

# East London Waste Authority's Joint Resources and Waste Strategy

## Mayoral Response to the Public Consultation

### Introduction

The Mayor welcomes the opportunity to comment on East London Waste Authority (ELWA), and its four constituent authorities',<sup>1</sup> public consultation draft of its first, Joint Resources and Waste Strategy (the "Strategy"/"JRWS").

The Mayor also thanks ELWA for its proactive early engagement with his officers in the Strategy's development process, ensuring that consideration of its legal duty<sup>2</sup> to perform its waste functions in general conformity with the 2018 London Environment Strategy's (LES) municipal waste management provisions has been programmed in, and accounted for, at the earliest opportunity. That engagement has paid dividends in the development of this draft for public consultation. Although the JRWS is a non-statutory document it seeks to guide future action and so it clearly makes sense to engage with the Mayor to ensure the duty of general conformity with the LES is factored in and complied with.

The Mayor looks forward to ongoing engagement following this public consultation and indeed into the future programme for the planning for and procurement of a new waste contract for the ELWA area.

Whilst ELWA and its constituent authorities face a number of challenges in the near future, a combination of the Climate Emergency and post pandemic recovery demands that aspirations for higher recycling becomes reality sooner rather than later. Ambition is now necessary rather than merely desirable.

ELWA's draft Strategy, for explicable reasons, does not seek to provide a detailed strategy and action plan for waste management across the four authorities' areas. As a consequence, the Mayor's consultation response cannot provide a detailed assessment of whether it is in general conformity with the full extent of the waste provisions of the LES. Instead this response seeks to provide a high-level overview of specific issues (e.g. types and volumes of waste that could arise and need to be planned for, evidence-based targets for the levels of waste to be recycled and composted/digested) and principles that will govern and help shape the development of ELWA's future plans and action, including its plans for the detailed procurement of the new waste disposal/processing contract (post-2027) and the management of the ongoing partnership between the Authority and its constituent authorities as specifically laid out in their Reduction and Recycling Plans (RRPs).

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<sup>1</sup> London Boroughs of Barking & Dagenham, Havering, Newham and Redbridge ("constituent authorities")

<sup>2</sup> Section 355 of the Greater London Authority Act 1999 ("GLA Act 1999")

Consequently, this response is more by way of an equally high-level assessment as to whether the Strategy is broadly consistent with the London wide targets, principles and strategic policies of the LES and asks, fundamentally, whether it seeks to make a fair and proportionate contribution to the LES' London wide recycling target requirements.<sup>3</sup>

## **Background**

The Strategy reflects the first major opportunity ELWA and its constituent authorities have had to reflect on and refocus their strategic waste needs since the start of their current Integrated Waste Management Contract in 2002. Whilst that contract achieved the objectives ELWA set at the time, it reflects a period when the drivers for waste management were very different, with a much greater focus on landfill diversion rather than the prioritisation of reduction and recycling, waste minimisation and the maximisation of carbon reduction. The four constituent authorities' recycling levels have undoubtedly been held back as a result of the commercial structure of the 2002 Contract and its prioritisation of landfill diversion over recycling. As we now stand at a critical juncture for our planet, with the 6th IPCC Report concluding that the uncertainties in climate modelling are narrowing and that we are facing the reality of damaging climate change, it is even more important that we take every opportunity to move away from our current systems and towards the lowest carbon choices possible and feasible.

Given the expiration of the current waste contract in 2027, and the need to begin detailed procurement planning well before that, the Mayor supports the need to put in place an agreed, high-level strategy that at least begins to frame the principles and parameters within which that detailed procurement will happen. The Mayor welcomes the opportunity to engage with ELWA on its development and to provide comments. He looks forward in due course to engaging with both ELWA and the constituent authorities over their procurement plan when formally notified under section 358 of the GLA Act 1999 and to secure that the procurement is in general conformity with the requirements of the LES.

However, the Mayor also recognises that ELWA's Strategy faces a number of hurdles that make it difficult to fully define, at this point, in any detail how it will deliver its desired aspirations. In summary these are:

- 1) Levels of recycling and responsibility for waste collection and recycling are the responsibility of the individual constituent authorities of ELWA. Given the systemic changes to waste collection and recycling being put in place by government through the Resources and Waste Strategy for England and the Environment Bill, there is not yet clarity over what services will be delivered in the short to medium term; hence the constituent authorities are not in a position to fully define their collection strategies and may not be for the next year or two.
- 2) In the absence of any near to medium term (let alone longer term) clarity on local waste collection and recycling services, the Strategy is not in a position to define in

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<sup>3</sup> This response is without prejudice to any future potential exercise of the Mayor's powers under sections 356 and 358 of the GLA Act 1999. It is also without prejudice to ELWA's and the constituent authorities' statutory duties under sections 355 and 358.

any clear way what processing and disposal infrastructure is required of ELWA in dealing with its constituent authorities' waste.

- 3) Uncertainty over the specific service requirements, funding and implementation proposals of government's resources and waste agenda through the Environment Bill also creates question marks for both ELWA and its constituent authorities collectively. For example, to what extent mandated collection requirements need specific treatment solutions (e.g. comingled vs source segregated), or the potential for contract variations and associated costs before expiration in 2027 to be funded through new burdens monies.
- 4) Uncertainty over the future status of a proportion of current ELWA processed material that contribute towards local recycling rates (e.g. Compost Like Output from the MBT plant), but may not do so in the future, thus impacting on the baseline performance (by circa 4%) prior to any new contract and solutions.

The Mayor's response takes this into account and allows for the above-mentioned context.

Corresponding broadly to the structure and themes of the Strategy, the Mayor's response focuses on several key areas:

- 1) The overall aims and objectives of the Strategy
- 2) Waste modelling that underpins the Strategy covering chapters 2 to 3, namely past present and future waste generation and management scenarios
- 3) Strategic target and policy setting (chapter 4)
- 4) Governance and management of ongoing performance (chapter 5)

### **The aims and objectives of the strategy**

The Mayor supports the aims and objectives of the Strategy as being broadly consistent with the LES. Given that there is a climate emergency and the increasingly clear evidence of damaging climate change, the Mayor expects to see the reduction of CO<sub>2</sub> and other greenhouse gases as the overarching theme of (or certainly given greater prominence within) the Strategy. He recognises that it is of course acknowledged in both the aims and objectives, but it needs to now be the lens through which all major aspects of waste policy are conceived and executed.

### **Waste forecasting and future modelling**

Having reviewed the output reports from the modelling and had the welcome opportunity for more detailed scrutiny of the models themselves with ELWA and its technical consultants, the Mayor is satisfied that a robust and evidence-based modelling exercise underpins the strategy.

However, as the Strategy itself recognises, it has to base itself on estimations of waste types and volumes that are, in themselves, highly uncertain. So, while ELWA may have planned at this juncture (given the flux in both macro and micro trends and influences) for waste types and volumes under the broad strategic, central scenario of 'current trends', the Strategy itself and its ongoing monitoring and management, and the long term procurement that will

proceed it, must be attuned to the need for flexibility towards greater levels of waste reduction, reuse and recycling (what the modelling calls the 'Green World' scenario).

Equally, the central scenario chosen for planning purposes, may also be subject to the changes emerging post pandemic, changes that, as yet, we can barely discern. The impact of potential economic and demographic re-alignments on urban growth, densities and behaviours in London (and this part of London specifically) are unknown. These things may have a critical impact on core assumptions such as the proportion of flatted properties compared to street level properties that will help shape waste volumes and recycling levels in the medium to longer term.

Given the above variables and uncertainties, the Mayor supports ELWA's intention for a formal review of the Strategy by no later than 2028, which should include a review of its general conformity with the LES. ELWA and its constituent authorities need to be alive to meeting changing requirements in face of the climate emergency, the emerging picture on the government's own Environment Bill and economic re-alignments post pandemic, and capable of flexing the Strategy in response.

Prior to that, the Mayor expects that ELWA's detailed procurement plans and the four authorities' individual Reduction and Recycling Plans (RRPs) (which are required by the LES and must be aligned to it) are kept under review as clarity on the above matters emerges, and that they incorporate appropriate changes as and when required.

### **Strategic target and policy setting**

Given the constraints on the level of detailed action planning possible through the Strategy at this juncture, the issue of strategic target setting becomes of paramount importance.

The Mayor believes that the setting of targets for recycling is not merely a technical exercise in modelling the future (although this is clearly a part of it), but also an exercise in political will and expression of ambition and intent. As the draft Strategy points out, the Mayor's LES aims for London as a whole to achieve a municipal recycling rate of 65% by 2030. To contribute towards this, the LES seeks individual boroughs in the city to aspire to a 50% household recycling rate by the same date and to push to manage waste as far up the waste hierarchy as is possible.

Given all of the constraints and current uncertainties impacting on this *joint* strategy, the Mayor understands the Strategy's approach on seeking to operate within a targeted range rather than single point. Within this approach, 35% recycling of local authority controlled waste (LACW) is seen as the minimum, collective 'floor' target whilst acknowledging that the aspiration across the board is to work towards 50% LACW recycling by 2030 in order to contribute to meeting the London targets. The Mayor notes and is pleased to see that even the minimum target is predicated on a range of services that would need to comply with the LES's minimum service level. The Mayor notes that the Strategy phrases its recycling targets against *local authority controlled wastes* as opposed to *household waste*, as set out in the LES. The Mayor expects the targets to also be expressed against household waste for transparency, comparative and monitoring purposes.

Whilst the Mayor supports such an approach, the 'floor' target must not become the *de facto* target for the Strategy. Achieving no more than the floor target would be, and should rightly be, seen as a failure. Also, the Mayor notes that the Strategy provides indicative borough by borough targets across the same time period (up to 2030). Whilst the four constituent authorities are of course very different in their physical and demographic makeup, every effort must be made to ensure a levelling-up of performance across the disposal authority area, such that for example Newham can aim to recycle as much as Barking and Dagenham if feasible (given varying physical and social demographics); the Mayor would expect to see the tackling of such issues and improvements within borough RRP. This again reaffirms the Mayor's insistence that any floor target should not be the driving force of service planning and delivery within and across the four constituent authorities and joint disposal authority. The Mayor is supportive of the Strategy's principle of flexibility that will be sought in any new disposal contract, such that it incentivises and provides no barrier to ongoing improvements in recycling.

### **Governance and management of ongoing performance**

Whilst issues of governance and management are not explicitly issues of general conformity with the LES, the Mayor is supportive of the fact that the joint disposal authority and its constituent authorities have taken the issue so seriously as to make it a fundamental part of the Strategy and its delivery. He supports the idea of a Joint Strategy Board as indicated.

Too often waste disposal authorities exist in relative isolation of the constituent authorities they seek to serve and work with. However, given the urgent task and the need for clear and effective integration of the collection and processing/disposal ends of the waste and resources systems, and also their role in delivering on wider climate emergency and post pandemic recovery objectives, closer and more collaborative working must be put in place. As London now seeks to prepare to put in place the service plans and requirements for meeting the government's new consistency regime (along with Extended Producer Responsibility and the Deposit Return Scheme), it is vital that in two tier waste situations that there is effective joint working between collection and disposal authorities.

The Mayor will be expecting the next round of RRP to lay out, at a high-level, what work has been done to prepare for the delivery of the national consistency requirements and, as a part of this, what work has been done with the relevant disposal authority to ensure full integration and alignment with onward processing and disposal needs. The approach as laid out in the draft Strategy would leave ELWA and its constituent authorities well-placed for such robust planning.

Finally, whilst the Mayor accepts that ELWA and its constituent authorities do face real constraints on their ability to engineer and deliver more systemic changes before the contract end in 2027; he urges all parties to continue their individual and collective drive to improve performance. We have already seen this bearing fruit with the continued expansion of dry recycling materials collected at kerbside in authorities which were not able to do this before. The Mayor also stands ready to support the authorities collectively in making any

case to DEFRA and government that enables more systemic changes and improvements within the remaining contract term.

## **Conclusion**

Given the understandable high-level nature of the Strategy, the key parameter for this response is whether, given the detail it contains, it is broadly consistent with his LES and seeks to make a fair and proportionate contribution to London wide targets as laid out in the LES<sup>4</sup>.

The Mayor's conclusion is that the draft Strategy's recycling targets do make a fair and proportionate contribution to his LES's recycling targets and is broadly consistent with his overall aims and intentions as laid out in the municipal waste provisions of the LES (subject to the comments and changes suggested in this response). However, this is with the proviso that the lower, floor target for local authority controlled wastes, and the borough specific ones that constitute it, do not become the *de facto target (s)* of both ELWA and the constituent authorities themselves.

While the detailed procurement plan for ELWA's new waste disposal/processing contract, and the procurement itself, are in the near future, the Mayor is pleased to see that the principles of contractual flexibility and financial incentivisation of recycling, are built into the Strategy. Given the climate emergency we face, it is vital that any future contract (and Strategy review/update by 2028) is not constrained in pushing ongoing environmental improvements and being locked into technologies (e.g. incineration) that we should be looking to reduce reliance on and aspiring to zero waste and maximised reuse and recycling.

The Mayor looks forward to engaging with ELWA as it moves to plan and implement the procurement of the new contract. Building on the positive and proactive early engagement for the Strategy, this will allow opportunity to build-in general conformity from the start of the process as a fundamental critical path item.

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<sup>4</sup> Again, this is without prejudice to the Mayor's potential future use of his powers under sections 356 and 358 of the GLA Act 1999 should he consider that ELWA and/or its constituent authorities to be in breach of their duties under sections 355 and 358.