

**CITY
PLAN
2019 – 2040**

WASTE TOPIC PAPER

NOVEMBER 2019

1.0 Introduction

1.1 Westminster City Council is preparing a new City Plan 2019-2040 which sets out the council's vision to make Westminster a city of excellence in all areas. The purpose of this topic paper is to demonstrate how policy 38 Waste management has been developed and evidenced, including the council's approach to strategic waste planning.

1.2 This paper will set out the following:

- National and regional policy and how these requirements have informed the development of local policy
- The evidence sources that have been used to inform the policy
- The evidence base documents that were produced alongside the preparation of the City Plan to inform the waste policy
- The key objections to the waste policy in the Regulation 19 consultation
- Possible waste partnerships

2.0 National Policy

2.1 The **National Planning Policy for Waste (NPPW)** was established in 2014 and sets out waste planning policies for England. This includes requirements for the evidence base of Local Plans and for the identification of suitable sites and areas. The NPPW states that Waste Planning Authorities should prepare Local Plans which identify sufficient opportunities to meet the identified waste needs of their area. The NPPW also sets out the requirement to work jointly with other planning authorities and requires boroughs to have regard to the waste apportionments set out in the London Plan.

2.2 Achieving sustainable development is at the heart of the **National Planning Policy Framework (NPPF)**. Besides an economic and a social objective, the NPPF includes an environmental objective which (amongst others) seeks to use natural resources prudently and minimise waste and pollution¹. The NPPF also sets out that plans should set out strategic policies for waste management infrastructure². Further, the NPPF makes provisions with regards to secondary and recycled materials and minerals waste³, promoting resource efficiency.

2.3 The Government's **Emerging Resource and Waste Strategy for England** sets out how the Government plans to:

- minimise waste
- eliminate avoidable waste of all kinds (including plastic waste) by 2050
- promote resource efficiency
- move towards a circular economy
- manage waste safely and securely minimising damage to the natural environment
- deal with waste crime; and
- preserve our stock of material resources.

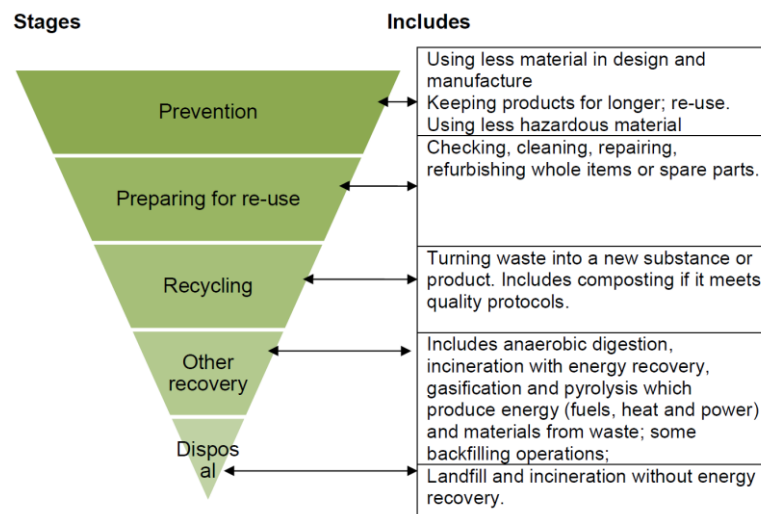
2.4 The **Waste Management Plan for England** (2013) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. It seeks

¹ NPPF paragraph 8

² NPPF paragraph 20

³ NPPF paragraph 204

to achieve this by driving waste management up the waste hierarchy (shown below), making sure waste management is considered alongside other spatial planning concerns, amongst other measures.



2.5 City Plan compliance

In response to the national NPPW and other requirements to make provision for the appropriate management at source and final destination of the seven waste streams, City Plan policy 38 clauses A to D (supported by various other council strategies detailed in section 4 of this paper) provide for protection of existing waste management sites, require appropriate disposal of hazardous wastes, maximum possible recycling and reuse of household, commercial and industrial and agricultural waste and ensures all construction, demolition and excavation waste is clearly accounted for, reused as is practicably possible and managed in the most socially and environmentally beneficial way.

2.6 These clauses also provide for maximum sorting and recycling of waste generated by the subsequent occupiers, whether commercial or residential, and that developers make provision for on-site waste separation and recycling for the various functions and operations of the developments' uses. This in turn, means there is less waste contamination when the waste is collected (by the council and private collection services) and tested at recycling plants, enabling it to go through the sorting and bulking process rather than be sent to energy from waste facilities or landfill.

2.7 Other policies also combine to support the City Plan's compliance with national policy objectives, such as:

- requirements to make appropriate and effective waste management arrangements (Policy 7, clause G)
- encouragement of community facilities to combine to share resources (Policy 30, clause B)
- requirements to design in facilities for waste servicing needs within a development (Policy 30, clause B)
- requirements for resource efficiency (Policy 39 Design Principles, clause D part 3)

2.8 Capacity of waste management facilities is also a key performance indicator for the plan, and Westminster's Code of Construction Practice (2016)⁴ which sets out waste management requirements from a development site. It sets out that any waste arising from the site must be properly categorised and dealt with in accordance with appropriate legislation. Opportunities for re-

⁴ <https://www.westminster.gov.uk/code-construction-practice>

using or recycling construction and demolition waste should be explored and implemented as far as reasonably practicable.

3.0 Regional policy

3.1 Through the adopted **London Plan**, and associated London Environment Strategy, the Mayor is aiming for the equivalent of 100% of London's waste to be managed in London by 2026, being net self-sufficient. This target is also included in the New London Plan, which also seeks to promote a more circular economy and minimise waste. It set targets for zero biodegradable or recyclable waste to landfill by 2026, meeting and exceeding recycling targets of 65% by 2030 for municipal waste and 95% by 2020 for construction, demolition and excavation waste. The New London Plan also sets design requirements for developments to provide adequate and easily accessible waste storage that supports the separate collection of dry recyclables and food.

3.2 In practise this means moving waste up the hierarchy and planning for the management of the waste requirements of the capital. Such planning is achieved through the strategic provision of appropriate waste facilities as per the NPPW and associated guidance and monitored through allocation of responsibility for the capital's waste via an apportionment model.

3.3 The London Plan sets out that boroughs should allocate sites and identify waste management facilities to provide the capacity to manage their apportioned tonnages of waste. It encourages boroughs to collaborate by pooling their apportionment requirements. This is an established approach, which has been continued throughout different versions of the London Plan. It is noted though that there is no *requirement* in the London Plan for boroughs to formalise pooling arrangements in Local Plans.

3.4 Westminster's apportionment has increased in the new London Plan to 2.3% of London's waste from 1.5% in the adopted London Plan. This means that Westminster will have to manage 188,000 tonnes of waste in 2021 and 199,000 tonnes in 2040.

3.5 Although the New London Plan has not yet been adopted, the Panel Report for the New London Plan which has recently been published is supportive of the Mayor's approach to waste and any changes to the waste management approach including apportionments are therefore not anticipated.

3.6 City Plan conformity

A minor modification to Policy 38 by the insertion of clause E addresses the draft London Plan waste apportionment target of 188ktpa to 2021 and 199ktpa to 2041. Evidence of how Westminster will achieve its apportionment in lieu of any strategic waste management capacity of its own includes:

- responses from letters for capacity confirmation and apportionment pooling potential under the duty to co-operate⁵
- collaboration on pooling apportionment and discussions with potential pooling partners⁶
- Statement of Common Ground with the GLA⁷ and
- market-based reporting from Veolia and the Waste and Parks team⁸.

⁵ Duty to Co-operate Statement

⁶ Appendix D, Waste Evidence Paper, November 2019

⁷ Statement of Common Ground between WCC and GLA Oct 2019

⁸ Waste Evidence Paper, November 2019

4.0 Local Policy

4.1 As set out above, Policy 38 in Westminster's City Plan seeks to ensure compliance with the Government's emerging Resources and Waste Strategy⁹, the National Planning Policy for Waste (NPPW)¹⁰ and the London Plan. This means moving the city's waste up the hierarchy by increasing recycling and reuse, supporting the shift to the circular economy and contributing to London's net self-sufficiency in waste management as per the aspiration of the draft London Plan. The City Plan's waste policy will ensure that the Council and its stakeholders will consolidate these achievements through:

- working collaboratively with other London boroughs to ensure all of the council's draft London Plan waste apportionment is managed within London's boundaries (Clause E – minor modification).
- ensuring developers incorporate waste management and recycling facilities into their development for the whole life-cycle of the development from construction through to occupation and operation (Clause D – minor modification).
- safeguarding and improving existing waste management sites and services for household and commercial waste¹¹ (Clause C).

The draft City Plan policy is supported by existing strategies and other documents, detailed below.

4.2 The council's **Municipal Waste Strategy (MWS)**¹² (2014) sets out how municipal waste will be managed between 2016-2031. The strategy covers the Council's municipal collection and disposal arrangements for waste reduction, reuse, recycling, composting, treatment and disposal. The MWS aims to have zero waste to landfill, and maximise the reduction, reuse and recycling of waste.

4.3 The council's **Draft Reduction and Recycling Plan 2018-2022 (RRP)** details the council's approach to increasing the scale and performance of recycling services in the city, a key priority for the council, and ensures the trend of rising recycling rates in Westminster continues. The plan introduces household food waste collections for the first time, the transition to an Ultra Low Emission Zone (ULEZ)-complaint waste collection fleet and working with business improvement districts on waste consolidation schemes among other initiatives.

4.4 The council's **Code of Construction Practice (CoCP)**¹³ requires works to be carried out in such a way that as far as is reasonably practicable the amount of spoil and waste (including waste water draining into groundwater, production waters and run-off) to be disposed of is minimised, and that any waste arising from the site is properly categorised and dealt with in accordance with the waste hierarchy and relevant legislation and guidance.

4.5 The Government revoked the Site Waste Management Plan Regulations 2008 in 2013 which required a site waste management plan (SWMP) to be produced for construction projects with a cost greater than £300,000 excluding VAT (this includes all planning, design, management or other work involved in a project until the end of the construction phase). The aim was to reduce the amount of waste produced on construction sites and to prevent fly-tipping. The City Council promotes efficient resource management including waste minimisation, reuse and recycling. The council will therefore continue to require through the CoCP the production of an SWMP for all

⁹ <https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

¹⁰ <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

¹¹ WCC Waste Evidence Base: App 3, Fig 4. Site Identification of all potential sites and areas

¹² <https://www.westminster.gov.uk/waste-strategy>

¹³ <https://www.westminster.gov.uk/code-construction-practice>

construction and demolition projects with a cost greater than £300,000. A SWMP will also be required for all basement developments. The SWMP should form a part of the Site Environment Management Plan.

4.6 The council wishes to achieve 65% recycling target of municipal waste by 2030 and has been proactive in responding to Government's forthcoming Resource and Waste Strategy to increase on-site sorting of recycling materials. The council's **Recycling and Waste Storage Requirements**¹⁴ document was published in 2019 provides guidance for applicants on the provision and design of waste storage in developments to ensure on-site sorting in new developments and its adherence forms part of new planning applications. This includes guidance on storage capacity for recyclable materials and waste, storage systems, of street collection and public recycling sites. The document therefore aligns with the government's forthcoming Resource and Waste Strategy's objectives to increase recycling rates and promote the shift to the circular economy and contributes to the delivery of the requirements of policy 38.

4.7 In June 2019, the council submitted its Reduction and Recycling Plan to the Deputy Mayor for the Environment which seeks to promote behaviour changes amongst Westminster's residents, workers, businesses and visitors.

5.0 Evidence Base

5.1 In formulating its own policies, the council has had regard to the principles contained in the policies and plans above to promote a shift to the circular economy. The council's Waste evidence base topic paper (November, 2019) provides a comprehensive evidence base to demonstrate compliance with the NPPF and London Plan, providing an update on the current position.

5.2 The document sets out how different waste streams generated in Westminster are managed, meeting the requirements of the NPPW. It also assesses the opportunity for strategic waste management facilities in Westminster, considering waste alongside other land uses. The study, through a sieving exercise, concludes that there are no opportunities for strategic waste management facilities in Westminster. It consequently performed a study into waste partnerships in London for the council to collaborate with in order to pool its London Plan waste apportionment. This evidence also provides strong justification for Clause A of the policy which protects all existing waste management facilities.

5.3 The council has also used numerical data derived from market knowledge from the Council's waste contract and from the Waste and Parks services team which consolidates the data gathered from the Waste Data Flow with internal reports from Veolia, its waste collection contractor.

6.0 Regulation 19 consultation responses

6.1 Mayor of London

The Mayor of London set out in his response to the City Plan consultation that he considers the draft City Plan waste policy to not be in general conformity with the London Plan because no formal agreement has been made with the relevant London waste planning authorities for Westminster (or the boroughs it is currently exporting to) to plan for its waste needs and allocate sufficient land to meet its apportionment requirements.

¹⁴ https://www.westminster.gov.uk/sites/default/files/waste_storage_requirements.pdf

6.2 The council has signed a Statement of Common Ground with the GLA¹⁵ in which it commits to making every effort to secure a partnership agreement to pool its apportionment. It is pertinent to note that for several years now, the council has been managing on average 187ktpa of waste which equates to virtually all of its new 188ktpa apportionment for 2021 and 93% of its new 199ktpa apportionment for 2041 (as demonstrated in the waste evidence base) via south east London waste management facilities. The council is currently in dialogue with the South East London Joint Waste Planning Group to explore the possibility to joining the partnership to formalise existing arrangements and the undertake a full waste data study to support the technical work necessary. The Mayor accepts this to be a positive step towards conformity to the apportionment target.

6.3 North London Waste Authority

The NLWA criticised the City Plan for not mentioning construction, demolition and excavation waste produced in Westminster and the lack of evidence base documents relating to waste arisings in Westminster. The Authority also commented that the policy does not show how Westminster is planning to meet its apportionment under the London Plan

6.4 The council has sought to address this through the minor modifications to the waste policy and will further support this with a full waste data study to gain a greater understanding of waste generation across the borough as a whole and how it is managed – which in turn will support potential partnership with the South East London Joint Waste Planning Group.

6.5 Mitigation of these objections

Proposed minor modifications to draft policy 38 underlines the council's commitment to managing its London Plan waste apportionment. The council has demonstrated significant progress and continues efforts in seeking to address the issue through partnership work (see below). The council therefore believes it has addressed objections and general conformity issues raised during the Regulation 19 consultation of the City Plan and will continue to make efforts to manage its London Plan waste apportionment.

7.0 Partnerships

7.1 As explained above, the Waste Evidence Base (2019) has demonstrated that there are no sites suitable for strategic waste management facilities in Westminster. The council will therefore need to work in partnership with other boroughs to seek to pool its apportionment.

7.2 The council approached all local authorities receiving waste from Westminster to ascertain their capacity to continue to receive waste generated within the borough over the Plan period as per NPPW requirements and if, in the case of the London local authorities, there was potential to pool its apportionment with them in lieu of appropriate land for waste management facilities of its own as per London Plan requirements.¹⁶ This exercise revealed potential closures and limited capacities of some waste management sites within the non-London local authorities¹⁷ which will impact on the management and disposal of waste collected by other collections services other than the council. The council is seeking statements of common ground with these authorities to continue to meet the duty to co-operate and demonstrate how Westminster's waste exports are and will continue to be managed.

¹⁵ Statement of Common Ground between WCC and GLA, Oct 2019

¹⁶ Duty to Co-operate Statement, Oct 2019

¹⁷ Duty to co-operate, App 5, Oct 2019

7.3 Such sites serve various waste streams and are closing due to urban re-development or because they are full and are unable to be expanded. A forthcoming waste data study will serve to strengthen policy 38 and provide more detailed analysis and understanding of the situation per stream- providing the low-level detail and technical data needed to inform and support the council's collaboration to pool apportionment and monitor waste arisings generated within the borough and plan for future management capacity.

7.4 The Waste Evidence Base (2019) explored the potential to work with other London boroughs to meet the council's New London Plan waste apportionment. The study and responses received through the letters sent out as part of its duty to co-operate¹⁸, highlighted the uncertainties around the New London Plan apportionments as the underlying methodology was contested at the New London Plan examination. Some of the capital's waste management partners had therefore placed on-hold the development or updates of their waste management plans while awaiting the outcome of the Inspector's decision on representations they made regarding the London Plan's new targets and calculation methodology.

7.5 Several boroughs and partnerships have therefore not been in the position to commit to any joint working. It is also anticipated that several partnerships will start reviewing their waste plans following the adoption of the London Plan, which may provide opportunities for joint working.

7.6 However, the waste partnership study also identified that most London Boroughs are already working together on strategic waste management issues, and that there may be opportunities to join one or more existing partnerships. The South East London Joint Waste Planning Group is the most likely partner for joint working on waste planning. A large proportion of Westminster's municipal waste is already managed in facilities in South East London and joining the partnership will further formalise these arrangements.

7.7 The council has approached the group who confirmed that the latest version of their waste capacity study highlights spare capacity. Several of the boroughs in the group are in the process of reviewing their Local Plan and are updating the waste capacity study to support this. At the same time the council is preparing a further data study which will prepare more detailed and updated data on waste arisings and management in Westminster, which will influence further discussions on joining the partnership.

7.8 The Mayor has expressed support for Westminster's efforts to work with the South East London Joint Waste Planning Group to seek to pool its waste apportionment in a Statement of Common Ground.

8.0 Conclusion

8.1 The City Plan seeks to build and plan for a greener, healthier and more sustainable city and so supports the government drive towards the circular economy and waste net self-sufficiency. The approach to waste management in the City Plan is in line with national and London policy, and justified in light of the evidence. The council will prepare additional studies and continue to collaborate with partners to meet its strategic waste planning duties.

¹⁸ Waste Evidence paper, Oct 2019, App D Apportionment Pooling Paper

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