



# Local Plan Partial Review – Publication Policies Policy Formulation Report – February 2017 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 Publication 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 198,000 tonnes per annum to 2036. The apportionment includes household and commercial & industrial waste, but not other waste streams.

|                         | <b>Apportionment (tonnes per annum)</b> |             |             |             |             |
|-------------------------|---|-------------|-------------|-------------|-------------|
|                         | <b>2016</b>                             | <b>2021</b> | <b>2026</b> | <b>2031</b> | <b>2036</b> |
| <b>RBKC</b>             | 138,000                                 | 160,000     | 190,000     | 194,000     | 198,000     |
| <b>WPAs in the WRWA</b> | 683,000                                 | 790,000     | 944,000     | 961,000     | 981,000     |

*London Plan Waste Apportionment target for RBKC and the WPAs in the WRWA area.*

#### **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 this and 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. The Council acknowledges that LBHF's two strategic waste sites (Powerday & EMR) now fall within the boundary of OPDC, therefore LBHF has less control over these waste sites than previously. The OPDC's Draft Waste Strategy identifies that the Powerday Old Oak Sidings site should be safeguarded. The EMR metals recovery site, however, is not safeguarded, assuming it is available for re-development. The LBHF proposed policy CC6 states:

1

[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)

## 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.

### 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 2016 | <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 Local Authority Collected

Waste<sup>2</sup> in 2015 to 2016<sup>3</sup>. As set out in section 3, the London Plan's apportionment figure for the Borough is 198,000 tonnes per annum by 2036 which, assuming approximately 80,000 tonnes per annum capacity per hectare, requires 2.48<sup>4</sup> 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 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. The DCO includes the construction and replacement of buildings and structures at Cremorne Wharf to replace those being demolished.
- 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 When the Thames Tideway Tunnel and the Counters Creek Storm Relief Sewer Scheme projects are complete it is proposed that Cremorne Wharf will be brought back into waste use but it is currently not known whether this will be purely for waste transfer or also include treatment or sorting operations. Therefore, the proportion of the waste throughput which can be counted towards meeting the GLA's apportionment target is currently unknown. Because of this and 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 at this point in time. Even if it was capable, it would be unlikely to have such a capacity to fully address the Borough's apportionment as the site itself is 0.39ha, the equivalent to a processing capacity of 31,200tpa using the Babbie formula.
- 2.3.5 Therefore, the Council needs to identify suitable land elsewhere to assist with its apportionment shortfall.

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

- 2.3.6 The Western Riverside Waste Authority (WRWA)<sup>5</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).

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<sup>2</sup> [Household, commercial & industrial waste collected by the Council](#)

<sup>3</sup> RBKC 2015

<sup>4</sup> Using the Jacobs Babbie Formula:  $198,000 / 80,000 = 2.475$

<sup>5</sup> [www.wrwa.gov.uk](http://www.wrwa.gov.uk)

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.



Figure 2.1 London's Unitary Waste Authorities<sup>6</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 Technical Paper) establishes that, when pooling apportionments and capacity, the WRWA WPAs are able to jointly meet their London Plan waste apportionment as a single entity, with a surplus of approximately 346,000 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

<sup>6</sup> From Figure 3 of the Mayor's Municipal Waste Management Strategy (Nov 2011)

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.

## **WASTE TECHNICAL PAPER FOR WASTE PLANNING AUTHORITIES IN THE WRWA AREA**

- 2.3.11 A technical paper has been prepared jointly with the Waste Planning Authorities in the WRWA area 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 area and establishes the capacity gap to meet the London Plan Apportionment.

### RBKC London Plan Waste Apportionment

- 2.3.12 The Waste Technical Paper identifies that there is limited capacity within the borough to meet its apportionment. There is no existing permitted waste management capacity in the borough which counts towards meeting the London Plan apportionment target. The available waste treatment capacity is from waste sites with exemptions (i.e. those which report their operations to the Environment Agency, but do not require a full permit). The capacity from exempt sites is 30,660 tpa.
- 2.3.13 The resultant borough apportionment gap in the table below shows that there is a waste management capacity shortfall of 107ktpa in 2016 and that this will increase to a shortfall of 167ktpa by 2036. The increase in capacity shortfall from 2016 to 2036 is a result of the increasing London Plan apportionment target over the period. The shortfall consists of 68 to 70kpa of residual waste treatment and 39-97ktpa of dry recycling capacity, with a surplus of 3ktpa of organic waste capacity surplus in 2016 reducing to a 2ktpa shortfall in 2036.

| Waste stream                        | 2016            | 2021            | 2026            | 2031            | 2036            |
|-------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <b>Dry Recycling</b>                | -39,522         | -61,309         | -84,792         | -94,931         | -97,358         |
| <b>Organics</b>                     | 2,922           | 1,419           | -548            | -1,909          | -2,082          |
| <b>Residual</b>                     | -70,740         | -69,450         | -74,000         | -66,500         | -67,900         |
| <b>RBKC Apportionment Gap Total</b> | <b>-107,340</b> | <b>-129,340</b> | <b>-159,340</b> | <b>-163,340</b> | <b>-167,340</b> |

*Figure 2.2 Waste Apportionment capacity gap /surplus for RBKC and the WPAs in the WRWA area, Waste Technical Paper (December 2016)*

- 2.3.14 Using the Babbie formula, the 2036 shortfall would be equivalent to 2.1ha of waste management allocated land. However, examining the 2036 shortfall in terms of the land take required to develop the required capacity shortfall by waste treatment type, estimates the likely land required to develop enough capacity to meet the 2036 apportionment shortfall is approximately 3.74ha. Due to the constrained nature of the Borough and competing land use demands there are currently no opportunities to allocate waste sites of a combined size able to produce this level of capacity development within the borough area.

## WRWA WPAs Pooled London Plan Waste Apportionment

- 2.3.15 As explained in paragraph 2.2.12 above, the London Plan allows the pooling of contributions. The Waste Technical Paper establishes that as a group of WPAs in the WRWA area the apportionment is being met with an apportionment capacity surplus of 346ktpa in 2016, and that the apportionment will continue to be met to 2036 with a surplus of 48ktpa.

| Waste stream  | 2016                    | 2021                    | 2026                   | 2031                   | 2036                   |
|---|-------------------------|-------------------------|------------------------|------------------------|------------------------|
| <b>Dry Recycling</b>  | 119,740                 | 12,659                  | -106,857               | -155,516               | -167,323               |
| <b>Organics</b>   | -2,272                  | -9,649                  | -19,521                | -26,124                | -27,117                |
| <b>Residual</b>   | 228,451                 | 235,910                 | 211,297                | 249,560                | 242,360                |
| <b>Total Pooled Apportionment Gap for WPAs in WRWA area</b> | <a href="#">345,919</a> | <a href="#">238,920</a> | <a href="#">84,919</a> | <a href="#">67,920</a> | <a href="#">47,920</a> |

*Figure 2.3 Pooled Waste Apportionment capacity gap /surplus for the WPAs in the WRWA area, Waste Technical Paper (December 2016)*

- 2.3.16 Separating capacity requirement per process type shows an increasing shortfall in recyclate capacity from a surplus of 120ktpa in 2016 to a shortfall of 167ktpa in 2036, caused by an assumed increase in recycling rates. This is intensified by the assumed closure of the EMR facility in OPDC.
- 2.3.17 This is the equivalent to 0.84ha of land for the organic waste capacity shortfall and 4.5ha for recyclate capacity. However, actual land-take of active facilities within the WRWA area demonstrate that it is possible to deliver recycling capacity with land efficiency greater than the published average. In addition, increases in recyclate segregation can be delivered by increasing recycling rates at existing waste transfer stations, where space and access allows.
- 2.3.18 There is a considerable surplus of residual waste treatment capacity amounting to 228ktpa reducing to 242ktpa in 2036. This is based upon capacity at a single site (Powerday, Old Oak Sidings) and the assumption that this facility can produce RDF which meets the requirements of the Renewable Obligation Order. Discussions between Powerday and the WTP consultants have confirmed that the throughput factored in for Powerday is achievable if the market demands it.
- 2.3.19 Data from the Environment Agency (2015) shows that of the waste generated within the WRWA WPAs, around 28% is managed within the WRWA area (68.1kt), with the remainder exported to other London Boroughs (Bexley 60%, 146kt; Havering 5%, 11kt; Newham 2%, 5kt) with other smaller quantities exported further afield to destinations such as West Sussex, Hampshire and Slough.

### Construction, demolition and excavation waste (CD&E)

- 2.3.20 CD&E waste is currently not apportioned in the London Plan. However, the GLA is considering whether this could be incorporated. Therefore the WTP undertook investigations into this waste stream. The overall waste arisings have been based on a baseline year of 2015 and forecast using anticipated housing and commercial development until 2036. The forecast was unable to incorporate London wide strategic infrastructure which the GLA will be investigating.

- 2.3.21 In the borough there is an estimated increase of CD&E Waste arisings from 121,036 tonnes in 2016 to 175,980 tonnes in 2036. Currently there is no capacity within the borough to meet this CD&E arising.
- 2.3.22 In total, the estimated combined CD&E arisings for the WPAs in the WRWA area is 763,814 tonnes in 2016, peaking at 1,081,492 tonnes in 2021 before gradually reducing to 507,464 tonnes in 2036. There is a capacity of 1.1m tonnes within the WRWA area suggesting that there is a surplus of CD&E capacity of 371ktpa in 2016 increasing to approximately 627ktpa in 2036. The surplus is expected to be the lowest in 2021, at 53ktpa, as this coincides with a peak in the arisings.
- 2.3.23 It has been assumed that all transfer capacity is available for the transfer of CD&E waste, whereas in reality facilities are likely to receive a mixture of LACW, C&I and CD&E waste. What this split of material sources will actually be for a given year, will depend upon market forces at that time and cannot be adequately forecast. With this in mind, some of the CD&E capacity is also included in the capacity calculations for LACW and C&I waste. This amount totals to 33,127 tonnes. If this capacity were used exclusively for LACW and C&I waste, the total transfer capacity available for CD&E wastes would reduce by the equivalent. As a result, the capacity surplus would be approximately 338ktpa in 2016 and 594ktpa by 2036. This would still be sufficient to meet the maximum estimated annual CD&E waste arisings over the plan period.
- 2.3.24 The Waste Technical Paper also sought to identify the destinations of the CD&E waste arising in the WRWA area. A threshold of the 5,000tpa was used and the WPAs are listed in table 41 of the Waste Technical Paper. Despite capacity within the WRWA area 97% of the CD&E waste arisings in the WRWA area is exported. This could be due to existing contracts for disposal. The main destinations are Surrey, Ealing, Thurrock, Havering, Greenwich and Hillingdon.

#### Low Level Radioactive Waste

- 2.3.25 The primary categories of this waste stream which are relevant to the borough and WRWA area are Low level waste and very low level waste. This is waste consisting largely of paper, plastics and scrap metal items that have been used in hospitals, research establishments and the nuclear industry. There are currently no facilities within the WRWA area for the processing of low level radioactive waste.
- 2.3.26 The latest data available for this type of waste is the Pollution Inventory Dataset from 2013 which reports that over 8.6 million MBq was identified to be disposed of by the WPAs in the WRWA area, of which 2.8mbq arose from RBKC.
- 2.3.27 All the waste identified as being generated in the WRWA area was reported to be disposed of either to air or to waste water and therefore places no requirement on waste management infrastructure. Therefore, this places no requirement on relevant waste management facilities of this waste stream.

#### Agricultural

- 2.3.28 In the 2006 Waste Management Regulations agricultural waste was defined as waste from premises used for agriculture within the meaning of the Agriculture Act

1947. The Chartered Institute of Wastes Management (CIWM) refers to it as waste that has been produced on a farm in the course of 'farming'. Due to the urban nature of the boroughs, no waste from agricultural sources has been reported in the WRWA area to the latest EA datasets. Therefore there are no requirements on waste management infrastructure from this waste stream.

### Hazardous

- 2.3.29 Quantifying the amount of Hazardous waste is complicated as not all hazardous waste is recorded in the same way. Hazardous waste requires a range of specialist facilities for treatment and disposal, and so often this waste may travel further than types of non-hazardous waste
- 2.3.30 This waste stream forecast is based on GLA's waste arisings figures. Estimates of hazardous waste were collated from the EA's WDI (2015). Currently, in the WRWA area, 6.6k tpa of hazardous waste is being produced which peaks in 2031 at 6.7ktpa. The Hazardous waste arising in the borough is 205 tonnes per annum between 2016 to 2026 increasing to 209 tonnes per annum by 2036.
- 2.3.31 These arising figures are included in the household, C&I and CD&E estimates and therefore are addressed.
- 2.3.32 The WPAs in the WRWA area export Hazardous waste to the three main WPAS, these are Enfield WPA (609ktpa in 2015), Medway WPA (2,790ktpa in 2015) and Wokingham WPA (534ktpa in 2015). In addition the WRWA area received 17ktpa of hazardous waste in 2015 of which approximately 95% was received by LBHF.
- 2.3.33 The EA Active Sites Listing 2015 identifies around 90ktpa of permitted hazardous waste capacity within the WRWA area. This capacity is greater than the waste arisings forecast therefore there are no requirements on waste management infrastructure from this waste stream.
- 2.3.34 It is important to note, that the treatment and disposal of hazardous wastes is complex and dedicated facilities are often required for specific hazardous waste types. For this reason, the final destination of particular hazardous waste type can be outside of the WRWA area even though there is capacity available.

### Waste Water

- 2.3.35 Thames Water Limited is responsible for wastewater and sewage sludge treatment in London, and manages sewerage infrastructure as well as sewage treatment works
- 2.3.36 The WRWA area's wastewater is treated at the Beckton sewage treatment works (STW) in Beckton, in the London Borough of Newham, which is the largest in Europe, and also treats the waste of other boroughs such as Newham, Hackney & Tower Hamlets too, serving a total population of 3.5 million people. Based on population, the anticipated mass of dried sludge that the WRWA area produced in 2014 was 25,000 tonnes of dry solids.
- 2.3.37 Thames Water is undertaking an upgrade and expansion of the Beckton Sewage Treatment Works facility to both treat sewage to a higher standard, and increase

the capacity to a population equivalent of 3.9 million. This will build sufficient sludge processing plant to account for population growth in the STW catchment area up to 2035, and therefore no additional facilities are required

### **POOLING ARRANGEMENTS**

- 2.3.38 The WRWA WPAs have agreed to continue working jointly to meet the pooled London Plan apportionment as a group of WPAs. The joint working arrangements will extend to monitoring pooled arisings, apportionment, available capacity, shortfall and/or surplus capacity for all waste streams.
- 2.3.39 Joint Duty to Cooperate engagement is ongoing and a Memorandum of Understanding is being prepared.

### **ACTUAL WRWA WASTE MANAGEMENT ARRANGEMENTS**

- 2.3.40 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).
- 2.3.41 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.
- 2.3.42 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**

- 2.3.43 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.
- 2.3.44 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".

2.3.45 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            |
| Jan 2017 | <a href="#">Waste Technical Paper for WPAs in the WRWA Area</a>                          | WRWA WPAs / Anthesis |

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

2.4.1 Alternative options were consulted on as part of the Issues and Options (December 2015) and Draft Policies (October 2016) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Publication Policies (February 2017) consultation document. The options considered through the consultations and as part of the Integrated Impact Assessment (IIA) are summarised below.

2.4.2 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 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. | Preferred option for Publication Policies | <p><b>Positively prepared</b><br/>This option is positively prepared as:<br/>-it based on evidence undertaken with the WRWA Waste Planning Authorities.<br/>- a joint approach to meeting the WRWA waste apportionment.</p> <p><b>Justified</b><br/>This option is justified as it:<br/>- is based on the conclusions of the joint WRWA WPA Waste Technical Paper.<br/>- ensures that the waste apportionment of the WRWA Waste Planning Authorities is met.</p> <p><b>Effective</b><br/>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><br/>This option is consistent with regulations, national and regional policy and guidance.</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   | Preferred option for Publication Policies | <p><b>Positively prepared</b><br/>This option is positively prepared as:<br/>-it based on evidence undertaken with the WRWA Waste Planning Authorities.<br/>- a joint approach to meeting the WRWA waste apportionment.</p>  |

| Option   | Status                                    | Reason   |
|--|---|--|
| London, to address the WRWA WPAs' collective apportionment shortfall.  |   | <p><b>Justified</b><br/>This option is justified as it:<br/>- is based on the conclusions of the joint WRWA WPAs Waste Technical Paper.<br/>-ensures that the waste apportionment of the WRWA Waste Planning Authorities is met.</p> <p><b>Effective</b><br/>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><br/>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 Publication 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 PUBLICATION 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 (red = Draft Policies and blue = Publication Policies):

### 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~~ continue to monitor the pooled arisings, apportionment, available capacity, shortfall and/or surplus capacity for all waste streams 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 manage any shortfall 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;
  - ...
  - d**fg.** require that development proposals make use of the rail and the waterway network for the transportation of construction waste and other waste;
  - e**gh.** 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 actions the Council has taken with regard to the duty and the relevant prescribed bodies.

<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/>

| Prescribed body/ies / LPAs <sup>11</sup>                                | Action(s)  | Date(s)  |
|---|--|--|
| All   | The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs)   | Ongoing  |
| All   | Local Plan Partial Review Issues and Options consultation – see Consultation Schedule  | Dec 2015 – Feb 2016                            |
| All   | Local Plan Partial Review Draft Policies Regulation 18 consultation – see Consultation Schedule  | Oct – Dec 2016                                 |
| Mayor of London   | Liaison meeting with GLA officers on the LPPR and emerging London Plan / SPGs<br><br>Input and advice on Waste Technical Paper Brief in respect of determining maximum capacity at existing waste management sites, determining waste management capacity gap and application of the GLA kilo tonnes per hectare. GLA advised was that it was up to the plan maker to establish an approach to these issues. | Feb + Nov 2016<br><br>July + August 2016       |
| Environment Agency  | Providing advice and input into the Waste Technical Paper via appointed consultants  | August to November 2016                        |
| WRWA WPAs: LBHF; LBW; LBL; OPDC   | Joint WRWA WPAs Waste Technical Paper Meetings; discuss and agree methodology; approach and conclusions to joint waste evidence base; agree continued joint working arrangements to manage waste apportionment shortfall in the WRWA area.   | June 2016 to January 2016                      |
| London LPAs; other south east LPAs; Mayor of London; Environment Agency | Quarterly London Waste Planning Forum (LWPF) Meetings; contribution to London Waste Map, sharing of waste planning issues/information/experience/best practice; evidence base work and plan making progress.   | January 2015 to December 2015 and January 2016 |
| Westminster City Council  | RBKC response to City Plan Revision Strategic Policies; request that Westminster City Council reviews its waste apportionment evidence base as soon as practicable; welcome a DtC dialogue between Westminster and WRWA WPAs.  | Apr 2015                                       |

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

| Prescribed body/ies / LPAs <sup>11</sup> | Action(s)  | Date(s)       |
|--|--|---------------|
| LBHF                                     | RBKC/LBHF Planning Policy Liaison meetings; approach to joint working on waste evidence base   | Quarterly     |
| LBHF                                     | RBKC response to LBHF Regulation 18 Draft Local Plan:<br>Policy CC5 Strategic Waste Management – objection to removal of existing LBHF Core Strategy text which indicates spare capacity could assist RBKC.  | Jan 2015      |
| LBHF                                     | RBKC response to LBHF Regulation 19 Proposed Submission Local Plan:<br>Policy CC6 Strategic Waste Management - objection to removal of existing LBHF Core Strategy text which indicates spare capacity could assist RBKC; policy and justification should reflect OPDC overlap and OPDC waste evidence; policy will need to consider the WTP findings when complete. | Oct 2016      |
| LB Wandsworth                            | RBKC response to LBW Local Plan Employment and Industry Review; essential that the existing waste management facilities are not prejudiced by the release of existing employment or industrial land to other uses  | Jan 2016      |
| City of London                           | RBKC response to City of London Issues and Options; encourage engagement with authorities waste is exported to; encourage application of the waste hierarchy;  | December 2016 |
| Essex and Southend on Sea                | RBKC response to Replacement Local Plan – Cross Border Movements; provision of waste exports from WDI 2014   | December 2015 |
| Essex and Southend on Sea                | RBKC response to Essex and Southend on Sea Replacement Waste Local Plan Inspectors matters, issues and questions; no issues raised   | August 2016   |
| North London Waste Plan                  | Consultation on North London Waste Plan; waste movements; thresholds for the purpose of DtC; Cross boundary impacts  | August 2014   |
| North London Waste Plan                  | Consultation on North London Waste Plan; waste movements;  | January 2015  |
| North London Waste Plan                  | WRWA response to Regulation 18 Draft North London Waste Plan; support for aspects of the Draft Plan  | October 2015  |

| Prescribed body/ies / LPAs <sup>11</sup> | Action(s)   | Date(s)                        |
|--|---|--------------------------------|
| Oxfordshire County Council               | Duty to Cooperate on the Oxfordshire Minerals and Waste Local Plan; waste movements.  | October 2014                   |
| South East London Authorities            | WRWA WPAs meeting with the South East London Waste Planning Group   | November 2015                  |
| ELWA, NLWP, SEWPG, SLWP, WCC             | WRWA boroughs' waste apportionment letter; formal request whether the spare capacity can be shared with WRWA.   | April 2015                     |
| Surrey County Council                    | RBKC response to Regulation 18 Surrey Waste Local Plan; waste exports to WRWA; WRWA Waste evidence base   | November 2016                  |
| London Borough of Tower Hamlets          | RBKC response to Regulation 18 LBTH Draft Local Plan and Statement of Community Involvement refresh: Policy ES8: Waste Management; WRWA waste evidence base | November 2016                  |
| OPDC / LBHF / LB Ealing / LB Brent       | Regular OPDC Project Team Meetings – attendance when necessary  | Fortnightly                    |
| OPDC                                     | RBKC/OPDC Planning Policy Liaison Meetings  | May + Sep 2015; Jan + Apr 2016 |
| OPDC                                     | RBKC response to Regulation 18 Draft Local Plan   | Mar 2016                       |

## 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 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 Alternative options were consulted on as part of the Issues and Options (December 2015) and Draft Policies (October 2016) consultation documents. The Consultation Schedules and Consultation Summaries for these are set out in the Consultation Statement published alongside the Publication Policies (February 2017) consultation document. The options considered through the consultations and as part of the Integrated Impact Assessment (IIA) are summarised below.
- 3.4.2 The Council has considered the options particularly in light of the 'tests of

<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

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)

3.4.3 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.   | <p><b>Preferred option for Publication Policies</b></p> <p><b>Positively prepared</b><br/>N/A</p> <p><b>Justified, Effective</b><br/>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><br/>This option is consistent with regulations, national and regional policy and guidance.</p> |
| 2      | <p>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</li> </ul> | <p><b>Preferred option for Publication Policies</b></p> <p><b>Positively prepared</b><br/>N/A</p> <p><b>Justified, Effective</b><br/>This option is justified and effective as major</p>  |

| Option   | Status | Reason  |
|--|--------|---|
| <p>space within each flat/apartment allowing for the separate storage of recyclable materials</p> <ul style="list-style-type: none"> <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>15</sup></li> </ul> |        | <p>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><br/>This option is consistent with regulations, national and regional policy and guidance.</p> |

## 3.5 PUBLICATION 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 (red = Draft Policies and blue = Publication Policies).

### **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.

<sup>15</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/)

To deliver this the Council will:

- ~~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 and other innovative waste management facilities which are fully enclosed where practicable);
- ~~e.~~ seek the potential for other small scale and innovative waste management facilities on residential, commercial or mixed use developments where practicable;
- ~~ef.~~ require all new development to provide ~~provision of adequate~~ innovative 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 short term 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>16</sup> for the development.
- ~~dfg.~~ require that development proposals make use of the rail and the waterway network for the transportation of construction waste and other waste;
- ~~egh.~~ 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.

## 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>17</sup>. 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>18</sup>. Strategic matters are further defined in paragraph 156 of the NPPF<sup>19</sup> and paragraph 013 of the NPPG on the duty to cooperate<sup>20</sup>.
- 3.6.2 Although bin storage is not considered a strategic issue for the Duty to Cooperate, the below table shows the actions the Council has taken with regard to the duty

<sup>16</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.

<sup>17</sup> Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>18</sup> Section 33A(4) of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2010

<sup>19</sup> <http://planningguidance.communities.gov.uk/blog/policy/>

<sup>20</sup> <http://planningguidance.communities.gov.uk/blog/guidance/duty-to-cooperate/>

and the relevant prescribed bodies.

| Prescribed body/ies / LPAs <sup>21</sup> | Action(s)  | Date(s)             |
|--|--|---------------------|
| All                                      | The Council has had regard to all relevant strategies, plans and policies of the relevant prescribed bodies in preparing the policies – as set out in Legislation, Policy and Guidance sections of Policy Formulation Reports (PFRs) | Ongoing             |
| All                                      | Local Plan Partial Review Issues and Options consultation – see Consultation Schedule  | Dec 2015 – Feb 2016 |
| All                                      | Local Plan Partial Review Draft Policies Regulation 18 consultation – see Consultation Schedule  | Oct – Dec 2016      |

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<sup>21</sup> Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012



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