

Planning and Borough Development
Kensington Town Hall, Hornton Street, LONDON, W8 7NX

Executive Director, Planning and Borough Development
Graham Stallwood

Head of Forward Planning
Jonathan Wade



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

Victoria Hills
Chief Executive, Old Oak and Park Royal Development Corporation

By email to [REDACTED]

My reference: LPPR Waste

22 January 2018

Dear Victoria,

Kensington and Chelsea Local Plan Partial Review: Waste Planning

I am writing to you about the Kensington and Chelsea Local Plan Partial Review and our imminent examination hearings taking place the week commencing 27 February. The Council has now received the Inspector's Matters, Issues and Questions which are available on the Council's Local Plan Partial Review examination webpage¹. The Inspector has identified waste as an issue, in particular relating to reaching agreement on pooled apportionment and capacity within the Waste Planning Authorities (WPAs) in the Western Riverside Waste Authority (WRWA) Area.

As you are aware, the Council is unable to meet its London Plan Waste Apportionment on its own. We have been working jointly with the WPAs in the WRWA area including OPDC. Since January 2017 the Council has been working on the basis that the grouping will reach an agreement where pooling apportionment and capacity would be agreed and a draft Memorandum of Understanding (MoU) has been drawn up since that time.

I am extremely disappointed the OPDC and LBHF have not been able to sign up to an agreement given that we have been working on this for over a year. **The delay in reaching an agreement has now seriously put our Local Plan Partial Review at risk and there is a distinct possibility that the waste policy will be found unsound or may need to be withdrawn.** We have already experienced significant delay in our Local Plan examination because of the Grenfell fire tragedy and we are not in a position for the examination to be held up any further whilst an attempt is made to progress this matter.

¹ <https://planningconsult.rbkc.gov.uk/consult.ti/LPPRexam>

I am now writing to you to seek your assistance in agreeing one of the following two options –

Option A - surplus waste management capacity arising in the OPDC area which overlaps with LBHF is shared with Kensington and Chelsea to help meet our apportionment gap. I understand there is available surplus waste management capacity within the LBHF/OPDC area of 462,000 tonnes by 2036. This surplus waste management capacity is set out in the published joint Waste Technical Paper which the WRWA WPAs, including OPDC, agreed in January 2017.

Option B – If Option A cannot be agreed we propose a ‘major modification’ to our waste policy to state that we will produce a separate Waste DPD. Ideally this Waste DPD should be prepared jointly with the WRWA WPAs including OPDC for land within LBHF.

The Council has taken a proactive approach to developing a joint evidence base (Waste Technical Paper) and since has been trying to reach an agreement between the WRWA WPAs on waste apportionments and capacity. This includes arranging meetings with and for the WRWA WPAs, preparing various drafts of a Memorandum of Understanding to accommodate the WPAs comments, seeking clarity on continued joint working and responding to local plan and waste movement consultations. Whilst joint working is ongoing to reach a joint agreement, Kensington and Chelsea has done all that it can and has complied with the Duty to Cooperate.

Could you please confirm either Option A or B as set out above by Monday 29 January 2018, but given the urgency of the situation I would be very pleased to speak with you prior to this date.

Yours sincerely,

Graham Stallwood
Executive Director of Planning and Borough Development

Sent electronically without signature

Graham Stallwood

Executive Director, Planning and Borough Development
Kensington Town Hall
London
W8 7NX

Date: 29th January 2018

SENT BY EMAIL ONLY

Dear Graham,

Thank you for your letter dated 22nd January 2018. I welcome the opportunity to set out OPDC's understanding of the current position regarding surplus waste capacity, and the approach to waste apportionment.

As I'm sure you're aware, OPDC does not have its own waste apportionment target but is instead required through the London Plan to ensure that the Mayoral Development Corporation 'host local authorities' (Brent, Ealing and Hammersmith and Fulham) can meet their apportionment targets. Current evidence shows that the Old Oak Sidings (Powerday) site in Old Oak can meet LBHF's apportionment target, and that there may potentially be some surplus that could go towards meeting another local authority's waste apportionment target. My officers are awaiting a response from Powerday on some technical points before the exact waste capacity that can contribute to apportionment can be derived, but rest assured my officers continue to chase a response.

The decision over the use of any surplus waste capacity will need to be a joint decision between both LBHF and OPDC. LBHF officers are briefing their members on potential options on the approach to its use of any surplus waste capacity with a view to being able to answer your queries set out in your letter. My officers will be in contact with your officers once we have clarity about LBHF's position on this matter. OPDC stands ready to work with all parties to support discussions to reach an agreed position at the earliest opportunity

If your officers would like to discuss this matter further, please may they contact our Head of Planning Policy, Tom Cardis by email at [REDACTED] or by phone on [REDACTED]

Yours sincerely,

Victoria Hills

Chief Executive Officer
Old Oak and Park Royal Development Corporation

cc: Michael Mulhern, Director of Planning, OPDC
Tom Cardis, Head of Planning Policy, OPDC

Planning and Borough Development
Kensington Town Hall, Hornton Street, LONDON, W8 7NX

Executive Director, Planning and Borough Development
Graham Stallwood

Head of Forward Planning
Jonathan Wade



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

Matt Butler
Head of Policy & Spatial Planning

By email to [REDACTED]

My reference: LPPR Waste

22 January 2018

Dear Matt,

Kensington and Chelsea Local Plan Partial Review: Waste Planning

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As you are aware, the Council is unable to meet its London Plan Waste Apportionment on its own. We have been working jointly with the WPAs in the WRWA area, which LBHF is a part of, including OPDC. Since January 2017 the Council has been working on the basis that the grouping will reach an agreement where pooling apportionment and capacity would be agreed and a draft Memorandum of Understanding (MoU) has been drawn up since that time.

I am extremely disappointed the LBHF and OPDC have not been able to sign up to an agreement given that we have been working on this for over a year. **The delay in reaching an agreement has now seriously put our Local Plan Partial Review at risk and there is a distinct possibility that the waste policy will be found unsound or may need to be withdrawn.** We have already experienced significant delay in our Local Plan examination because of the Grenfell fire tragedy and we are not in a position for the examination to be held up any further whilst an attempt is made to progress this matter.

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Could you please confirm either Option A or B as set out above by Monday 29 January 2018, but given the urgency of the situation I would be very pleased to speak with you prior to this date.

Yours sincerely,

Graham Stallwood
Executive Director of Planning and Borough Development

Sent electronically without signature

From: Butler Matt: H&F
Sent: 29 January 2018 19:09
To: Stallwood, Graham:
Cc: Wade, Jonathan: Gulati Tyagi, Preeti:
Lester Bethany; Finlayson John
Subject: RE: Kensington and Chelsea Local Plan Partial Review: Waste Planning

Dear Graham,

Thank you for your letter (sent by e-mail) on 23rd January regarding the matter of waste as part of RBKC's forthcoming Local Plan Examination.

As part of the requirements of the Duty to Cooperate, we have been working with the boroughs within the Western Riverside Waste Authority Area (Kensington & Chelsea, Lambeth & Wandsworth) including OPDC, which has involved the preparation of a joint evidence base document (the Waste Technical Paper) in January 2017. Based on its conclusions, officers from the boroughs agreed to investigate the option of pooling apportionments and capacity through an agreed Memorandum of Understanding.

In February 2017, the boroughs within the Western Riverside Waste Authority met with the GLA to present the findings of the Waste Technical Paper. At this meeting, the GLA raised a number of concerns with the Waste Technical Paper, including the assumptions used for the Powerday site (within OPDC).

Following the meeting with the GLA, given the uncertainties around Powerday capacity, we (LBHF) advised RBKC that we would not be able to consider a draft Memorandum of Understanding committing to pooling until capacity at Powerday was resolved with the GLA. Only then, would we be in a position to consider how we wish to proceed with joint working arrangements on waste going forward, whether this is through pooling or another mechanism, but continuing to work together as part of the duty to cooperate.

Since the meeting with the GLA, OPDC have been leading on the work to resolve the Powerday issue through seeking further information from the operators of the site. This has involved the preparation of a Powerday Position Statement which sets out how Powerday will optimise its capacity over time, through maximising the use of canal and rail. This paper concludes that there is surplus capacity available at Powerday beyond that required to meet our Borough's apportionment.

Last month, subject to a number of minor changes, the GLA confirmed they were supportive of the assumptions used for Powerday in the Position Statement. Therefore, on this basis, we are only recently in a position to consider how we proceed with joint working arrangements going forward. As you are aware, we are in the process of discussing this internally and also externally

with the OPDC, which includes the consideration of pooling apportionments and what happens to surplus capacity available within our Borough.

At this stage, therefore, given we have only recently reached an agreed point with the GLA, we are unable to confirm our position going forward on pooling arrangements in respect of the surplus waste capacity at Powerday. As stated in our Local Plan, any potential surplus capacity at Powerday beyond that required to meet our apportionment will be the joint responsibility of LBHF and OPDC, therefore any decision over the surplus will need to be made jointly with OPDC.

I hope this update is helpful and I will clarify further as soon as I am able.

Regards

Matt Butler
Head of Policy & Spatial Planning

Regeneration, Planning & Housing Services,
London Borough of Hammersmith & Fulham
5th Floor Hammersmith Town Hall Extension
King Street, Hammersmith, London W6 9JU

Regeneration, Planning & Housing Services Lead Director: Jo Rowlands

From: Stallwood, Graham: CP-Plan: RBKC
Sent: 23 January 2018 16:34
To: Butler Matt: H&F
Cc: Wade, Jonathan: CP-Plan: RBKC ; [Gulati Tyagi, Preeti](#): CP-Plan: RBKC
Subject: Kensington and Chelsea Local Plan Partial Review: Waste Planning

Dear Matt,

Please find attached a letter in relation to my Council's Local Plan Partial Review at examination and our current concerns about the soundness of the waste policy. When you have had a chance to consider it I would welcome LBHF's views on the two options.

Many thanks

Graham

Graham Stallwood FRTPI | Executive Director, Planning and Borough Development | The Royal Borough of Kensington and Chelsea

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