to plan for waste collectively across the Western Riverside area. Nor does it address or take account of our joint representation on this matter. We noted that the omission of this key aspect means the Inspector would not have all the necessary information to assess "the implications of any cross boundary issues" in line with NPPG 12.

We also drew OPDC's attention to the NPPF requirement that Local Plans should be 'positively prepared' "based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development." We noted that the omission from supporting documentation of Lambeth, Kensington & Chelsea and Wandsworth's aspiration to pool capacity and apportionment targets and to plan for waste collectively across the Western Riverside area means that it is not possible for an Inspector to assess if the OPDC's Local Plan is 'positively prepared' because there is no evidence that OPDC have considered unmet need from its neighbouring authorities.

Again, there was no response from OPDC about these comments. The three boroughs remain concerned that unmet need is not being considered at the EiP.

### **Statement of Common Ground**

A meeting was called by OPDC in January 2019 to discuss a statement of common ground (SoCG). We took the opportunity to, once again, express our disappointment that OPDC had not addressed the issues raised in our objections to the Local Plan. We noted that the summary of our representation did not reflect the fundamental issues raised in our objection.

As part of the statement of common ground, we requested that OPDC prepare a document which responds directly to each of the points made in both representations. This work has been completed as part of the draft SoCG. Lambeth, Wandsworth and Kensington & Chelsea have also provided commentary on OPDC's response. This is set out in Table 1.

We particularly draw the Inspector's attention to Row 9 which explicitly states that all boroughs wish to participate at the oral examination. OPDC state that this request is noted and yet neither Lambeth nor Wandsworth received any notification about the hearings, were not invited to attend nor asked to provide written statement.

### **Outstanding Objections**

In summary, the London Boroughs of Lambeth and Wandsworth and the Royal Borough of Kensington & Chelsea's outstanding objections to OPDC's Local Plan are:

1. OPDC has not met its waste planning responsibilities as set out in national policy.

2. OPDC has not taken account of the unmet need for waste capacity in Lambeth, Wandsworth and Kensington & Chelsea as identified in the Waste Technical Paper and therefore the Local Plan does not meet the NPPF soundness test of being 'positively prepared'.
3. OPDC has not taken into account the wider Western Riverside joint working relationship or aspirations of Lambeth, Wandsworth and Kensington & Chelsea when developing the Plan. There is no evidence of any consideration of this issue in any of the Local Plan supporting documentation.

Table 1:

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBI, RBKC, LBW)
1	Regulation 19 (1)	The following is a joint response from London Boroughs of Lambeth, Wandsworth and the Royal Borough of Kensington and Chelsea.	Noted.	
2	Regulation 19 (1)	Planning for waste management is a strategic (cross-Borough) matter and subject to the legal requirement of the Duty to Cooperate. The National Planning Policy for Waste (NPPW) states that waste planning authorities should “work collaboratively in groups with other waste planning authorities... through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management” (Paragraph 3). The London Plan also states, “Boroughs may wish to collaborate by pooling their apportionment requirements” (Policy 5.17F).	The Western Riverside boroughs have elected to deal with waste planning matters through their respective Local Plans, (as explained in the Waste Technical Paper, para 1.1.4), but collaborative working has taken place including on the Joint Waste Technical Paper  OPDC is safeguarding the Powerday site through the Local Plan which will provide capacity within the LBHF area and contribute towards the wider network of waste facilities.  It is acknowledged that the Waste Technical Paper identifies a gap in waste capacity for Lambeth, Kensington and Chelsea and Wandsworth. Since the Paper was published the Draft New London Plan has been published that	The London Plan does not state that the OPDC is obligated to ensure that the apportionment targets of Host Boroughs needs to be met as a priority. The wording of the London Plan is:  <i>5.80 Boroughs may collaborate by pooling their apportionment requirements. Provided the aggregated total apportionment figure is met, it is not necessary for boroughs to meet both the municipal and commercial/ industrial waste apportionment figures individually. Boroughs need to examine how capacity can be delivered in detail at the local level as site allocations in LDFs to meet their apportionments. Boroughs should aim to meet their waste apportionment as a minimum. Boroughs should identify suitable</i>

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBI, RBKC, LBW)
3	Regulation 19 (1)	OPDC became the responsible planning authority for waste management facilities which fall within Hammersmith and	<p>indicates a significantly increased apportionment for two of our host boroughs - Ealing and Brent although for the third borough, LBHF there is an overall reduced apportionment. Through the London Plan, OPDC is obligated to ensure that the apportionment targets of host boroughs can be met as a priority and we will need to undertake further work to establish if the two host boroughs with increased apportionments can meet the increased requirement within their area. Therefore, OPDC are unable to commit to an MOU on pooling capacity until this further work has been undertaken. As OPDC does not have an apportionment target, it is unable to agree to pool apportionment targets on behalf of LBHF. Discussions on pooling must involve LBHF.</p>	<p><i>additional sites for waste including waste transfer sites where practicable. Boroughs working collaboratively must demonstrate that their joint apportionment targets will be met, for example, through the preparation of joint waste DPDs, joint evidence papers or bilateral agreements. Where a Mayoral Development Corporation (MDC) exists or is established within a Borough the MDC will co-operate with the Borough to ensure that the Borough's apportionment requirements are met.</i></p> <p>In addition, the NPPF requires planning authorities to accommodate unmet need from neighbouring areas where it is practical to do so and is consistent with achieving sustainable development.</p>
			<p>It is correct that OPDC is the local planning authority (and as such, a waste planning authority), but it</p>	<p>OPDC has a waste planning responsibility. Its responsibility goes beyond meeting the London Plan</p>

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBI, RBKC, LBW)
4	Regulation 19 (1)	<p>Fullham in April 2015. This includes the large EMR and Powerday waste management facilities. Whilst it has waste planning responsibilities, it does not have a waste apportionment target which it is required to meet.</p>	<p>does not have a waste apportionment target. OPDC's role with regards to this is set out in paragraph 5.80 of the adopted London Plan as follows: 'where a Mayoral Development Corporation (MDC) exists or is established in a borough the MDC will cooperate with the Borough to ensure that the Borough's apportionment requirements are met'. As such OPDC is required to work with host boroughs to ensure that their waste apportionment targets are met.</p>	<p>Apportionment target. The responsibility comes from the Waste Management Plan for England and the National Planning Policy for Waste.</p> <p>The OPDC response suggests that waste planning for the OPDC area is being left to constituent boroughs. This should be made explicit to OPDC inspector, stakeholders, and possibly be agreed through a Memorandum of Understanding.</p>
		<p>The Western Riverside WPAs including OPDC have worked together to prepare a joint Waste Technical Paper and undertake engagement on waste movements. At a meeting in January 2017, Officers of the Western Riverside WPAs agreed to "pool apportionments, arising and available capacity for all waste streams". The WPAs have sought to formalise this agreement through a Memorandum of Understanding. However, the OPDC has resisted committing to pooling apportionment targets and capacity with the Western</p>	<p>As OPDC does not have an apportionment target, it is unable to agree to pool apportionment targets on behalf of LBHF. Discussions on pooling must involve both LBHF (in respect of the apportionment target) and OPDC (in respect of waste capacity to meet apportionment targets). With regards to the potential surplus waste capacity at Powerday, OPDC is not in a position to confirm whether there are opportunities to meet unmet needs in LBL, RBKC and</p>	<p>A discussion on pooling has involved both LBHF and OPDC. LBHF in respect of the apportionment targets and OPDC in respect of waste management capacity.</p> <p>The London Plan does not state that the OPDC is obligated to ensure that the apportionment targets of Host Boroughs needs to be met as a priority. The wording of the London Plan is:</p>

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBI, RBKC, LBW)
		Riverside WPA's.	<p>LBW as the Draft New London Plan indicates a significantly increased apportionment for two of our host boroughs - Ealing and Brent although for the third borough, LBHF there is an overall reduced apportionment. OPDC is obligated to ensure that the apportionment targets of host boroughs can be met and we will need to undertake further work to establish if the two host boroughs with increased apportionments can meet the increased requirement within their area. Therefore, OPDC are unable to commit to an MOU on pooling capacity until this further work has been undertaken.</p> <p>As OPDC does not have an apportionment target, it is unable to agree to pool apportionment targets on behalf of LBHF. Discussions on pooling must involve LBHF.</p>	<p><i>5.80 Boroughs may collaborate by pooling their apportionment requirements. Provided the aggregated total apportionment figure is met, it is not necessary for boroughs to meet both the municipal and commercial/ industrial waste apportionment figures individually. Boroughs need to examine how capacity can be delivered in detail at the local level as site allocations in LDFs to meet their apportionments. Boroughs should aim to meet their waste apportionment as a minimum. Boroughs should identify suitable additional sites for waste including waste transfer sites where practicable. Boroughs working collaboratively must demonstrate that their joint apportionment targets will be met, for example, through the preparation of joint waste DPDs, joint evidence papers or bilateral agreements. Where a Mayoral</i></p>

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				<p><i>Development Corporation (MDC) exists or is established within a Borough the MDC will co-operate with the Borough to ensure that the Borough's apportionment requirements are met.</i></p> <p>In addition, the NPPF requires planning authorities to accommodate unmet need from neighbouring areas where it is practical to do so and is consistent with achieving sustainable development.</p> <p>OPDC had highlighted the need for undertaking further work relating to Ealing and Brent in March 2018, since then OPDC has made no further progress on this work. The WR boroughs (LBL, RBKC and LBW) require a commitment to this work being completed as soon as possible to avoid further delay. In addition, an indication of OPDC's intention if its two host boroughs can or cannot meet their apportionment</p>



No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBI, RBKC, LBW)
5	Regulation 19 (1)	<p>However, the OPDC's policy and strategy for waste in its revised draft Local Plan is a major impediment for the Western Riverside WPAs to pool their apportionments and plan collectively for waste. OPDC's approach to waste <b>only</b> takes account the waste capacity needs of Hammersmith and Fulham. The Powerday facility is safeguarded as it meets Hammersmith and Fulham's waste apportionment but the EMR is being released for development because it is "not required to meet [LBHF's] apportionment". In fact, the EMR facility is a vital contributor of 160ktpa apportionment capacity for the Western Riverside WPAs. We do not believe that the OPDC has taken into account the wider Western Riverside joint working relationship or aims when developing the Plan.</p>	<p>OPDC's Waste Apportionment Study includes information to demonstrate how OPDC is helping to meet LBHF's apportionment target as this is required by paragraph 5.80 of the London Plan.</p> <p>The Study also provides the rationale for the approach taken on the EMR site, as follows:</p> <ul style="list-style-type: none"> <li>• The Old Oak and Park Royal Opportunity Area Planning Framework (OAPF) explains that EMR will need to be relocated in order to facilitate the residential led mixed use development in the area, and its early relocation is necessary for the early regeneration of Old Oak North.</li> <li>• The site currently generates significant amounts of dust and noise and would not be an appropriate neighbour for</li> </ul>	<p>Paragraph 35 of the NPPF on Examining Plans states that:</p> <p><i>Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:</i></p> <p><i>a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development: ...</i></p>

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBI, RBKC, LBW)
			<p>developments to the south. The presence of the site therefore sterilises a significant proportion of the Old Oak North 'place' from coming forward for development, if it remains;</p> <ul style="list-style-type: none"> <li>• The site is close to Willesden Junction station and there are therefore opportunities for significant densities to be realised on the site to deliver new homes and jobs. The Development Capacity Study (DCS), which sits as an additional supporting study to the draft Local Plan, identifies the EMR site as having the potential 1100 homes and 1500 jobs (NB the jobs figure at Regulation 19(2) stage was revised to 1,100); and</li> <li>• The EMR site, by virtue of its proximity to Willesden Junction, is important for realising the development potential of the Old Oak North 'place'. The site is required to deliver a new bridge into Old Oak North from</li> </ul>	<p>The National Planning Policy for Waste states:</p> <p><i>2. In preparing their Local Plans, waste planning authorities should, to the extent appropriate to their responsibilities:</i></p> <p>...</p> <p><i>work jointly and collaboratively with other planning authorities to collect and share data and information on waste arisings, and take account of:</i></p> <p><i>(i) waste arisings across neighbouring waste planning authority areas; ...</i></p> <p><i>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. In preparing Local Plans, waste planning authorities should:</i></p> <p>...</p> <ul style="list-style-type: none"> <li>• <i>work collaboratively in groups with other waste planning authorities, and in two-tier areas</i></li> </ul>

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBI, RBKC, LBW)
6	Regulation 19 (1)	Policy EU6c) applies a sequential test to the location of compensatory capacity, and we are concerned that if	<p>Willesden Junction station, which is required to improve access into the area, increase public transport access and as a consequence, optimise the area's development potential.</p> <p>Therefore, the EMR site is not available to contribute towards capacity in the LBHF area to assist in helping to meet unmet need from neighbourhood areas as its retention as a waste site would not be consistent with achieving sustainable development within the OPDC area. The closure of the EMR site was taken into account and accepted as an assumption in joint Waste Technical Paper.</p> <p>Notwithstanding the above, EU6 includes a sequential approach requirement for compensatory provision if any waste site is lost to a non-waste use.</p> <p>The sequential approach in EU6 prioritises finding sites within the OPDC area as this will give greater</p>	<p><i>with district authorities, through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management;</i></p> <ul style="list-style-type: none"> <li><i>consider the extent to which the capacity of existing operational facilities would satisfy any identified need.</i></li> </ul> <p>The OPDC have not fulfilled requirements of the NPPF and NPPW.</p> <p>Noted.</p>

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBL, RBKC, LBW)
		compensatory EMR capacity is not provided within LBH&F or the WR area the potential for pooling apportionment will be permanently lost. We therefore suggest that Policy EUGc) is amended to ensure replacement capacity is provided within the OPDC host borough in which the facility is located as a priority.	flexibility and a wider area of search to find suitable sites for waste. The sequential approach also includes a step which directs provision to the appropriate waste plan or authority area if no sites in the OPDC area are found to be suitable or available	
7	Regulation 19 (1)	It should be noted that the GLA encourages boroughs to work together and pool their apportionment but is overseeing (as the OPDC is a Mayoral Development Corporation) a waste strategy which fails to take into account the impact on the other Western Riverside WPAs and fulfil the Duty to Cooperate.	Noted. OPDC does not have an apportionment target in the London Plan. OPDC has accorded with the requirements of the Duty to Cooperate and this has included working with the Western Riverside WPAs to develop joint evidence base and to undertake joint engagement on waste movements. This should also be read in conjunction with other responses in this table related to OPDC's approach	OPDC may not have an apportionment target in the London Plan, but it is still the Waste Planning Authority which is responsible for planning for seven waste streams within its area. The Western Riverside Boroughs (LBL, RBKC and LBW) are seeking for OPDC to share existing waste management capacity within its area to help meet waste apportionment targets.
8	Regulation 19 (1)	Whilst safeguarding of the Powerday facility is welcomed, the OPDC local plan	Additional text included to support a more efficient use of the site.	-

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBI, RBKC, LBW)
		and Waste Management Strategy does not set out the measures that will assist in maximising/ re-orientating the waste management capacity at the facility, or provide an indication of the anticipated apportioned capacity the site could achieve if such measures were implemented.	Welcome support for safeguarding of the Powerday site. Policies P1, EU6, EU10 and T7 include measures/requirements that will ensure that the site is maximised. The Waste Apportionment Study includes more information on the potential capacity of the Powerday site.	
9	Regulation 19 (1)	Contact details for London Boroughs of Lambeth and Wandsworth are set out below <i>[Address details not duplicated here]</i>  All boroughs wish to participate at the oral examination.	Noted.	London Boroughs of Lambeth and Wandsworth were not invited to participate at the oral hearing.
10	Regulation 19 (1)	In addition to the above joint response, this Council also highlights that the Duty to Cooperate, between OPDC and RBKC specifically, comes into effect directly as result of the OPDC becoming the responsible planning authority for waste management facilities in Hammersmith and Fulham. Capacity which is committed to assist RBKC in the current adopted LBHF Core Strategy at paragraph 8.102, has effectively been taken away from	This refers to LBHF's previous Core Strategy which has been superseded and no longer forms part of the adopted development plan for LBHF. LBHF adopted a new Local Plan in February 2018 which does not include this text.	LBHF's Local Plan (2018) was not adopted at the time of OPDC's regulation 19(1) consultation which took place between June and September 2017. LBHF explained as part of their local plan examination that it no longer has control over strategic waste management sites (and the resulting capacity) in its borough as these now fall within OPDC's boundary. Given this RBKC

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LB1, RBKC, LBW)
		RBKC in light of the formation of the OPDC. The Council is disappointed to see that the arrangement in the current adopted LBHF Core Strategy has not been reflected in the OPDC Local Plan.		was seeking that OPDC, as the responsible planning authority which has control over surplus capacity, reflects the commitment in the previous LBHF Core Strategy in the plan it was preparing.
11	Regulation 19 (2)	Thank you for the opportunity to comment on the second revised draft Local Plan.  This is a joint response from the London Boroughs of Lambeth and Wandsworth and the Royal Borough of Kensington & Chelsea.	Noted.	-
12	Regulation 19 (2)	In January 2017, the Western Riverside waste planning authorities of Lambeth, Kensington & Chelsea, Hammersmith & Fulham, Wandsworth and the Old Oak and Park Royal Development Corporation (OPDC) prepared a joint waste technical paper (WTP). The purpose of this was to provide an up to date evidence base to support waste planning. The WTP identifies existing waste capacity for meeting apportioned waste and other types of waste, forecasts waste needs to 2036 and identified the capacity gap for all waste	No comment.	-

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBI, RBKC, LBW)
13	Regulation 19 (2)	<p>streams.</p> <p>The WTP also identified waste imports and exports and those waste planning authorities receiving waste from the Western Riverside area. In May 2017 the Western Riverside WPPAs wrote to 38 authorities who receive significant waste exports from the area asking a number of questions about the continuation of these waste flows.</p>	<p>The Western Riverside boroughs have decided to include waste policies in their respective Local Plans rather than prepare a joint Waste Plan (as explained in the Waste Technical Paper, para 1.1.4), but collaborative working has included the Joint Waste Technical Paper</p> <p>OPDC is safeguarding the Powerday site through the Local Plan which will provide capacity within the LBHF area and contribute towards the wider network of waste facilities.</p>	<p>See comment to OPDC response 7 above.</p>

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBI, RBKC, LBW)
		<p>At a meeting in January 2017, officers of the Western Riverside WPAs agreed to “pool apportionments, arisings and available capacity for all waste streams”. The WPAs sought to formalise this agreement through a Memorandum of Understanding (MoU) and in subsequent meetings of the Western Riverside WPAs to discuss the MoU, Lambeth, Kensington &amp; Chelsea and Wandsworth’s have continued to voice their aspiration to pool capacity and apportionment targets and to plan for waste collectively across the Western Riverside area. At the same time, Hammersmith &amp; Fulham and the OPDC have resisted planning for waste collectively.</p> <p>In March 2018, during the examination on Kensington &amp; Chelsea’s Local Plan, LB Hammersmith &amp; Fulham and the OPDC wrote to RBK&amp;C to say that as a result of the increased apportionment targets for OPDC’s host boroughs of Ealing and Brent, further work is needed to establish if they can meet their apportionment targets in their own areas. Therefore</p>	<p>It is acknowledged that the Waste Technical Paper identifies a gap in waste capacity for Lambeth, Kensington and Chelsea and Wandsworth. Since the Paper was published the Draft New London Plan has been published that indicates a significantly increased apportionment for two of our host boroughs - Ealing and Brent although for the third borough, LBHF there is an overall reduced apportionment. OPDC is obligated to ensure that the apportionment targets of host boroughs can be met as a priority and we will need to undertake further work to establish if the two host boroughs with increased apportionments can meet the increased requirement within their area. Therefore, OPDC are unable to commit to an MOU on pooling capacity until this further work has been undertaken. As OPDC does not have an apportionment target, it is unable to agree to pool apportionment targets on behalf of LBHF.</p>	



No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBL, RBKC, LBW)
		LBH&F and OPDC have said they are unable to commit to pooling with the Western Riverside WPAs until this work has been completed. We have not received any update on this work to date and look forward to a progress report in response to this representation.	Discussions on pooling must involve LBHF.  A timetable is set out in Appendix 3 setting out how OPDC intend to progress next steps.	
14	Regulation 19 (2)	The London Boroughs of Lambeth and Wandsworth and the Royal Borough of Kensington & Chelsea provided a joint response on the first revised draft Local Plan in September 2017.	Noted.	-
15	Regulation 19 (2)	In that response we drew your attention to previous Western Riverside joint working (summarised above) and to national and regional policy support for joint working on waste planning. We noted that planning for waste management is a strategic (cross-borough) matter and subject to the legal requirement of the Duty to Cooperate. We then pointed out that OPDC's strategy for waste is an impediment to joint waste planning across the Western Riverside area.	See rows 1-10 for responses to Regulation 19 (1) comments above.	See rows 1-10 above.
16	Regulation 19 (2)	We are surprised that there has been no contact from OPDC about these comments since they were made.	A response to these comments was provided and set out in Appendix F of the Statement of Consultation.	The Western Riverside Boroughs (LBL, RBKC and LBW) have been concerned that OPDC did not

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			<p>Western Riverside WPAs and OPDC met with GLA on December 2017. The main areas of discussion included the Powerday assumptions and pooling/MoU. OPDC and the other Western Riverside WPAs also attended meeting requested by RBKC. At this meeting, an update on pooling/MoU was discussed. OPDC explained the need to undertake further work to consider the increased apportionment in London Plan for Brent and Ealing. These meetings covered some of the substantive issues raised. In addition to this, RBKC was invited to attend OPDC Duty to Cooperate meetings. These meetings included agenda items to discuss Local Plan responses/comments.</p>	<p>undertake specific duty to cooperate discussions on the Regulation 19(1) and Regulation 19(2) Local Plan consultations in a timely manner to address our concerns.</p>

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBL, RBKC, LBW)
17	Regulation 19 (2)	<p>NPPF 181 required local planning authorities to “demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination”.</p> <p>We are therefore extremely disappointed to note that none of the supporting documentation for the second revised draft Local Plan (including the Waste Apportionment Study, the Waste Management Strategy, the Duty to Cooperate Statement and the Statement of Consultation) mentions Lambeth, Kensington &amp; Chelsea and Wandsworth’s aspiration to pool capacity and apportionment targets and to plan for waste collectively across the Western Riverside area. Nor does it address or take account of our joint representation on this matter (summarised above).</p> <p>It is our view that the omission of this key aspect of Western Riverside duty to co-operate discussions means that the evidence is not “robust” as required by NPPG, and an Inspector will not have all</p>	<p>The Duty to Co-operate Statement provides information on the constructive, active and continuous process of engagement which has underpinned the preparation of OPDC’s Local Plan.</p> <p>Text changes proposed in the OPDC Waste Apportionment Study reference the findings of the Waste Technical Paper (see MINOR/2/DTC). Appendix 2 of the Duty to Co-operate Statement was also updated with additional information, including a reference to Lambeth, Kensington &amp; Chelsea and Wandsworth’s aspirations on pooling.</p> <p>In accordance with Local Planning Regulations (2012) and PINS guidance, OPDC has submitted all of the consultation responses received to the Inspector to consider as part of the Examination.</p> <p>The Waste Technical Paper takes</p>	<p>The NPPF requires planning authorities to accommodate unmet need from neighbouring areas where it is practical to do so and is consistent with achieving sustainable development. The WTP concludes that there is unmet waste management need in LBL, RBK&amp;C and LBW. OPDC has not taken account of this conclusion in the Local Plan and has not addressed it in any of the supporting documentation.</p>

No.	Local Plan stage	Comment	OPDC response	Nature of WRWA Remaining Objections (LBL, RBKC, LBW)
		<p>the necessary information to assess “the implications of any cross boundary issues” (NPPG 012), nor if the OPDC has produced “effective policies on strategic cross boundary issues” nor to “assess the outcomes of cooperation” (NPPG 010). It is also our view that the omission from supporting documentation of Lambeth, Kensington &amp; Chelsea and Wandsworth’s aspiration to pool capacity and apportionment targets and to plan for waste collectively across the Western Riverside area demonstrates an unwillingness on the part of OPDC to co-operate on this matter.</p> <p>While there are many references to the joint Waste Technical Paper (WTP) (2017) and “joint working” in the OPDC’s Local Plan and supporting documentation, nowhere does it take account of the findings of the WTP. The WTP clearly identifies a gap in waste capacity for Lambeth, Kensington &amp; Chelsea and Wandsworth for both apportioned waste (LACW and C&amp;I) and CD&amp;E waste streams. The Powerday and EMR sites in the OPDC area would contribute significantly to</p>	<p>into account capacity at the Powerday site which is being safeguarded in OPDC’s Local Plan.</p> <p>With regards to the potential surplus waste capacity on the Powerday site, OPDC is not in a position to confirm whether there are opportunities to meet unmet needs in LBL, RBKC and LBW as the Draft New London Plan indicates a significantly increased apportionment for two of our host boroughs - Ealing and Brent although for the third borough, LBHF there is an overall reduced apportionment. OPDC is obligated to ensure that the apportionment targets of host boroughs can be met as a priority and we will need to undertake further work to establish if the two host boroughs with increased apportionments can meet the increased requirement within their area.</p> <p>The OPDC Waste Apportionment</p>	

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		<p>meeting this unmet waste capacity need across the whole of the Western Riverside area.</p> <p>The National Planning Policy Framework (NPPF) paragraph 182 sets out the tests of soundness against which a Local Plan is examined. It states that Local Plan should be 'positively prepared' "based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development."</p> <p>Again, it is our view that the omission from supporting documentation of Lambeth, Kensington &amp; Chelsea and Wandsworth's aspiration to pool capacity and apportionment targets and to plan for waste collectively across the Western Riverside area means that it is not possible for an Inspector to assess if the OPDC's Local Plan is 'positively prepared' because there is no evidence that OPDC have considered unmet need</p>	<p>Study provides the rationale for the approach on the EMR site. The EMR site is not available to contribute towards capacity in the LBHF area. The closure of the EMR site was taken into account and accepted as an assumption in joint Waste Technical Paper. The rationale for our approach towards the EMR site is also provided in response 5 above. Notwithstanding the above, EU6 includes a sequential approach requirement for compensatory provision if any waste site is lost to a non-waste use.</p>	

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		<p>from its neighbouring authorities.</p> <p>While OPDC do not have their own apportionment targets, the corporation is a waste planning authority and has planning control over the main sources of available waste capacity in the Western Riverside area. OPDC therefore has a duty</p>		
18	Regulation 19 (2)	<p>While the OPDC Local Plan is likely to be examined against the London Plan 2016, it is worth noting the direction of travel in the draft new London Plan waste policies. Supporting text in para 9.8.7 acknowledges that it may not be possible for boroughs to meet their apportionment and they will need to agree the “transfer of apportioned waste”. The same paragraph directs Mayoral Development Corporations like</p>	<p>Noted. This is an issue that can be considered as part of the London Plan Examination in Public. Capacity on the Powerday site will help ensure that LBHF can meet its apportionment target, with the potential for surplus capacity available to help other WPA’s. However, in accordance with the London Plan (para 5.80), OPDC’s priority would be for this to be</p>	See comment at row 4 and 5 above.

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		the OPDC to “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”. In addition, paragraph 9.8.7 says that “Waste plans should be responsive to strategic opportunities across borough and joint waste planning boundaries for optimising capacity on existing waste sites [...]”.	allocated to Brent and Ealing if required to help them meet increased apportionment targets. The rationale for our approach towards the EMR site is provided in response 5 above.	
20	Regulation 19 (2)	Early suggested changes on the draft new London Plan are expected in August and we hope the responsibility of MDCs to work collaboratively in groups with other waste planning authorities is clarified.	OPDC notes that minor suggested changes to the London Plan have been published. These suggested changes were not part of the formal consultation on the London Plan and the GLA did not invite any comments on them. There appears to be no new changes proposed which specifically refer to Mayoral Development Corporations.	-
21	Regulation 19 (2)	We look forward to hearing from you about progress on the further work around Ealing and Brent’s apportionment targets, when this will be completed and how this will affect our ambition to pool capacity and apportionment in the Western Riverside area.	A timetable is set out in Appendix 3 setting out how OPDC intend to progress next steps.	A substantial period of time has now passed since OPDC first informed the WR boroughs of the need for additional work relating to Ealing and Brent.

