

REPORT FOR: **CABINET**

Date of Meeting:	13 February 2014
Subject:	Revised Proposed West London Waste Plan: Pre-Submission Consultation Document
Key Decision:	Yes
Responsible Officer:	Caroline Bruce, Corporate Director of Environment and Enterprise
Portfolio Holder:	Councillor Stephen Greek, Portfolio Holder for Planning, Development and Regeneration
Exempt:	No
Decision subject to Call-in:	Yes, except for the Recommendation(s) to Council and where the Recommendation(s) is for noting only
Enclosures:	Appendix 1 - Draft West London Waste Plan: Pre-Submission Consultation Document Appendix 2 – Revised Local Development Scheme

Section 1 – Summary and Recommendations

Approval was given by Cabinet in June 2012 to proceed with consultation on the draft West London Waste Plan: Pre-Submission Consultation document. This report explains the reasons why further redrafting of the Plan has since been required and seeks approval to proceed with consultation on the revised Plan.

Recommendations:

Cabinet is requested to:

1. Note the changes made to the draft West London Waste Plan as detailed in this report, following the original approval to proceed with consultation in June 2012.

2. Note that final approval is also being sought to undertake consultations on the draft West London Waste Plan by five other west London Councils, namely Brent, Ealing, Hillingdon, Hounslow and Richmond upon Thames, as members of the West London Waste Authority partnership.
3. Recommend that the Council approve the draft West London Waste Plan (attached at Appendix 1) for publication for a minimum six-week public consultation period in March 2014 and, subject to representations, submission to the Secretary of State for Examination in Public.
4. Delegate authority to the Corporate Director for Environment & Enterprise, in consultation with the Portfolio Holder for Planning, Development and Regeneration, to make minor modification to the draft plan as are necessary for factual correctness and in response to representations received.
5. Approve the revised Local Development Scheme (attached at Appendix 2) for publication on the Council's website.

Reason: (For recommendation)

To enable compliance with the procedural requirements for Local Plan making and to ensure the Council makes meaningful progress on the West London Waste Plan (WLWP) in order to meet targets set out in the London Plan 2011, Planning Policy Statement 10, and the National Planning Policy Framework.

The WLWP will in due course provide an up-to-date policy framework to assess planning applications for waste management facilities across the six West London boroughs: Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames. Planning applications for waste management facilities will also be assessed by each borough against their individual Local Plans, including local development management policies and any other material considerations.

Section 2 – Report

The West London Waste Plan (WLWP)

1. The purpose of the WLWP is to set out a planning strategy to 2031 for sustainable waste management, deliver national and regional targets for waste recycling, composting and recovery and provide sufficient waste management capacity to manage waste arisings across the six west London boroughs. Planning applications for any new waste management facilities will

be considered in the light of the WLWP policies, and they will also be assessed by the relevant council against the individual borough's Local Plan and any other material considerations.

2. The drafting of the WLWP has taken into account relevant planning legislation, national planning policy statements, on-going advice from the Greater London Authority (GLA) and the Planning Inspectorate, and also lessons learnt from professional planning bodies and agencies. The previous key consultation stages in the drafting of the WLWP comprised:

- Issues and Options (February 2009)
- Proposed Sites and Policies (February 2011)

3. Details of the previous consultation in February 2011 were reported to the Cabinet at its meeting on 15 December 2011, where Cabinet recommended the pre-submission consultation draft of the WLWP be approved for public consultation subject to amendments being made to ensure that any proposal by the Council to improve, enhance or intensify the Council's depot site for operational or depot functions would not be considered a departure from the Plan.

4. Following discussions with the other five west London boroughs, it was agreed that an amendment to the Harrow Depot site designation would overcome Harrow's outstanding concerns regarding the safeguarded sites policy. The draft West London Waste Plan, including the revised site boundary to the Council Depot site at Forward Drive, was subsequently agreed for publication for public consultation by Cabinet at its meeting of 20 June 2012.

5. Since that decision was taken a number of factors have delayed further preparation and publication of the draft Plan for consultation. These include:

- a) The implications of the introduction of the new Duty to Co-operate, which came into effect in November 2011 as part of the Localism Act, and resulted in the Planning Inspector for the examination of the North London Waste Plan recommending non-adoption of the Plan, putting the North London boroughs back to square one in terms of beginning on a new waste plan to comply with the Duty to Co-operate.
- b) The National Planning Policy Framework (NPPF) issued by the Government in March 2012 introduced a general presumption in favour of sustainable development. Legal officers have advised that a policy on this should be introduced into the WLWP, similar to that proposed by the Planning Inspectorate's model policy for the presumption in favour of sustainable development.
- c) A need to resolve policy wording issues to achieve general conformity with the London Plan 2011 waste planning policies.
- d) The need to revisit sites included in the initial draft of the WLWP due to the West London Waste Authority contract with SITA (which meant that two

potential waste treatment sites now have to remain as waste transfer sites) and the safeguarding of sites for the High Speed 2 (HS2) rail route through west London.

- e) A need to update the evidence base and existing site data, which were developed/assessed in mid 2011 or earlier. This included agreement with the GLA to the use of a higher average processing capacity per hectare than was initially used¹, resulting in a 4.3 hectare reduction in the total land requirement that the Plan needs to make provision for.
- f) The withdrawal of consultants Mouchel in July 2013, due to financial and capacity issues and the subsequent need to procure new consultants, BPP Consulting LLP.

6. The above have now all been addressed and the necessary changes made to the draft Plan to ensure it is both legally compliant and 'sound'. The draft Plan is therefore being reported back to all six West London boroughs to securing the requisite formal approvals to publish the draft Plan and commence public consultation in March 2014.

Options considered

7. If Cabinet chooses not to recommend the revised draft West London Waste Plan to Council for further consultation this will delay adoption of the final Plan and impede progress on the Local Plans of the six west London boroughs. It would also affect their ability to determine planning applications for waste facilities in their areas using the latest policy framework and supporting specialist evidence on waste issues.

Duty to Co-operate

8. Legal officers have advised that following the introduction of the Duty to Co-operate and the decision in the North London Waste Plan case, the WLWP will similarly be expected to demonstrate evidence of having effectively co-operated to plan from the outset for issues with cross-boundary impacts when it is submitted for examination. In his decision on the North London Waste Plan the Inspector there advised that in order to meet the "Duty to Co-operate", introduced by the 2011 Localism Act, the boroughs needed to engage in the work of the relevant waste regional bodies and in one-to-one discussions with individual county waste planning authorities to whom west London's waste is sent for landfill.

9. Officers working on the West London Waste Plan have since contacted the various county councils which receive waste from West London seeking views on the proposed content of the WLWP. The main points covered in their responses revolved around concerns that:

¹ A processing capacity of 54,000 tonnes per hectare was initially used but the GLA currently work on an average of 64,000 tonnes due to the increased efficiency of modern treatment facilities.

- a. there was often only a limited period remaining (e.g. 2-3 years) for waste to be sent for landfill to their area. In order to be sound the WLWP will need to demonstrate that alternative provision will be available during the 15 years covered by the Plan;
- b. the WLWP wording should be updated to fully reflect the National Planning Policy Framework, the 2011 review of the UK Waste Strategy 2007 and the latest waste plans covering the counties;
- c. In order to properly reflect the wording of national waste planning guidance in Planning Policy Statement 10 the WLWP should detail all waste arisings in the West London area (especially hazardous waste);
- d. greater detail is required on monitoring and implementation; and
- e. details should be given in the Plan on the level of engagement that has taken place with other authorities. This is in order to satisfy an Inspector that the Duty to Co-operate has been fulfilled, especially as the Plan makes clear that on-going export of waste is likely to continue well into the plan period.

10. Officers have also engaged in discussions with the Greater London Authority, London Councils, the East of England and South East England county regional waste bodies to further progress with the preparation of the WLWP so as to meet the requirements of the Duty to Co-operate.

Summary of Changes made to the Plan since the Cabinet approval of 20 June 2012

11. Plan has now been extended to 2031 to take into account the delays to the Plan and to align with the London Plan 2011 apportionment target end date.

12. The main changes to the Plan have included:

- a) Updating waste flow data and landfill capacities in the Plan using information from the relevant counties and the latest available Environment Agency data.
- b) Revising the Plan text regarding the Duty to Co-operate, implications of the National Planning Policy Framework, further requirements of Planning Policy Statement 10 and the revised UK Waste Strategy.
- c) Amendments to the land area requirement from 22.4ha to 9.4ha as a result of using a higher average processing capacity per hectare and the increased capacity of existing sites following the recent review of these, including new waste facilities developed in West London since the last review was undertaken in 2010/2011. (see paragraphs 13 – 17 below for further details).
- d) The inclusion of a new Policy addressing the presumption in favour of sustainable development as set out in the National Planning Policy Framework.
- e) Various amendments recommended by Andrew Mead, the Planning Inspector for the North London Waste Plan examination, who was invited

to undertake a peer review of the draft West London Waste Plan. These included the deletion of Policy 5 on sustainable development which, beyond the requirement for new waste facilities to be built to BREEAM good, was deemed superfluous.

- f) An amendment to the site area boundary for the 'Twickenham Depot site' in the London Borough of Richmond for the same reasons the Harrow Depot site boundary was also amended. This has reduced the site area by a 1ha, the same as for the Harrow Depot site, reducing the overall site area down to 2.67ha.
- g) An amendment to the site area boundary of the Greenford Depot and Greenford Reuse & Recycling sites in Ealing due to concerns raised by the GLA regarding loss of the existing recycling facility. The draft now see these two sites, which neighbour each other, combined to form one site but with a reduced site area from 2.09ha down to 1.78ha.
- h) The deletion of the Victoria Road (Hillingdon) and Transport Ave (Hounslow) sites which are both owned by SITA UK. Both sites are now required for waste transfer (rather than waste treatment) following the decision by the West London Waste Authority to award SITA UK a long term contract to manage West London's residual household waste. Parts of the sites will still be providing recycling and composting facilities which will count toward the London Plan 2011 apportionment.
- i) The deletion of the Yeading Brook, Bulls Bridge (Hillingdon) site which has now been granted planning approval for an aggregates processing development.
- j) The inclusion of a new site - Rigby Lane (Hillingdon), which was originally included in the "Proposed Sites and Policies" Consultation document, as an additional site but was not required given the capacity of the other sites identified. However, with the removal of the above three proposed waste management sites, it is appropriate that this site comes back in for allocation. Rigby Lane is an existing facility which has been used as a waste facility for more than two decades. It is currently owned by SITA UK, who recently submitted a planning application to re-orientate the site following the loss of 0.01 ha to Crossrail safeguarding. The site is 0.88ha in size.

Changes to Chapter 4: Future Waste Management

13. Following discussions with officers, the GLA has agreed that a higher figure of 65,000 tonnes per annum per hectare can be used to calculate waste management capacity needs. (This replaces the previous figure of 54,012 tonnes per annum per hectare). This has resulted in the need to allocate a lesser amount of land to meet the London Plan 2011 apportionment.

14. In September 2013, BPP Consulting carried out a review of existing waste capacity in the Plan area due to the age of the data in the draft Plan. This work took into account changes to licensed capacity and throughput in existing and new waste management facilities as well as waste operations

that might have shut down since the original waste capacity assessment was completed in 2010.

15. Verifying their method and results with the Environment Agency, BPP Consulting found the existing waste capacity in West London to be approximately 1.65 million tonnes per annum (tpa) compared to the previous figure of 900,000tpa. This means that West London currently has enough existing capacity to meet the London Plan apportionment up to 2017 through existing waste management sites.

16. From 2018, the apportionment gap and additional land needed to meet key apportionment targets in the London Plan 2011 will be:

- 162,000tpa by 2021 corresponding to 2.5 hectares
- 383,000tpa by 2026 corresponding to 5.9 hectares
- 614,000tpa by 2031 corresponding to 9.4 hectares

17. The above amounts were calculated using the figure of 65,000 tpa per hectare as agreed by the GLA.

Changes to sites identified in the draft Plan

18. As outlined at paragraph 12 above, the main changes to the sites in the draft Plan are:

- a) The loss of three sites: Victoria Road Transfer Station, Hillingdon (an existing waste transfer site proposed for re-orientation to waste treatment); Transport Avenue Waste Transfer Station, Hounslow (an existing waste transfer site proposed for re-orientation to waste treatment); and Yeading Brook, Bulls Bridge, Hillingdon (which was proposed as a new waste management site).
- b) The revised boundaries of Forward Drive, Harrow, Twickenham Depot, Richmond and the Greenford Depot and Greenford Reuse & Recycling sites in Ealing.
- c) The inclusion of the Rigby Lane site in Hillingdon (which is also an existing waste transfer site).

19. In addition to the above, it should be noted that the HS2 Safeguarding Direction issued by the Secretary of State on 24 October 2013 also affected the Quattro Site in Park Royal, Ealing (Site 328), which is an existing waste site.

20. Following meetings with HS2 Ltd and LB Ealing, it has been agreed that the Quattro Site will be allocated in the Plan for future waste uses up to 2017 when the project commences. Once the HS2 project commences, the site will only be available after HS2 has finished using the site and cleared it, estimated to be at the beginning of 2024. Should the site not be required by

HS2, the site will remain allocated as an existing waste site for future reorientation.

21. The above sites amendments within the Plan result in a combined total land area of 15.47ha to be allocated/safeguarded for future waste treatment in west London. Having regard to the appointment gap shown at paragraph 16 above, this means that there is a surplus capacity of 6.07ha of land identified for West London when measured against the projected London Plan 2031 apportionment target of 614,000 tonnes per annum. Such a surplus is necessary to ensure the plan provides flexibility over the plan period to 2031, should one or more of the allocated sites not come forward. It also means that no further site assessments are required to be undertaken prior to the WLWP Pre-Submission Draft being published for consultation.

The Revised Local Development Scheme and other supporting material

22. In addition, to the above listed amendments made to the content of the draft WLWP, the boroughs have also been updating the supporting documents required to accompany the Plan at Pre-Submission and Submission stages. These include the Sustainability Appraisal, an Equalities Impact Assessment, a Habitats Assessment, Technical document, and a paper setting out compliance with the new Duty to Cooperate. These documents will be published alongside publication of the draft Plan and made available for public comment.

23. A legal requirement, when preparing and publishing a Local Plan, is to ensure the timetable for the production of the document is correct within the Council's adopted Local Development Scheme (LDS). Harrow's LDS was last review and updated in June 2012.

Next Steps

15. The other five West London boroughs are all in the process of securing the requisite formal approvals to ensure that the approved version of the draft WLWP is identical in order to go out on public consultation. Once all six boroughs have approved the Draft Pre-Submission Version of the WLWP, the remaining timetable for its preparation will involve:

- a) A six-week public consultation to be held across the six boroughs during March - April.
- b) The consultation responses will then be assessed and any further minor modifications made or further evidence base research undertaken before the Plan is formally submitted. If, as a result of consultation, more than minor changes are required to the Plan, officers will report back to their respective Cabinets on the nature of these changes, and whether further consultation is required before it can be submitted to the Secretary of State for independent examination in public.

16. Officers anticipate that the Plan will be Submitted in July 2014, the Examination in Public will be held October – November 2014 and that,

following receipt of the Inspector's report, the WLWP will be adopted by the six boroughs as part of their respective Local Plans in early 2015.

Implications of the Recommendation

Legal comments

17. The Council has power under the Planning and Compulsory Purchase Act 2004 to prepare a joint local development document with other boroughs. When adopted, the WLWP will constitute part of the Local Plan for each of the participating borough and will be taken into account when deciding planning applications for waste facilities in each of the respective boroughs.

18. As part of the legal requirements for the preparation and consultation on the WLWP, each of the participating authorities is required to consult with specific and general consultation bodies set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, advertise the pre-submission document in a local newspaper circulating in the relevant borough and comply with their respective Statements of Community Involvement. A failure to comply with the statutory requirements may result in the WLWP being found 'unsound' at the examination in public.

Financial Implications

19. The cost of preparing and consulting on the WLWP reflects the commitment made by the six West London boroughs to deliver this Plan and the appointment of consultants to assist in this process and take it through an examination in public.

20. Costs associated with publication and consultation on the WLWP Pre-Submission document will be met from existing budgets. However, delays to progressing the Plan might result in the Council (and its West London Waste Authority partners) being subject to a number of additional expenses. These include costs in terms of consultant and project management fees but more significantly, costs associated with landfill taxes (stemming from the EU Landfill Directive) imposed where authorities exceed year on year reducing allowances by continuing to dispose of substantial quantities of waste to landfill. The cost of subsequent work required to progress the document to adoption will also be met from existing budget for 2014/15.

Performance Issues

21. The WLWP will deal with municipal waste and commercial & industrial waste in accordance with the London Plan.

22. It will help WLWA and the six councils reduce the amount of waste sent to landfill and improve the amount of waste reused, recycled and composted by ensuring provision is made for a range of new waste management facilities that are required to treat waste generated within west London higher up the waste hierarchy (reduce-reuse-recycle-recovery and as a final option, landfill)

20. Since 2007/08 the amount of municipal waste generated in Harrow has decreased year upon year from 113,669 tonnes to 100,407 tonnes in 2012/13. This is well below the London Plan projection of 129,000 tonnes per annum. Harrow has increased the amount it recycles and composts significantly in recent years, achieving 40.7% in 2012/13, which is just above the 40% target set for recycling and composting in the West London Municipal Waste Strategy and on track to meet the Local Plan target of 50% by 2010. The remaining waste continues to go to landfill sites outside the borough.

21. As set out in the latest Annual Monitoring Report, there have been no new waste management facilities provided in the borough since monitoring commenced in 2004. Unfortunately, this seems to be a common theme across most west London boroughs. Without the WLWP, and allocating sites for waste management provision, it is difficult to see how Harrow and the other five boroughs will be able to substantially improve their performance against any of the above targets.

Environmental Impact

Does the proposal comply with all relevant environmental legislation? Yes

22. The draft WLWP has been the subject of a comprehensive Sustainability Appraisal, incorporating the requirements of Strategic Environmental Assessment, in compliance with the regulatory requirements for preparing development plan documents. The Sustainability Appraisal will be published for public consultation alongside the WLWP Pre-Submission Consultation document.

Risk Management Implications

Risk included on Directorate risk register? Yes

Separate risk register in place? Yes

Potential Risks	Commentary	Mitigation Measures
Compliance with legislation	To meet the test of 'soundness' of Local Plans are required to comply with the legal requirements for preparing and consulting on Local Plans under the Planning and Compulsory Purchase Act.	Officers will seek to ensure compliance with the relevant legislative requirements, including the undertaking of Sustainability Appraisal, Equalities Impact Assessment and requirements for consultation. A log is to be maintained that chronicles legal compliance as the WLWP progresses towards examination and adoption.
Changes to the plan-making system	The Localism Act 2011 amends both the Planning Act 2008 and the Planning and Compulsory Purchase Act 2004. A new National Planning Policy Framework has also replaced the	Officers will continue to keep abreast of proposals and consultation on changes to the planning legislation and national planning policy. Where potential issues arise, these will be reported to the Member Steering Group for

	existing set of national policy statements. The process for preparing, and content of, Local Plans will need to be consistent with these changes.	the WLWP to consider and advise on a way forward.
Robust evidence	In preparing the WLWP, the boroughs have sought to apply a robust methodology to the assessment of existing and potential waste sites. However, there is a degree of professional judgment required, both in the assessment and in the interpretation of the outcomes that may give rise to potential 'soundness' concerns. In addition, the assessments represent a snapshot in time, and therefore the conclusions drawn now may not stand for the full life of the Plan.	The WLWP includes a contingency that would allow for one or even two allocated sites not to come forward. It also includes monitoring requirements that would necessarily trigger an analysis and potential review of the Plan should the monitoring indicate an undersupply of sites or capacity.
Politically sensitivity	Waste management is typically a sensitive topic, given its has a high profile with residents as being a key function of Council's, and one that can result in adverse environmental and amenity issues. Waste management facilities are perceived by most to be a 'bad neighbour' and therefore proposals, or even the allocation of sites for waste management, can draw significant resistance.	Officers will need to work with Members to educate residents and other key stakeholders about the need for the Council to take a pro-active and positive approach to the management of Harrow's waste arisings. In particular, the implications of the EU Landfill Directive which requires waste to be diverted from landfill. Failure to do so will result in significant financial penalties for the Council. There is also a social and environmental requirement that waste be managed in the area in which it is generated (ie self-sufficiency), which is driving the change in London that we treat London's waste in London rather than transfer it out of London for disposal.

23. The WLWP is being prepared jointly. A memorandum of understanding has therefore been signed by six West London boroughs, which details the working arrangements. However, careful planning will be necessary to ensure that individual borough issues and concerns, political sensitivities, community involvement and decisions making processes are consistent to ensure the Plan is developed in accordance with the revised LDS timeframe.

Equalities implications

Was an Equality Impact Assessment carried out? Yes

24. Equalities Impact Assessment (EqIA) for Local Plans is an iterative process. An equalities impact assessment has been undertaken of the draft WLWP, and has been circulated to the E&E Directorate Equalities Group for review and sign-off. The current EqIA builds on the previous EqIA prepared for the WLWP Proposed Sites and Policies Consultation document, and will be published along side publication of the Plan.

Corporate Priorities

25. The completion of the WLWP will enable the Council to better manage waste in the Borough and avoid costs associated with the current practice of exporting the majority of our waste for disposal to landfill. It will assist in the delivery of the corporate objective of a cleaner Harrow.

Section 3 - Statutory Officer Clearance

Name: Simon George	<input checked="" type="checkbox"/>	Chief Financial Officer
Date: 14 January 2014		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 6 January 2014		

Section 4 – Performance Officer Clearance

Name: Martin Randall	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Strategic Commissioning
Date: 31 December 2013		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker

on behalf of the
Corporate Director
(Environment &
Enterprise)

Date: 2 January 2014

Section 6 - Contact Details and Background Papers

Contact: Matthew Paterson, Senior Professional Policy
Planning, Development and Enterprise

Tel: 02087366082

Background Papers:

WLWP Issues and Options Consultation Document (January 2009);

<http://www.wlwp.net/>

Sustainability Appraisal of the WLWP Proposed Sites and Policies
Consultation Document (February 2011); <http://www.wlwp.net/>

Equalities Impact Assessment; <http://www.wlwp.net/>

LDF Panel Report of 8 December 2011;

Overview and Scrutiny Report of 11 December 2011;

<http://www.harrow.gov.uk/www2/documents/s93789/WLWP%20report.pdf>

Cabinet Report of 15 December 2011;

<http://www.harrow.gov.uk/www2/documents/s94045/WLWP%20DPD%20Reg27%20Consultation.pdf>

West London Waste Plan Proposed Sites and Policies Consultation
document, February 2011; <http://www.wlwp.net/>

West London Waste Plan Proposed Sites and Policies Consultation:

Consultation Responses - CAG Consultants, July 2011; <http://www.wlwp.net/>

Site Deliverability Assessment (September 2011); <http://www.wlwp.net/>

Overview and Scrutiny Report of 12 June 2012;

<http://www.harrow.gov.uk/www2/documents/s98161/Revised%20WLWP%20Presubmission%20Document.pdf>

Cabinet Report of 20 June 2012.

<http://www.harrow.gov.uk/www2/documents/s98388/WLWP-%20cover%20report.pdf>

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

*[Call-in applies, except for the
Recommendation(s) to Council and
where the Recommendation(s) is for
noting only]*