

Cabinet 28 July 2021	 TOWER HAMLETS
Report of: Ann Sutcliffe, Corporate Director Place	Classification: Unrestricted
Adoption of the Reuse, Recycle and Waste Supplementary Planning Document	

Lead Member	Councillor Eve McQuillan, Cabinet Member for Planning and Social Inclusion
Originating Officer(s)	Adam Hussain, Development Control and Land Charges
Wards affected	All wards
Key Decision?	Yes
Forward Plan Notice Published	1 June 2021
Reason for Key Decision	Impact on Wards
Strategic Plan Priority / Outcome	A borough that our residents are proud of and love to live in

Executive Summary

The Reuse, Recycle and Waste Supplementary Planning Document (SPD) sets out guidance for developers on how waste management should be addressed in proposals for new residential and mixed-use development. The SPD covers the entire borough and aims to re-examine and improve the way in which waste is produced and managed.

Tower Hamlets has the highest density of housing in London, and over the next ten years the population is projected to increase from 317,200 in 2018 to 370,700 in 2028. According to the new London Plan, there needs to be nearly 35,000 more homes in Tower Hamlets by 2028/29. These homes need to be built with better waste management systems to ensure that they provide a high level of amenity for occupants and minimise the amount of waste sent to landfill.

The Reuse Recycle and Waste SPD has been through an extensive preparation process that includes project scoping (April 2020-June 2020); evidence gathering, stakeholder workshops local authority surveys, (from June 2020-October 2020); preparation of draft document (August 2020 December 2020); and public consultation (February 2021 – March 2021). A wide range of community groups, residents, developers and other stakeholders made formal responses to the RRW SPD as part of the consultation process.

It is now necessary to adopt the RRW SPD to further enable clear and robust guidance to inform and be implemented in development proposals which will ensure high quality waste management systems are used in new developments in accordance with corporate and Council objectives, and the development Plan (Local Plan and London Plan).

Recommendations:

The Cabinet is recommended to:

1. approve the Reuse, Recycle and Waste SPD('the SPD') (appendix 1) for adoption and authorise officers to prepare an adoption statement and publish the Regulation 18(4)(b) Statement and adoption statement so that the SPD can be considered a material planning consideration in the assessment of planning applications for new residential and mixed-use buildings.
2. authorise the Corporate Director of Place to make any necessary factual or minor editing changes prior to publishing the final Reuse, Recycle and waste SPD.

3. To note the representation schedule summarising representations received during the consultation and the responses to these representations as set out in appendix 3.2.
4. To note the Strategic Environmental Assessment Screening as set out in Appendix 3.3.
5. To note the Equalities Impact Assessment as set out in Appendix 3.4.

1 REASONS FOR THE DECISIONS

- 1.1 The London Plan seeks to move towards a future where goods are designed to be reused and recycled and very little waste will require disposal in the future (a 'circular economy'). Tower Hamlets has the highest housing target under in the current London Plan and this has been only moderately reduced in the new draft London Plan. To better manage waste within the borough, all of our new residential and mixed-use schemes need to have best-practice waste management systems.
- 1.2 The Tower Hamlets Local Plan sets out how the borough will grow and develop from now until 2031. It identifies that management of waste is one of the most pressing issues facing Tower Hamlets. The borough will have significant growth in the coming decades and with this comes a greater need to reduce, recycle and recover more waste and divert it away from landfill. Adopting best-practice waste management systems will assist with this.
- 1.3 Tower Hamlets has a rapidly growing population, with up to 400,000 new residents expected by 2031. This is related to the character of development in the borough, which is overwhelmingly residents with flatted developments. Over 80% of the borough's residents live in flatted developments. This presents particular challenges for the borough in respect of managing resources and waste because efficiency of recycling is significantly lower in flatted and high-density developments, compared to low-rise housing.
- 1.4 The SPD has a supporting role in the improvement of the quality of the borough's public realm, a strategic objective in the Local Plan. This is typically affected by traditional large bin stores and inadequate waste management.

2 ALTERNATIVE OPTIONS

- 2.1 The Tower Hamlets Local Plan provides a vision and strategic development

principles for residential and mixed-use buildings. An alternative option would be to rely on Chapter 15 of this document (Managing our waste) to support and guide the development and assessment of residential and mixed-use buildings in the Borough, without further detailed guidelines for recycling and waste management.

- 2.2 Another related document is the Waste Management Strategy (2018-30), which sets out a range of measures and approaches related to waste collection services, improvements to existing estates, consideration of financial incentives and penalties, improving education and awareness of recycling, supporting waste management through town planning and the Local Plan. This is a strategic Public Realm document capturing the range of waste services matters and plays a different role. It does not enter into enough detail about new buildings and the range of waste management options available to developers for the high-density challenges managed through the planning process.
- 2.3 The Local Plan and the Waste Management Strategy were considered inadequate as they do not provide a sufficiently detailed understanding of the capacity and design requirements for new residential and mixed-use buildings. The need for additional detail and an industry leading document was identified prior to embarking on the project by both Tower Hamlets and Re: London.

3 DETAILS OF THE REPORT

Background

- 3.1 The Strategic Planning service has prepared a Supplementary Planning Document (SPD) that provides additional guidance on the design of residential and mixed-use development. The SPD supports the new Local Plan to 2031, in particular Policy D.MW3.2 states: New major residential developments must incorporate high quality on-site waste collection systems that do not include traditional methods of storage and collection and are compatible with our waste collection methods outlined in Appendix 6. In instances where this is not practicable, supporting evidence must be submitted with the application to demonstrate this. This policy is supported by an Appendix 2 which provides commentary on each of the site waste collection systems – underground collection and vacuum systems; on-site compaction; food waste macerators. This responds to the National Planning Policy Framework (NPPF) and new London Plan, and has been prepared and will be adopted in accordance with the provisions in the Town and Country Planning (Local Planning) (England) Regulations 2012.

3.2 The key objectives of the SPD are targeting a number of overall aims. The aims include supporting the Council's corporate objectives of a significant improvement in the levels of household recycling in new residential developments; implementation of recycling and waste systems that reduce impacts on residents and the public realm; implementation of recycling and waste systems that minimise transport movements and impacts during collection; guidance that sets expectations and gives equal status of recycling and waste matters, along with other considerations, in design and planning of developments.

3.3 In targeting these aims, the following are key objectives and functions of the SPD:

Supporting the new Local Plan policies on recycling and waste management:

- Guidance, in line with Local Plan policy, for the implementation of new waste technologies for major developments. This takes into account the variety and scale of developments characteristic of the borough.

This is also premised on the Local Plan policy requirement of a move away from eurobin collection and bins stores, and the range of associated public realm and environmental/anti-social behaviour impacts.

- Emphasising and providing guidance on the the day-to-day role of residents, and their engagement and understanding of their developments, in achieving better recycling outcomes.

This is through guidance emphasising the role of the resident 'user journey' in large developments, and key matters such as in-home storage, and clear signage and instructions throughout the development.

- Guidance on the engagement expected from applicants and developers during the planning and design process, through to occupation. This is to avoid doubt and set expectations, ensuring recycling and waste matters are a key criteria from the early design stage.

This emphasis is important with the range of different parties that influence outcomes, including Environmental Services Improvement, Highways and Planning. This also reflects the critical importance of recycling and waste approaches being addressed at early design stage, and a tendency of these matters to be left to later stages in the process, when critical design choices have already been made

- 3.4 In considering the role of the SPD, once adopted this document will become a local development document that comprises part of the suite of Development Plan documents and will be a material consideration in determining planning applications.
- 3.5 The document will promote the Local Plan policy requirements, and provide guidance on waste technologies, the role of residents, and the planning process. In this respect, providing greater clarity on expectations, improves the Council's ability working across a number of teams to get the outcomes we want from applicants and developers. It is considered this is a current gap in published Tower Hamlets guidance and means applicants and developers may be able to reasonably assert they did not know what was expected, and what level of engagement is now expected.

SPD process

Project scoping, background and evidence gathering

- 3.6 A part of this work, and to inform and provide a robust basis for the production of the SPD, an extensive literature review and assessment of best practice was carried out. The consultant team's expertise is in the preparation of specialist guidance on recycling and waste matters, particularly for public sector bodies. The literature review was also informed by the work of the part-sponsor of the project: Re:London, a Mayoral body that supports the implementation of best practice in recycling and waste for public bodies.
- 3.7 In January 2020 Re:London produced its research work on recycling in flats. This study involved the study of a number of developments in London, with particular focus on the way in which residents use the buildings for the management of waste and recycling, looking to understand how legible the recycling and waste processes were in buildings, and the user journey that residents must follow. This included interviews and (consented) filmed observation over a number of weeks.
- 3.8 The work of the High Density Living project has offered a research perspective into the way in which tall buildings are used, including residents' experience of recycling and waste systems. Similar to the Re:London project, the HDL has taken a number of case studies of tall buildings in the borough. It has gathered the experiences of residents through interviews, site visits, and desktop study. While the experience of recycling and waste processes is only one part of a much wider HDL project looking broadly at design and placemaking, there is important overlap with recycling and waste

technologies, and key input on the cross-section of successful design and placemaking, and integrated recycling and waste approaches.

- 3.9 Further to review and analysis of the above work, the consultant team initiated the RRW project with research into best practice and existing approaches at London Boroughs. This was conducted through a survey sent to over 20 London boroughs with questions regarding the type and scope of policy and guidance in place, the resources (both planning, waste services, and other bodies) available to implement policy, the relationship with developers and the challenges and obstacles in successfully implementing policy. Completed responses were received from 9 London local authorities, and complemented by a small number of follow up interviews.
- 3.10 This provided a firm basis for scoping of the project, identifying key areas of focus and need for the particular circumstances of Tower Hamlets, and to lead to furthermore detailed engagement.

Further engagement

- 3.11 The project has been informed by extensive engagement with internal and external stakeholders, recognising that the topic represents the intersection of a range of parties. This includes, Planning and Public Realm, including Waste services, development management, and highways. The project has engaged representatives of housing associations, through the Tower Hamlets Housing Forum. Policy and Waste services representatives from neighbouring boroughs. The project has engaged representatives from developers including St George and Canary Wharf Group. Specialist input from waste technology providers, including ENVAC has been part of the process, as well as architects.
- 3.12 Engagement with these parties was through the summer and autumn of 2020, of course this was managed through an online format in light of the pandemic restrictions during this time. An online workshop brought together representatives from all the above external parties. This facilitated an active discussion on the opportunities and constraints, and best practice with input across the public and private sectors. The workshops included facilitated 'virtual rooms' to offer focussed time for mixed groups to unpack the key challenges including around successful policy implementation, technical constraints, and viability considerations.
- 3.13 Internally, the scoping, analysis and review of developing drafts was facilitated through virtual workshop and discussion, with follow up comments and feedback. This was initiated with teams invited separately to understand some of the constraints. However, this was supplemented by a joint

workshop bringing together waste officers, development management, high density living project, and highways. Whilst the role of an SPD may be limited in affecting Council organisational and resource matters, recognising some of the competing pressures and responsibilities, as well as shared focus, of the different groups is important to prepare effective guidance.

Drafting of document and option testing

- 3.14 The research and engagement outlined above informed the first draft of the guidance. This work led through late summer and into autumn of 2020.
- 3.15 The engagement with internal stakeholders was continued through this process, testing options for the document, looking at the detail of guidance and ways in which this can be communicated.
- 3.16 An important contribution to the project is through the design and communication specialists in the project team for the document, reviewing best practice for document presentation and style.

Formal Consultation

- 3.17 Consultation was undertaken in accordance with the Council's adopted Statement of Community Involvement (SCI), the Corporate Handbook and in collaboration with the Communications Team.
- 3.18 The public consultation on the draft was designed to test the content of the SPD and to highlight the current and future challenges to be addressed in respect of recycling and waste, given the significant levels of development in the borough. A summary of the consultation methods include:
- SPD consultation homepage on Council's consultation portal
 - Advertised through Council social media channels
 - Online web form for questionnaires
 - Events for stakeholders: dedicated workshop for residents; workshop for external consultees (housing associations, developers, specialist waste technology providers, and architects).
 - Email address for queries on the SPD
- 3.19 The consultation workshop events were conducted virtually, owing to the continuing pandemic restrictions. While such a format offers some limitations there were opportunities to encourage interaction and exploration of the issues, seeking to include all participants. One way this was done was through the use of 'Miro' boards, virtual white boards used throughout the sessions. Attendees were able to contribute creatively, in response to structured and guided questions, and also add notes and thoughts as they

saw fit. This was one way to receive feedback, whether attendees felt confident and able to speak up or not. These boards were valuable records of the proceedings. The use of virtual 'break-out' rooms, in smaller groups, usually after an initial presentation and discussion, was another way of offering a forum for more focussed and possibly less intimidating conversation.

- 3.20 The presentations in the workshop introduced the key matters of high-density challenges in Tower Hamlets, and the importance of the 'user journey' and resident involvement to successful of outcomes. The benefits of new waste technologies for placemaking, secure by design, and efficient collection and recycling outcomes was a key matter. It was necessary to set out the policy context of the SPD and the role this document plays, in the planning process. Also, an introduction to the consultation and research process that fed into the document. This led to an opportunity for questions from all participants. This was followed by focussed break out rooms with discussion in each facilitated by a project team member.
- 3.21 Further to the sessions set out above, internal engagement continued through the formal consultation period. Internal colleagues were consulted through email and with the Council's online portal. This also saw dedicated sessions with waste services colleagues, development management, and highways.
- 3.22 Of the external sessions 39 people attended the consultation events held by the Council. In addition, 12 written representations were received via email and 17 online surveys were completed.
- 3.23 The Council has collated the individual comments made on the draft Recycling, Reuse and Waste SPD and formulated responses to themes (see next section) that have been used to inform the finalisation of the SPD. In accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012, a statement setting out a summary of all of the representations received and the Council's proposed response to them has been appended to this Report, together with the final SPD, for approval.

Overview of Consultation Feedback

- 3.24 The overarching objectives for the Reuse, Recycling and Waste SPD, were generally well supported by residents and key stakeholders. There was useful and often specific feedback on technical aspects of the guidance which have informed the development of the document. There was support for:

- Providing SPD guidance that addresses the design and technical considerations for recycling and waste matters, and raising the status of this planning issue more generally
- Addressing the role of residents in the success of recycling and waste in developments
- Setting out a process for consultation and engagement on recycling and waste solutions in a scheme, and early pre-application consultation
- The format and balance of information (albeit with contributions throughout that helped to develop that)

3.25 Representations expressed concerns on:

- The introduction being too lengthy, and navigating to key sections
- Technical questions on the use of particular technologies, e.g. chutes
- The policy approach of application of guidance to different developments, and how prescriptive it may be
- The impact on economic viability

3.26 The document responds to the representations above including, including with amendments, in the following ways:

- Further developed and amended the contents and introduction to make understanding the document's parts simpler and more intuitive.
- A number of technical questions and suggestions have been received to the language of the SPD and what circumstances certain technologies may be appropriate. Where appropriate these were integrated into the document, with the direction of the project team.
- Policy approach to guidance - The SPD is supported by Local Plan policy DMW.3 which requires new waste technologies for major developments. The SPD is to provide key direction on which technologies would be expected for which type of developments. This is provided in the context, set out in the document, that these are expected approaches, to guide the design process, and not prescriptive. The SPD includes 'secondary' waste system approaches. These are secondary options where design or other matters mean the first option may not be implemented.

- The Impact on Economic Viability - Provision of recycling and waste management is a core planning requirement and essential element for any development. Its role is elevated by the direction set out in Local Plan policy DMW.3 as such this must be calculated in the viability of the development. The guidance is prepared with specialist advice on the scale of development that supports the different technology options. Importantly, as above, the SPD sets out expected approaches, and is therefore not prescriptive, and allows for secondary options where robust justification is offered. Feedback during the consultation process has led to various amendments to ensure this context and messaging is communicated appropriately in the document.

Next Steps

- 3.27 To make any necessary factual or minor editing changes prior to publishing the final Reuse, Recycling and Waste SPD.
- 3.28 To prepare an Adoption Statement to accompany the Reuse, Recycling and Waste SPD in accordance with Regulation 11 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Adoption Statement sets out:
- a. date which the Reuse, Recycling and Waste SPD was adopted; and
 - b. notice that any person with sufficient interest in the decision to adopt the supplementary planning document may apply to the High Court for permission to apply for judicial review of that decision, and
 - c. that any such application must be made promptly and in any event not later than 3 months after the date on which the supplementary planning document was adopted; and.
- 3.28 Subject to Cabinet adopting the Reuse, Recycling and Waste SPD, both the SPD and an adoption statement, will be finalised and published on the Council's web site and made available in the borough's Idea Stores, libraries and planning reception at the Town Hall. The Reuse, Recycling and Waste SPD will become a material consideration in the assessment of developments.

3.29 Under Regulation 11 of The Town and Country Planning (Local Planning) (England) Regulation 2012 section, an application can be made within three months of adoption to the High Court to have a judicial review of that decision. However, we can still put full weight on the policies in the plan during the challenge period. Therefore, following adoption of the Reuse, Recycling and Waste SPD there will be a statutory three months legal challenge period. The three months will commence from the date of adoption which will be the date of the Cabinet meeting. In the event of such a challenge, a further report will be presented to Cabinet to provide a suitable update on the expected process and associated risks.

4 EQUALITIES IMPLICATIONS

4.1 We have completed the Equalities checklist attached as appendix 4.

5 OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 There are 0 other statutory implications.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications emanating from this report which provides guidance to developers when designing development proposals.

6.2 The cost of producing the Reuse, Recycling and Waste supplementary plan was met from existing budgetary provision and funding from Re: London.

7 COMMENTS OF LEGAL SERVICES

7.1 The Executive (Mayor and Cabinet as defined in section 9(c) of *the Local Government Act 2000*) is authorised to consider the proposed recommendations in this report by virtue of the SPD comprising a 'Key

Decision' as defined in Section 3 of the Council's Constitution. Paragraph 6 of Section 3 of the Constitution defines 'Key Decision' as an executive decision which is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions. As stated above in this report, this SPD if implemented will have a significant effect on all wards in the borough as it will comprise a material planning consideration in the assessment of new planning applications.

- 7.2 The SPD itself is a document defined in regulation 5 of the Town and Country (Local Planning) (England) Regulations 2012 ('the Regulations') to encompass any document prepared by a local planning authority which contains statements (insofar as they relate to this SPD) regarding:
- the development and use of land which the local planning authority wish to encourage during any specified period; and
 - any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land.
- 7.3 The SPD comprises a category of planning documents, which only supplement the policies in a local plan. Unlike local plans, SPDs are not required to be submitted to independent examination.
- 7.4 The SPD has been prepared in accordance with the procedures set out in the Regulations.
- 7.5 Pursuant to s149 of the Equality Act 2010, the Council is under a duty to have due regard to think about the need to:
- Eliminate unlawful discrimination;
 - Advance equality of opportunity between people who share a protected characteristic and those who don't;
 - Foster or encourage good relations between people who share a protected characteristic and those who don't.
- 7.5 The completed Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report at Appendix 3 of this report has been prepared pursuant to regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 7.6 The completed Equalities checklist at Appendix 4 of this report demonstrates the Council's compliance with its public sector equality duty under the Equality Act 2010.
- 7.7 Advice was sought on the legality of setting up a monitoring system that requires the effectiveness of developments waste management systems to be reported to the council's public realm team via an online form (yet to be set up).

The method for enforcing this is expected via a S106 legal agreement that would be completed in relation to any relevant approved planning application.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – Reuse, Recycle and Waste SPD
- Appendix 2 – Consultation and Engagement Report
- Appendix 3 – Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report
- Appendix 4 – Equalities Impact Assessment Screening

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- None

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