



# Local Plan Partial Review – Draft Policies Policy Formulation Report – October 2016 Waste



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

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# 1. INTRODUCTION

## 1.1 LOCAL PLAN PARTIAL REVIEW

- 1.1.1 The Council is undertaking a Partial Review of its existing Local Plan to ensure it is up-to-date and fit-for-purpose.
- 1.1.2 The Local Plan Partial Review covers the topics which have not already been subject to recent reviews since the existing Local Plan was adopted by the Council in 2010 (then known as the Core Strategy). As part of this the policy relating to **waste** need reviewing.
- 1.1.3 This Policy Formulation Report has been written to explain the reasoning behind **Policy CE3: Waste** of the Draft Policies consultation document to a level of detail which cannot be included in that document itself.

## 1.2 POLICY CE3: WASTE

- 1.2.1 This topic of the Local Plan Partial Review relates primarily to the following chapters and policies of the existing Local Plan:

**Chapter 36: Respecting Environmental Limits**  
**Policy CE3: Waste**

- 1.2.2 The issues which the Council considers the Local Plan Partial Review needs to address are set out in the following sections:
- **Issue 1:** Waste arisings, apportionment and site supply
  - **Issue 2:** Bin storage and management in new development

## 2. ISSUE 1: WASTE ARISING, APPORTIONMENT AND SITE SUPPLY

### 2.1 INTRODUCTION

- 2.1.1 This section considers strategic waste management arisings, apportionment and site supply (i.e. land allocation for waste management facilities).
- 2.1.2 The Council, as well as being a Local Planning Authority (LPA), is a Waste Planning Authority (WPA). WPAs are responsible for determining all waste development planning applications and have a statutory duty to prepare a local waste plan, either individually or as part of a wider Local Plan

### 2.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

#### EUROPEAN

##### WASTE FRAMEWORK DIRECTIVE (2008/98/EC)

- 2.2.1 The Waste Framework Directive (2008/98/EC) (“the Directive”) provides an overarching legislative framework for the management of waste across Europe. Its transposition in England is now largely through the Waste (England and Wales) Regulations 2011, which came into force on 29 March 2011.
- 2.2.2 Article 16 of the Directive is particularly relevant to the issue of apportionments because it covers ‘Principles of Self Sufficiency and Proximity’. In meeting the requirement of the proximity principle, there is no expectation that each WPA will deal solely with its own waste. For instance, there are clearly some waste streams which are produced in small quantities for which it would be uneconomic to have a facility in each local authority. There could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively.

#### NATIONAL

##### WASTE (ENGLAND AND WALES) REGULATIONS 2011

- 2.2.3 Part 6 of the Regulations is relevant to planning authorities. Within this Part, Regulation 18 particularly requires the Council to have regard to specific articles of the European Waste Framework Directive (including Article 16) in exercising its planning functions, which includes Local Plan making.

##### NATIONAL PLANNING POLICY FRAMEWORK

- 2.2.4 The National Planning Policy Framework (NPPF) does not contain specific policies on waste, but Councils “preparing waste plans and taking decisions on waste applications should have regard to policies in [the] Framework so far as relevant” (paragraph 5).

- 2.2.5 Paragraph 156 of the NPPF states that Councils should set out the “strategic priorities” for their area in the Local Plan, which includes delivering “waste management” infrastructure (see also paragraph 162).

#### NATIONAL PLANNING POLICY FOR WASTE (NPPW)

- 2.2.6 The National Planning Policy for Waste (NPPW) contains the latest Government planning policy on waste. The NPPW states that WPAs should (paragraphs 2-3):

work jointly and collaboratively with other planning authorities to collect and share data on waste arisings...

...

identify the tonnages and percentage of municipal, and commercial and industrial, waste requiring different types of management in their area over the period of the plan (In London, WPAs should have regard to their apportionments set out in the London Plan when preparing their plans

...

work collaboratively in groups with other WPAs... through the statutory duty to cooperate, to provide a suitable network of facilities to deliver sustainable waste management

#### NATIONAL PLANNING PRACTICE GUIDANCE (NPPG): WASTE

- 2.2.7 The NPPG on Waste provides guidance to complement the NPPW. In particular, the NPPG advises that in London, “WPAs should have regard to the apportionments set out in the London Plan when developing their policies. The Local Waste Plan will need to be in general conformity with the London Plan” (paragraph 42).

- 2.2.8 Paragraph 13 of the NPPG on Waste states “Waste planning authorities should plan for the sustainable management of waste including:

- Municipal/household
- Commercial/industrial
- Construction/demolition
- Low Level Radioactive
- Agricultural
- Hazardous
- Waste water”

#### WASTE MANAGEMENT PLAN FOR ENGLAND

- 2.2.9 The Waste Management Plan for England, states that “All local planning authorities should have regard to both the waste management plan for England and the national waste planning policy when discharging their responsibilities to the extent that they are appropriate to waste management. WPAs remain responsible for developing local authority waste plans as part of their wider strategic planning responsibilities, in support of the Waste Management Plan for England” (page 30).

- 2.2.10 The Waste Management Plan for England satisfies the Government's requirement to produce a waste management plan covering all of its territory (page 2). The Plan also reiterates the 'waste hierarchy' prioritising different waste stream cycles: prevention, preparing for re-use, recycling, other recovery and disposal (page 11).
- 2.2.11 Regulation 10 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires Local Plans to have regard to the national waste management plan – i.e. the Waste Management Plan for England.

## REGIONAL

### THE LONDON PLAN

- 2.2.12 The London Plan apportions waste arisings to each London Borough for them each to allocate sufficient land to deal with the apportioned amount of waste per year. This is to work towards net self-sufficiency of waste management in London by 2026. The London Plan states:

The Mayor will work with London boroughs and waste authorities... to... manage as much of London's waste within London as practicable, working towards managing the equivalent of 100 per cent of London's waste within London by 2026

(Policy 5.16 Waste Net Self-Sufficiency – subsection A)

Boroughs must allocate sufficient land and identify waste management facilities to provide capacity to manage the tonnages of waste apportioned in this Plan. Boroughs may wish to collaborate by pooling their apportionment requirements

(Policy 5.17 Waste Capacity – subsection F)

Land to manage borough waste apportionments should be brought forward through... safeguarding wharves... with an existing or future potential for waste management

(Policy 5.17 Waste Capacity – subsection G)

If, for any reason, an existing waste management site is lost to non-waste use, an additional compensatory site provision will be required that normally meets the maximum throughput that the site could have achieved

(Policy 5.17 Waste Capacity – subsection H)

Waste is deemed to be managed in London if: it is used in London for energy recovery; it related to materials sorted or bulked in London facilities for reuse, reprocessing or recycling; [or] it is materials reused, recycled or reprocessed in London...

(paragraph 5.79)

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

(paragraph 5.80)

- 2.2.13 Table 5.3 of the London Plan sets out each London Borough's apportionment of waste to be managed. For this Council, the apportionment is 194,000 tonnes per annum to 2031.

#### LAND FOR INDUSTRY AND TRANSPORT SUPPLEMENTARY PLANNING GUIDANCE (SPG)

- 2.2.14 Chapter 6 of the Land for Industry and Transport Supplementary Planning Guidance (SPG) covers waste management and recycling. Paragraph 6.5 suggests that "waste transfer" operations "are not accounted for in the London Plan apportionment". Paragraph 6.7 states that "Boroughs should assess how they will accommodate new waste management facilities. These assessments should cover local quantitative and qualitative appraisals of vacant and occupied industrial land".
- 2.2.15 Implementation point 6 of the SPG states that Boroughs should "have regard to the indicative land requirements for additional waste management and recycling facilities 2011-2031 set out in Annex 2". Annex 2 of the SPG sets out the Council's previous London Plan waste apportionment to 2031 of 284,000 tonnes per annum (since revised down in 2015 to 194,000) and suggest this equates to a Net Additional Indicative Land Requirement for Waste of 3.6 hectares (so roughly equivalent to 80,000 tonnes per annum per hectare).

#### SAFEGUARDED WHARVES

- 2.2.16 The Safeguarded Wharves Review provides evidence supporting a number of wharves which the Mayor recommends are 'safeguarded' for wharf uses. The only wharf which lies in the Borough, Cremorne Wharf, is recommended to be retained for safeguarding. The Review states that Cremorne Wharf "may be required... for the Thames Tideway Tunnel for the medium term, following that it should be able to contribute to the shortfall in wharf capacity in West London" (Table 7.1).

#### THE VISION FOR THE TIDAL THAMES

- 2.2.17 The vision sets out to "see more goods and materials routinely moved between wharves on the river". The document also states "The Thames and its wharves (cargo-handling facilities) are critical to the river borne supply and movement of construction materials, spoil, household refuse and vegetable oils" (page 14). The document goes on to state "it is more important than ever to protect viable wharves and to bring into use those currently vacant wharves. These will serve the needs of the construction industry and other sectors" (page 15).

## LONDON'S WASTED RESOURCE: THE MAYOR'S MUNICIPAL WASTE MANAGEMENT STRATEGY

- 2.2.18 The Mayor's Municipal Waste Management Strategy is not a planning document but sets out an overarching strategy for the Mayor to manage London's municipal waste more effectively and efficiently. Of particular relevance, Policy 2 seeks to reduce the climate change impact of London's municipal waste management and Policy 5 seeks to stimulate the development of new municipal waste management infrastructure.

## LONDON INFRASTRUCTURE PLAN 2050 UPDATE

- 2.2.19 The London Infrastructure Plan sets out the overall infrastructure needs of the capital up to 2050 regarding transport, green infrastructure, digital connectivity, energy, 'a circular economy', water, housing and social infrastructure. Chapter 16 sets out an infrastructure requirement of "Around 40 facilities for reuse, remanufacturing, recycling and waste management" in London.

## LOCAL

### EXISTING LOCAL PLAN POLICY

- 2.2.20 The existing Local Plan policy relating to waste arisings, apportionment and site supply is set out below.
- 2.2.21 Subsection 'a' deals with the issue of strategic waste management 'apportionment'. The Council's commitment in this subsection to prepare a specific waste 'Development Plan Document' (DPD) is now being followed up as part of this Local Plan Partial Review: rather than have a separate waste 'DPD', the Council currently intends to update the waste apportionment evidence base and policy as part of the Local Plan Partial Review.

### **Policy CE3: Waste**

The Council will meet the waste apportionment figure as set out in the London Plan and will ensure that waste is managed in accordance with the waste hierarchy, which is to reduce, reuse or recycle waste as close as possible to where it is produced.

To deliver this the Council will:

a. Prepare a specific waste DPD to show how the waste apportionment figure of 309,000 tonnes per annum by 2010 required by the London Plan will be met. This will include:

- identifying suitable sites for the purpose of managing the waste;
- identifying which boroughs the Council will be working with and how much the pooled apportionment of those boroughs will be so that the apportionment figure can be met;
- working in partnership with the GLA and neighbouring boroughs to meet the

apportionment figure;

- safeguarding the existing waste management sites along with Cremorne Wharf, maximising its use for waste management, water transport and cargo handling purposes;

## LONDON BOROUGH OF HAMMERSMITH AND FULHAM

- 2.2.22 It is also appropriate to reference LBHF's existing Core Strategy (October 2011)<sup>1</sup> policy on waste which states:

### **Borough Wide Strategic Policy CC3 Waste Management**

To pursue sustainable waste management, including... planning to manage 348,000 tonnes per annum of waste in H&F by 2031...

- 2.2.23 The supporting text for Policy CC3 of LBHF's Core Strategy states:

8.102 Neighbouring boroughs have indicated a desire to work in partnership with Hammersmith and Fulham to assist in meeting their waste apportionment targets. The Royal Borough of Kensington and Chelsea has an anticipated capacity shortfall of 200,000 tonnes of waste to 2031. Spare waste management capacity of up to 220,000 tonnes has been identified within Hammersmith & Fulham. This spare capacity could accommodate the needs of the Royal Borough of Kensington and Chelsea and be utilised for that purpose.

- 2.2.24 LBHF published a Proposed Submission Local Plan for consultation in September 2016 to ultimately supersede its existing Core Strategy. In the Proposed Submission Local Plan, LBHF proposed to replace Strategic Policy CC3 (above) with a new Policy CC6 Strategic Waste Management as well as deletion of the above paragraph 8.102. The Royal Borough responded to the previous Draft Local Plan consultation, objecting to the deletion of the paragraph and requesting its reinstatement, in light of the Duty to Cooperate in relation to meeting the London Plan waste apportionment.

- 2.2.25 The LBHF proposed policy CC6 states:

### **Policy CC6 - Strategic Waste Management**

The council will pursue sustainable waste management, including:

- a. planning to manage 247,000 tonnes per annum of waste in LBHF by 2036;
- b. promoting sustainable waste behaviour and maximum use of the WRWA Smuggler's Way facility; and
- c. seeking, where possible, the movement of waste and recyclable materials by sustainable means of transport.

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[www.lbhf.gov.uk/Directory/Environment\\_and\\_Planning/Planning/Planning\\_policy/164525\\_Core\\_Strategy.asp](http://www.lbhf.gov.uk/Directory/Environment_and_Planning/Planning/Planning_policy/164525_Core_Strategy.asp)

## SUMMARY

Date	Document	Organisation
Nov 2008	<a href="#">Waste Framework Directive (2008/98/EC)</a>	EU
Mar 2011	<a href="#">The Waste (England and Wales) Regulations 2011</a>	HM Government
May 2015	<a href="#">Building Regulations 2010 Part H Drainage and Waste Disposal Approved Document</a>	HM Government
Mar 2012	<a href="#">National Planning Policy Framework (NPPF)</a>	DCLG
Oct 2014	<a href="#">National Planning Policy for Waste (NPPW)</a>	DCLG
Oct 2014	<a href="#">National Planning Practice Guidance (NPPG): Waste</a>	DCLG
Dec 2013	<a href="#">Waste Management Plan for England</a>	DEFRA
Jun 2000	<a href="#">Cremorne Safeguarded Wharf Direction</a>	DETR / Mayor of London
Nov 2011	<a href="#">London's Wasted Resource: The Mayor's Municipal Waste Management Strategy</a>	Mayor of London
Sep 2012	<a href="#">Land for Industry and Transport SPG</a>	Mayor of London
Mar 2013	<a href="#">Safeguarded Wharves Review – Final Recommendation</a>	Mayor of London
Mar 2015	<a href="#">London Plan</a>	Mayor of London
Mar 2015	<a href="#">London Infrastructure Plan 2050 Update</a>	Mayor of London
Jul 2016	<a href="#">The Vision for the Tidal Thames</a>	Port of London Authority

## 2.3 EVIDENCE BASE

### THE BOROUGH AND CREMORNE WHARF

- 2.3.1 The Council collected approximately 80,000 tonnes of municipal waste in 2015 to 2016<sup>2</sup>. As set out in section 3, the London Plan's apportionment figure for the Borough is 194,000 tonnes per annum by 2031 which, assuming approximately 80,000 tonnes per annum capacity per hectare, requires 2.4 hectares of land to manage this waste
- 2.3.2 The Council's existing Local Plan Policy CE3(a) safeguards Cremorne Wharf for waste management purposes. However, Cremorne Wharf is not currently operational as a waste management facility and is being utilised on a temporary basis for development of the Thames Tideway Tunnel and part of the site will need to be permanently retained for ongoing maintenance access to the tunnel. The

<sup>2</sup> RBKC 2015

Secretary of State granted the Thames Tideway Tunnel Development Consent Order (DCO) in September 2014 which is programmed for completion in 2022. The building and structures at Cremorne Wharf are due to be demolished. The DCO includes the construction and replacement of buildings and structures at Cremorne Wharf to replace those being demolished. Because of the definitions in London Plan paragraph 5.79 and the Land for Industry and Transport SPG paragraph 6.5 (see above section 3), it is not currently considered that Cremorne Wharf is able to contribute towards the Borough's apportionment. Even if it was capable, it would be unlikely to have such a capacity to fully address the Borough's apportionment.

2.3.3 An application for the Counters Creek Storm Relief Sewer scheme is expected to be submitted later this year and will also utilise Cremorne Wharf during construction. Construction phases will overlap with Thames Tideway Tunnel and is also expected to be completed by 2022.

2.3.4 Therefore, the Council needs to identify suitable land elsewhere to assist with its apportionment shortfall.

### **WRWA WPAS WASTE TECHNICAL PAPER**

2.3.5 A technical paper is being prepared jointly with the WRWA Waste Planning Authorities to ensure that the evidence base is up to date and comprehensive. It considers the arisings of all waste streams set out in the NPPG and the London Plan within the WRWA and will establish the capacity gap to meet the London Plan Apportionment. The WRWA Waste Technical Paper emerging findings identifies that there is limited capacity within the borough to meet its apportionment.

### **WESTERN RIVERSIDE WASTE AUTHORITY (WRWA) WPAS**

2.3.6 The Western Riverside Waste Authority (WRWA)<sup>3</sup> is the statutory body, or local authority, responsible for the management of the waste delivered to it by the Royal Borough of Kensington and Chelsea (RBKC), the London Borough of Hammersmith and Fulham (LBHF), the London Borough of Wandsworth (LBW) and the London Borough of Lambeth (LBL).

2.3.7 These Councils are also Waste Planning Authorities in their own right and the Council has been working closely with these 'WRWA WPAs' to prepare a joint evidence base regarding waste apportionments.

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<sup>3</sup> [www.wrwa.gov.uk](http://www.wrwa.gov.uk)



Figure 1.1 London's Unitary Waste Authorities<sup>4</sup>

- 2.3.8 More recently, the Old Oak Park Royal Development Corporation (OPDC) has been established (April 2015) within parts of the jurisdiction of LBHF, and the London Boroughs of Brent and Ealing (LBB and LBE). The OPDC is a WPA in its own right. Whilst the OPDC's waste apportionment and sites within the jurisdictions of LBB and LBE fall within the adopted (2015) West London Waste Plan's remit, the OPDC's waste apportionment and sites within the jurisdiction of LBHF currently only fall within the remit of LBHF's existing Core Strategy (2011) in terms of a 'waste plan'. Because this latter part of the OPDC's jurisdiction falls within the area covered by the WRWA, the OPDC has been included in the joint waste evidence base work with the other WRWA WPAs – but only concerning its land within LBHF.
- 2.3.9 The joint waste evidence base work (Waste Engagement Statement) has so far determined that, even when pooling apportionments and capacity, the WRWA WPAs are not able to jointly meet their London Plan waste apportionment capacities as a single entity, with a shortfall of approximately 504,433 tonnes of waste per annum. The WRWA Waste Technical Paper will provide an update on capacity within the borough and WRWA area.
- 2.3.10 In April 2015, the WRWA WPAs (excluding OPDC which had only just been established at the time) sent a letter to other London WPAs (i.e. Boroughs) setting out the emerging joint evidence base work and asking whether or not they could share any 'spare' waste capacity. An 'Engagement Statement' which includes the letter, the evidence base tables, the key issues raised by London WPAs in their responses and the WRWA WPAs' joint responses has been published.

<sup>4</sup> From Figure 3 of the Mayor's Municipal Waste Management Strategy (Nov 2011)

## ACTUAL WRWA WASTE MANAGEMENT ARRANGEMENTS

- 2.3.11 The Council is statutorily required to deliver its municipal waste to places as directed by WRWA. Currently all of the municipal waste goes to WRWA facilities in Wandsworth for transfer and treatment (Western Riverside Transfer Station near Wandsworth Bridge and Cringle Dock Transfer Station next to Battersea Power Station). Since 2011, recyclables go to a Materials Recycling Facility at Smugglers Way in Wandsworth and residuals are barged down river to the Riverside Resource Recovery Limited (RRRL)'s facility at Belvedere, in the London Borough of Bexley where the waste is incinerated to generate electricity. It is the largest Energy from Waste (EfW) facility in the UK and one of the largest in Europe, which will eventually generate up to 72MW of power. This is confirmed by the WRWA's Waste Policy Statement (July 2013) which also states that the facility can handle 670,000 tonnes of waste per year although the WRWA supplies around 300,000 tonnes of residual waste to it (paragraphs 11-12).
- 2.3.12 This contract is understood to run until 2031 meaning that, in reality, waste arisings from the Borough and the other WRWA WPAs are dealt with in Bexley.
- 2.3.13 It should be noted that the Cringle Dock transfer station has been subject to a recent planning permission. Planning permissions was granted for redevelopment of the waste transfer station in July for redeveloping the area to provide a modern waste transfer station and 422 flats. The proposal will not result in a reduction in waste transfer capacity.

## DUTY TO COOPERATE

- 2.3.14 The joint working of the WRWA WPAs on the waste evidence base and the dialogue with other London WPAs is a reflection of the duty to cooperate.
- 2.3.15 Section 110 of the Localism Act 2011 inserted section 33A into the Planning and Compulsory Purchase Act 2004 which requires Councils to cooperate with other prescribed bodies. The duty requires, in particular, a duty to "engage constructively, actively and on an ongoing basis" in relation to "maximising the effectiveness" of, and having "regard to", activities concerned with supporting or preparing planning policies "so far as relating to a strategic matter".
- 2.3.16 A strategic matter is defined as "sustainable development or use of land that has or would have a significant impact on at least two planning areas including... in connection with infrastructure that is strategic" (section 33A(4)). Clearly, waste management is a strategic matter for the purposes of the duty.

## SUMMARY

Date	Document	Organisation
Jul 2013	<a href="#">Waste Policy Statement</a>	WRWA
Mar 2014	<a href="#">Local Infrastructure Delivery Plan (IDP)</a>	RBKC
Apr 2015	Duty to Cooperate Letter and Joint Evidence Base (within the Waste Engagement Statement)	WRWA WPAs
Sep 2015	<a href="#">Waste Engagement Statement</a>	WRWA WPAs

## 2.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

2.4.1 The Issues and Options consultation document<sup>5</sup> published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:

- **Consultation Schedule** – a table setting out all of the consultation comments and the Council’s response to each comment
- **Consultation Summary** – a summary of the consultation comments

2.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.

2.4.3 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – the plan should be 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;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.  
(paragraph 182)

2.4.1 The options and alternatives considered are:

Option	Status	Reason
1 The Council should identify a site or sites within the Borough to address its apportionment shortfall entirely within the Borough.	Not a reasonable alternative	This option is not realistic as there are no sites available within the Borough to meet the Borough’s waste arisings and apportionment.
2 The Council should continue to work with the	Preferred option for	<b>Positively prepared</b> This option is positively

<sup>5</sup> <https://planningconsult.rbkc.gov.uk/consult/ti/LPPR/consultationHome>

Option	Status	Reason
<p>other WRWA WPAs to jointly identify a site or sites within the WRWA area to address their collective apportionment shortfall entirely within the WRWA area.</p>	<p><b>Draft Policies</b></p>	<p>prepared as:            -it based on evidence undertaken with the WRWA Waste Planning Authorities.            - a joint approach to meeting the WRWA waste apportionment.</p> <p><b>Justified</b>            This option is justified as it is:            -ensures that the waste apportionment of the WRWA Waste Planning Authorities is met.</p> <p><b>Effective</b>            This option is effective as it is based on effective joint working on cross-boundary strategic priorities.</p> <p><b>Consistent with national policy</b>            This option is consistent with regulations, national and regional policy and guidance.</p>
<p>3 The Council should continue to work with the other WRWA WPAs and collectively secure spare apportionment capacity outside of the WRWA area, but within London, to address the WRWA WPAs' collective apportionment shortfall.</p>	<p><b>Preferred option for Draft Policies</b></p>	<p><b>Positively prepared</b>            This option is positively prepared as:            -it based on evidence undertaken with the WRWA Waste Planning Authorities.            - a joint approach to meeting the WRWA waste apportionment.</p> <p><b>Justified</b>            This option is justified as it is:            -ensures that the waste apportionment of the WRWA Waste Planning Authorities is met.</p> <p><b>Effective</b>            This option is effective as it is based on effective joint working on cross-boundary strategic priorities.</p>

Option	Status	Reason	
		<p><b>Consistent with national policy</b> This option is consistent with regulations, national and regional policy and guidance.</p>	
4	Continue to safeguard Cremorne Wharf for waste management, water transport and cargo handling purposes	Preferred option for Draft Policies	This approach is in accordance with London Plan policy on safeguarding wharves.
5	Not continue to safeguard Cremorne Wharf for waste management, water transport and cargo handling purposes	Reasonable alternative	This approach is not in accordance with London Plan policy on safeguarding wharves.

## 2.5 DRAFT POLICY

2.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (replicated from the Draft Policies consultation document):

### Policy CE3 Waste

The Council will plan for the sustainable management of waste streams, including meeting the waste apportionment figure as set out in the London Plan and will ensure that waste is managed in accordance with the waste hierarchy, which is to reduce, reuse or recycle waste as close as possible to where it is produced.

To deliver this the Council will:

- a. ~~prepare a specific waste DPD to show how the waste apportionment figure of 309,000 tonnes per annum by 2020 required by the London Plan will be met. This will include:~~
  - i. ~~identifying suitable sites for the purpose of managing the waste;~~
  - ii. ~~identifying which boroughs the Council will be working with the WRWA Waste Planning Authorities (WPAs) and other London boroughs and to establish~~ how much the pooled apportionment of those boroughs will be so that the apportionment figure can be met;
  - iii**b.** ~~working~~ in partnership with the GLA and ~~neighbouring other London~~ boroughs to meet the apportionment figure;
  - iii**vc.** ~~safeguarding the existing waste management sites along with~~ Cremorne Wharf, maximising its use for waste management, water transport and cargo handling purposes;

- ~~bd.~~ require on-site waste management facilities as part of development at Kensal and Earl's Court to handle waste arising from the new uses on the site (this could include facilities such as recycling facilities and anaerobic digestion);
- ~~ee.~~ require all new development to provide design of adequate well designed, functional and accessible refuse and recycling storage space which allows for ease of collection in all developments, such facilities must:
  - i. be within each flat to allow for temporary separate storage of recyclable materials
  - ii. include communal storage for waste, including for separated recyclables, pending its collection
  - iii. manage impacts on amenity including those caused by odour, noise and dust
  - iv. set out adequate contingency measures to manage any failure of such facilities in a waste management strategy<sup>6</sup> for the development.
- ~~ef.~~ require that development proposals make use of the rail and the waterway network for the transportation of construction waste and other waste;
- ~~eg.~~ require applicants for major developments to prepare and implement Site Waste Management Plans for demolition and construction waste.

## KEY DIAGRAM AND PROPOSAL MAP

2.5.2 No changes are required to be made to the Key Diagram or the Proposals Map.

## 2.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

- 2.6.1 The legal obligation of the 'duty to cooperate' requires the Council to "engage constructively, actively and on an ongoing basis" and have "regard to activities" (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans "so far as relating to a strategic matter". This includes "considering whether to consult on and prepare... agreements or joint approaches"<sup>7</sup>.
- 2.6.2 A "strategic matter" relates to "sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic"<sup>8</sup>. Strategic matters are further defined in paragraph 156 of the NPPF<sup>9</sup> and paragraph 013 of the NPPG on the duty to cooperate<sup>10</sup>.
- 2.6.3 Figure 3.1 shows the strategic issues relevant to this topic area, the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has

<sup>6</sup> See <http://www.lwarb.gov.uk/wp-content/uploads/2015/05/Template-waste-management-strategy-new-build-flats-FINAL.pdf> for a template recycling and waste management strategy for new build flats.

<sup>7</sup> Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>8</sup> Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>9</sup> <http://planningguidance.communities.gov.uk/blog/policy/>

<sup>10</sup> <http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/>

had regard to.

Strategic issue	Relevant prescribed bodies <sup>11</sup>	Council actions Prescribed bodies' strategies, plans and policies which the Council has had regard to
Waste arisings, apportionment and site supply	Mayor of London	All prescribed bodies were consulted as part of the Issues and Options consultation
	London Enterprise Panel	
	City of Westminster	All prescribed bodies were consulted as part of the Issues and Options consultation.
	London Borough of Hammersmith and Fulham	
	London Borough of Wandsworth	The WRWA WPA authorities have jointly prepared a Waste Engagement Statement and are continuing joint work on a waste evidence base.
	London Borough of Brent	
	Other London Boroughs	
	Environment Agency	

<sup>11</sup> Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012

## 3. ISSUE 2: BIN STORAGE AND MANAGEMENT IN NEW DEVELOPMENTS

### 3.1 INTRODUCTION

3.1.1 This section considers bin storage and management in new development.

### 3.2 LEGISLATION, POLICY AND GUIDANCE CONTEXT

3.2.1 Most of the legislative, national, regional and local policy context has been set out in the previous section of this document and will not be duplicated here.

#### **NATIONAL**

##### **BUILDING REGULATIONS 2010 PART H DRAINAGE AND WASTE DISPOSAL APPROVED DOCUMENT**

3.2.2 Regarding the issue of on-site waste management as part of new developments (i.e. bin storage), it should be noted that the provision of “storage of solid waste” and “adequate means of access” is a standard Building Regulations requirement.

#### **LOCAL**

##### **EXISTING LOCAL PLAN POLICY**

3.2.3 The existing Local Plan policy relating to bin storage and management in new developments is set out below.

3.2.4 Subsections ‘b’ to ‘e’ largely deal with site-specific issues regarding on-site waste storage and management as part of new development proposals. This Local Plan Partial Review consultation considers the issues regarding this too to inform revised draft policy.

#### **Policy CE3: Waste**

The Council will meet the waste apportionment figure as set out in the London Plan and will ensure that waste is managed in accordance with the waste hierarchy, which is to reduce, reuse or recycle waste as close as possible to where it is produced.

To deliver this the Council will:

b. require on-site waste management facilities as part of development at Kensal and Earl’s Court to handle waste arising from the new uses on the site (this could include facilities such as recycling facilities and anaerobic digestion);

c. require provision of adequate refuse and recycling storage space which allows for ease of collection in all developments;

d. require that development proposals make use of the rail and the waterway network for the transportation of construction waste and other waste;

b. require applicants for major developments to prepare and implement Site Waste Management Plans for demolition and construction waste.

### 3.3 EVIDENCE BASE

3.3.1 Existing Local Plan Policy CE3(c) requires provision of adequate refuse and recycling storage space which allows for ease of collection in all developments. When a proposal is considered likely to give rise to additional waste management demand the Council requires it be demonstrated that this be planned for and designed into the scheme. This is normally secured by a pre-commencement condition requiring details of the refuse storage areas be submitted for approval.

3.3.2 Bin blight<sup>12</sup> continues to be an issue across the country, and is particularly visible in the dense urban context of Kensington and Chelsea. When a development involves conversions of older properties into multiple units, their very nature can lead to difficulties with provision of waste storage space and can give rise to significant issues relating to waste storage and management. The London Environment Director's Network (LEDNET) and London Waste and Recycling Board (LWARB) have published a template planning policy for recycling and waste in flatted developments<sup>13</sup> to help address these issues.

3.3.3 Tonnages for recycling and residual waste in the Borough have recently been heading in the wrong direction and have been lower than forecast, in common with some other local authorities. Between 2013/14 and 2014/15 overall waste (municipal waste) tonnages rose by 0.29%. General waste (municipal residual waste) increased by 0.72% and recycling tonnages decreased by 1.37%. Given that residual waste treatment is more expensive than recycling, shifting waste from the residual waste stream to the recycling stream will not only save money, it will also improve recycling rates<sup>14</sup>.

### 3.4 OPTIONS, CONSULTATION AND INTEGRATED IMPACT ASSESSMENT (IIA)

3.4.1 The Issues and Options consultation document<sup>15</sup> published in December 2015 sets out the questions and options consulted on at that stage. The comments made as part of the public consultation can be found in two documents relating to this topic area:

- **Consultation Schedule** – a table setting out all of the consultation comments and the Council's response to each comment

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<sup>12</sup> [www.gov.uk/government/news/government-action-to-take-on-town-hall-bin-blight](http://www.gov.uk/government/news/government-action-to-take-on-town-hall-bin-blight)

<sup>13</sup> London Environment Directors' Network (LEDNET) and the London Waste and Recycling Board (LWARB) Template Planning Policy for recycling and waste in flatted developments: For new build flats in London (January 2015) [www.lwarb.gov.uk/what-we-do/london-waste-authority-support/successes-todate/efficiencies-programme-outputs/](http://www.lwarb.gov.uk/what-we-do/london-waste-authority-support/successes-todate/efficiencies-programme-outputs/)

<sup>14</sup> RBKC 2015

<sup>15</sup> <https://planningconsult.rbkc.gov.uk/consult.ti/LPPR/consultationHome>

- **Consultation Summary** – a summary of the consultation comments

3.4.2 Further options and alternatives arising from the Issues and Options consultation have been considered in the Integrated Impact Assessment (IIA) and are all summarised below.

3.4.3 The Council has considered the options particularly in light of the ‘tests of soundness’ which are set out in the NPPF:

- **Positively prepared** – the plan should be 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;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.  
(paragraph 182)

3.4.4 The options and alternatives considered are:

Option	Status	Reason
1 Keep existing Local Plan Policy CE3 (b), (c) and (e) structured and worded as it is.	Preferred option for Draft Policies	<p><b>Positively prepared</b> N/A</p> <p><b>Justified, Effective</b> This option is justified and effective as major development in Kensal and Earl’s Court will increase the production of waste. It is important that waste management is taken into account in all development to handle waste arisings from the new uses. This option is in line with the waste hierarchy.</p> <p><b>Consistent with national policy</b> This option is consistent with regulations, national and regional policy and guidance.</p>

Option	Status	Reason
<p>2 Amend existing Local Plan Policy CE3 (b), (c) and (e) to consider issues such as:</p> <ul style="list-style-type: none"> <li>• Temporary storage space within each flat/apartment allowing for the separate storage of recyclable materials</li> <li>• Communal storage for waste, including separate recyclables, pending its collection</li> <li>• Design, quality and access of storage and collection systems (e.g. dedicated rooms, storage areas and chutes or underground waste collection systems)</li> <li>• Managing, to acceptable levels, impacts on amenity including those that may be caused by odour, noise, and dust</li> <li>• On-site treatment of waste</li> <li>• Adequate contingency measures to manage any mechanical breakdowns<sup>16</sup></li> </ul>	<p><b>Preferred option for Draft Policies</b></p>	<p><b>Positively prepared</b> N/A</p> <p><b>Justified, Effective</b></p> <p>This option is justified and effective as major development in Kensal and Earl's Court will increase the production of waste. It is important that waste management is taken into account in all development to handle waste arisings from the new uses. This option is in line with the waste hierarchy.</p> <p><b>Consistent with national policy</b></p> <p>This option is consistent with regulations, national and regional policy and guidance.</p>

## 3.5 DRAFT POLICY

3.5.1 Following consideration of the above options and reasonable alternatives, the existing Local Plan policy is proposed to be amended as follows (replicated from the Draft Policies consultation document).

<sup>16</sup> List adapted from the London Environment Directors' Network (LEDNET) and the London Waste and Recycling Board (LWARB) Template Planning Policy for recycling and waste in flatted developments: For new build flats in London (January 2015) [www.lwarb.gov.uk/what-we-do/london-waste-authority-support/successes-to-date/efficiencies-programme-outputs/](http://www.lwarb.gov.uk/what-we-do/london-waste-authority-support/successes-to-date/efficiencies-programme-outputs/)

### Policy CE3 Waste

The Council will plan for the sustainable management of waste streams, including meeting the waste apportionment figure as set out in the London Plan and will ensure that waste is managed in accordance with the waste hierarchy, which is to reduce, reuse or recycle waste as close as possible to where it is produced.

To deliver this the Council will:

- ~~a. prepare a specific waste DPD to show how the waste apportionment figure of 309,000 tonnes per annum by 2020 required by the London Plan will be met. This will include:~~
  - ~~i. identifying suitable sites for the purpose of managing the waste;~~
  - ~~ii. identifying which boroughs the Council will be working with the WRWA Waste Planning Authorities (WPAs) and other London boroughs and to establish how much the pooled apportionment of those boroughs will be so that the apportionment figure can be met;~~
  - ~~iii b. working in partnership with the GLA and neighbouring other London boroughs to meet the apportionment figure;~~
  - ~~iii v c. safeguarding the existing waste management sites along with Cremorne Wharf, maximising its use for waste management, water transport and cargo handling purposes;~~
- ~~b d. require on-site waste management facilities as part of development at Kensal and Earl's Court to handle waste arising from the new uses on the site (this could include facilities such as recycling facilities and anaerobic digestion);~~
- ~~c e. require all new development to provide design of adequate well designed, functional and accessible refuse and recycling storage space which allows for ease of collection in all developments, such facilities must:
  - ~~i. be within each flat to allow for temporary separate storage of recyclable materials~~
  - ~~ii. include communal storage for waste, including for separated recyclables, pending its collection~~
  - ~~iii. manage impacts on amenity including those caused by odour, noise and dust~~
  - ~~iv. set out adequate contingency measures to manage any failure of such facilities in a waste management strategy<sup>17</sup> for the development.~~~~
- ~~d f. require that development proposals make use of the rail and the waterway network for the transportation of construction waste and other waste;~~
- ~~e g. require applicants for major developments to prepare and implement Site Waste Management Plans for demolition and construction waste.~~

### KEY DIAGRAM AND PROPOSAL MAP

3.5.2 No changes are required to be made to the Key Diagram or the Proposals Map.

<sup>17</sup> See [www.lwarb.gov.uk/wp-content/uploads/2015/05/Template-waste-management-strategy-new-build-flats-FINAL.pdf](http://www.lwarb.gov.uk/wp-content/uploads/2015/05/Template-waste-management-strategy-new-build-flats-FINAL.pdf) for a template recycling and waste management strategy for new build flats.

## 3.6 DUTY TO COOPERATE AND STRATEGIC ISSUES

- 3.6.1 The legal obligation of the ‘duty to cooperate’ requires the Council to “engage constructively, actively and on an ongoing basis” and have “regard to activities” (i.e. strategies, plans, policies) of other bodies in the preparation of Local Plans “so far as relating to a strategic matter”. This includes “considering whether to consult on and prepare... agreements or joint approaches”<sup>18</sup>.
- 3.6.2 A “strategic matter” relates to “sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular)... in connection with infrastructure that is strategic”<sup>19</sup>. Strategic matters are further defined in paragraph 156 of the NPPF<sup>20</sup> and paragraph 013 of the NPPG on the duty to cooperate<sup>21</sup>.
- 3.6.3 Figure 3.1 shows the strategic issues relevant to this topic area, the relevant prescribed bodies, the actions the Council has taken with regard to the duty and the strategies, plans and policies of those prescribed bodies which the Council has had regard to.

Strategic issue	Relevant prescribed bodies <sup>22</sup>	Council actions Prescribed bodies’ strategies, plans and policies which the Council has had regard to
Bin storage and management in new development is not considered a strategic issue	All prescribed bodies	All prescribed bodies were consulted as part of the Issues and Options consultation.  The WRWA WPA authorities have jointly prepared a Waste Engagement Statement and are continuing joint work on a waste evidence base.

<sup>18</sup> Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>19</sup> Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>20</sup> <http://planningguidance.communities.gov.uk/blog/policy/>

<sup>21</sup> <http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/>

<sup>22</sup> Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

[www.rbkc.gov.uk/planningpolicy](http://www.rbkc.gov.uk/planningpolicy)