

Meeting:	Local Development Framework Panel
Date:	26 th February 2007
Subject:	Local Development Scheme – Preparation of a Joint Waste Development Plan Document (DPD)
Key Decision:	Yes
Responsible Officer:	Graham Jones – Director of Planning
Portfolio Holder:	Marilyn Ashton – Planning, Housing and Enterprise
Exempt:	No
Enclosures:	Memorandum of Understanding-(Appendix)

SECTION 1 – SUMMARY AND RECOMMENDATIONS

The report sets out the latest position in West London on the production of a Joint Waste Development Document (DPD). The constituent boroughs are reporting to their respective Executives/Full Councils on formal agreement to produce a Joint Waste DPD, and the Memorandum of Understanding underlying the process, including financial commitments.

RECOMMENDATION:

The Panel is requested to recommend to Cabinet that:-

- 1) the Council participates in the production of a Joint Waste DPD for West London, and
- 2) the timetable for production of the Joint Waste DPD be included in the updated Local Development Scheme.

REASON:

The West London boroughs have progressed their joint working to a stage whereby formal agreement is required.

SECTION 2 - REPORT

Background

Cabinet at its meeting on 16th March 2006 noted the progress being made with regard to the preferred approach to joint working on Waste planning within the LDF, and confirmed its commitment to the production of a joint Waste DPD for West London. The main aim as agreed by the West London Local Authorities is to produce a 'sound' Joint Waste Development Plan Document that establishes a framework of policies, including development control policies, and site identification to meet future waste capacity needs in West London during the period 2010–2021.

On funding, the report stated that, based on the cost of producing joint documents elsewhere, it was suggested that an annual sum of £35,000 per annum for the next three years be provisionally allocated to this work. This approach was supported in the light of limited available expertise in the boroughs, together with a preliminary consideration of the available methods for producing the joint Waste DPD. Consultants would be used to support the process.

Current situation

In order to provide greater certainty on the approach to production of their waste DPDs within their respective Local Development Schemes (LDS), boroughs have been strongly encouraged by the Government Office for London to bring forward programmes. The importance of the need for joint working has been emphasised in national guidance and through practical experience in metropolitan areas. The West London waste planning officers working group in October 2006 agreed that, in order to maintain secure progress on production of a Joint Waste DPD, the next stages would involve securing agreement to a Memorandum of Understanding (MOU), including financial commitment. Recent work has thus focused on finalising the MOU to reflect circumstances in West London. The other West London boroughs are also submitting similar reports to the February/March cycles of their Executives/Full Councils.

Detailed considerations

Financial Costs and Monitoring –The meeting of West London Waste Planning Officers on 7th February 2007 suggested that the MOU to be agreed would cap annual expenditure at £36K per authority, and furthermore, further cost savings would be sought wherever possible. In pursuing a modular approach to producing the Joint Waste DPD document, costs will be closely scrutinized, again with the aim of minimising costs. It should be noted, however, that some of the additional costs associated with the production of Waste DPDs relate to newly-arising requirements – it is hoped that these will be minimal in future. In practice, the likely expenditure pattern throughout the three years is likely to have peaks and troughs. Expenditure is likely to be lower in 2007/8, with the costs associated with the examination resulting in a significant increase during the latter stages of the process. The costs of contributing to the production of a joint Waste DPD will be contained within the approved Planning Services Budgets.

Value for Money

As has been recognised throughout the process, production of a Joint Waste DPD represents by far the best value for money, and is also more likely to result in the production of a sound document (see section on risk assessment below).

Timetable

The provisional timetable for producing the DPD contains the following milestones:-

- Pre-submission consultation Waste DPD Issues & Options December 2007
- Pre-submission participation Waste DPD Preferred Options June 2008
- Submission West London Waste DPD March/April 2009
- Public Examination October 2009
- Formal adoption April 2010

The provisional timetable envisages approximately 3 years for production of the Joint Waste DPD. The WestWaste Board is committed to supporting the Joint Waste DPD process as the most effective means of assisting delivery of the Joint Municipal Waste Management Strategy. To this end, it would be helpful to try to produce the DPD in a shorter timescale, and accordingly scope for achieving this is being examined. Joint working amongst West London Planners and Municipal Waste policy officers has developed considerably in recent years, and the latest joint initiative involves the work being undertaken on Organic Waste facilities.

Quality of document

Production of the Joint Waste DPD will result in a comprehensive and holistic document that achieves the optimal distribution of facilities and sites in the sub-region, and economies of scale. It will secure a variety of facilities to handle the various waste streams (of which only the municipal waste stream is under Council control). WestWaste's continued involvement in the process will ensure that maximum synergy is obtained between the production of the Waste DPD and effective implementation of the Joint Waste Municipal Strategy.

Risk assessment

The overwhelming weight of opinion is that production of a sound Waste DPD is most likely to be achieved through production of a Joint Waste DPD. It is highly likely a single borough Waste DPD would be subject to challenge by both the GOL and the Mayor. Should a borough, for whatever reason, decide in the future to withdraw from the joint working arrangements, it is generally considered that this would not unduly prejudice the continued production of a Joint Waste DPD, or its soundness. It is also important to point out that authorities failing to produce waste documents would be likely to face 1) Reduced Planning Delivery Grant 2) Landfill Directive (LATS) penalties, and 3) European penalties in relation to Waste Framework Directive Article 7. If the Council pursued any option other than joint working, it is highly likely that the delays involved would be likely to expose this Council to disproportionately higher penalties.

Consultation

Progress on the preparation of the MOU has taken place through meetings of West London Waste Planners, including a representative of WestWaste, and reporting to meetings of the WestWaste Board.

SECTION 3 – FURTHER INFORMATION

The Local Development Scheme for Harrow will need to be amended to reflect the arrangements and timetable outlined in this report. Future updates will be included in the Annual Monitoring Reports prepared, which contains comment on performance against key milestones in document production. Any other changed circumstances requiring a report to Cabinet will be prepared as a matter of course.

SECTION 4 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input type="checkbox"/>	Name: Sheela Thakhar
		Date: 21st February 2007
Monitoring Officer	<input type="checkbox"/>	Name: ...David Galpin
		Date: 16th February 2007

SECTION 5 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: Dennis Varcoe – Service Manager – Policy and Research, Tel: 020 8736 6082

Background Papers: Report to Cabinet on Production of a Joint Waste DPD - 16th March 2006.

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	YES
3.	Manifesto Pledge Reference Number	A2, D1

APPENDIX

West London Joint Waste Development Plan Document
(Joint Waste DPD)
Draft Memorandum of Understanding

1.0 Introduction

- 1.1 This Memorandum of Understanding is an agreement between the West London Waste Planning Local Authorities to co-ordinate the production of a West London Joint Waste Development Planning Document (Joint Waste DPD).
- 1.2 The West London Waste Planning Local Authorities are the London Boroughs of Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames. These Local Authorities also form the West London Waste Authority, which is the Authority responsible for the Joint West London Municipal Waste Strategy.
- 1.3 The Memorandum of Understanding applies to the working arrangements during the lifetime of the production of the Joint Waste DPD.
- 1.4 The Memorandum of Understanding sets out the arrangements and roles and responsibilities for the:-
Lead Authority
Steering Group
Project Manager
Consultants appointed to assist production of the document
Project Management arrangements
Financial arrangements.
- 1.5 This Memorandum of Understanding will run from 1st March 2007 following agreement by all participating Local Authorities.

2.0 Aim and Objectives

- 2.1 The main aim as agreed by the West London Local Authorities is to produce a 'sound' Joint Waste Development Plan Document that establishes a framework of policies, including development control policies, and site identification to meet future waste capacity needs in West London during the period 2010–2021. This project will be undertaken in modular stages, with participating local authorities gaining agreement at every stage.
- 2.2 The West London Local Authorities agree to the following objectives:
To co-ordinate the production of a Joint Waste DPD for adoption in 2010
To promote sustainable waste management
To work closely with the West London Waste Authority
To ensure that the Joint Waste DPD is in line with national guidance and is in general conformity with the London Plan

To appoint consultants who will undertake the preparation of specific agreed modular stages towards the development of the Waste DPD.

The initial stage would be for a background technical report and the preparation of an 'issues and options' document. Other stages may include a Strategic Flood Risk Assessment, Appropriate Assessment, Sustainability Appraisal, a site identification process and the development of a preferred options document. The Steering Group will determine the most appropriate way of undertaking these latter stages.

3.0 Project Management

The project management of the production of the Joint Waste DPD will be provided through the establishment of a Lead Authority. This Authority will be responsible for:

Co-ordinating the Steering Group,
Providing secretariat services to the Steering Group,
The procurement and day-to-day supervision of consultants, and
Managing the financial commitments of West London Waste Planning Authorities
The appointment of a Project Manager.

- 3.2 It is anticipated that consultants appointed by the Steering Group will undertake the initial stages in the production of the Joint Waste DPD. The Project Manager will co-ordinate the day-to-day administration for the Steering Group and liaises closely with consultants.
- 3.3 The Lead Authority will oversee the procurement of contracts with consultants and finalise the contractual arrangements between the consultants and the West London Local Authorities in consultation with the Steering Group.
- 3.4 The timetable for production of the Joint Waste DPD will be set out in each Local Authority's approved Local Development Scheme.

a) Lead Local Authority

- 3.5 The London Borough of Hillingdon shall act as the Lead Local Authority and legal entity for the West London Local Authorities and shall enter into all contracts with third parties on behalf of the West London Waste Planning Local Authorities.

The London Borough of Hillingdon will act in accordance with the policies and project management arrangements, which are set out in this memorandum of understanding.

For the purposes of production of this Joint Waste DPD, and in accordance with good practice, the procurement policy of the Lead Local Authority will be adopted in the process for selecting any consultants appointed.

When the Project Manager has been appointed an officer of the Lead Local Authority will act as line manager, in consultation with the Chair of the Steering Group.

The Lead Authority, through the Project Manager will provide regular updates, including financial commitments to the Steering Group.

b) Steering Group

- 3.10 The Steering Group will undertake the following functions:
Act as a liaison mechanism between the participating Local Authorities;
Ensure the appropriate decision making processes are carried out;
Examine, agree upon and make recommendations upon the stages required for the content and process of the production of the Joint Waste DPD; and
Agree the specification for procurement of consultancy services.
- 3.11 Membership of the Steering Group will consist of one representative from each of the participating Local Authorities. In discharging its functions, the Steering Group will make every attempt will be make recommendations and/or reach decisions through consensus.
- 3.12 If a decision is needed, and a consensus cannot be reached, or a way forward cannot be agreed, the dispute will be resolved through an extraordinary meeting convened with Members from the participating Local Authorities. This meeting will discuss and consider a way forward.
- 3.13 It is recognised that participating Local Authorities may provide separate or additional information to their appropriate decision making bodies and/or Members.
- 3.14 West London Waste Authority will also be represented on the Steering Group. The Authority will fulfil an advisory technical role and would not have decision-making rights.
- 3.15 The Steering Group will meet a minimum of quarterly, and for the first six months, monthly or more often when considered necessary by the group. The Chair of the Group will rotate every six months, rotating alphabetically. It will be the responsibility of the Chair to co-ordinate and distribute the agenda at least 5 working days before a scheduled meeting.
- 3.16 The Steering Group will remain in existence until the formal adoption of the Joint Waste DPD. The Terms of Reference for the Steering Group are set out in Appendix A.

c) Project Manager

- 3.17 The Project Manager will be appointed to project manage the production of the West London Joint Waste DPD. The appointee will be responsible to the Lead Local Authority. The Project Manager will also be accountable to and guided by the decisions of the Steering Group.

- 3.18 The Project Manager will attend all Steering Group meetings and provide regular feedback (including financial) to the group on the progress of the Joint Waste DPD. The Project Manager will provide the main contact for the consultants and be the central co-ordinator for all activities and tasks of the Steering Group and consultants.

d) Consultants

- 3.19 Following the agreement, the Steering Group will agree a specification for the initial stage. This tender document will include information held by local authorities that may assist with the production of the initial stage of the Joint Waste DPD. It will be clear non-publicly available information will remain confidential amongst partners. Thereafter, following stages may be agreed as per paragraph 2.2

4.0 Financial Implications

The costs of the Steering Group, including that of the Project Manager and producing the Joint Waste DPD will be shared equally between the participating Local Authorities. Each of the other Local Authorities indicates its willingness to work together through this Memorandum of Understanding, and as such to fund an equal share of all costs relating to each stage in producing the Joint Waste DPD that they participate in.

- 4.2 A service level agreement between the Lead Local Authority and the other participating Local Authorities of West London will provide a platform of commitment and surety of funding. This will include the costs of procuring consultants to carry out production of agreed stages of the West London Joint Waste DPD.
- 4.3 Payments to consultants will be at the delivery of particular agreed stages in the project. The Lead Authority will invoice each of the other Local Authorities at these points to allow payment to be made as per the service level agreement for each stage.
- 4.4 Using experiences from other Local Authorities in London who have prepared a Joint Waste DPD, the maximum cost for each Local Authority has been in the region of £108,000 spread over three years (average £36,000 per annum). These costs reflect the use of consultants for every stage in the DPD process. By taking a modular approach to the production of this document, the West London Local Authorities can minimise and control the costs involved. This approach offers potential opportunities to access other funds not normally available to this process and so reduce the cost for each participating Authority.
- 4.5 Agreement from participating authorities is required at each stage. Participating authorities must indicate their willingness to participate in each agreed stages prior to the publication of the specification for tender. Once the tender specification is published, authorities are committed, and are unable to withdraw or join the development of that particular stage.

They will however be able to decide about their level of participation for the next stage.

- 4.6 It is anticipated that the first stage will be the site identification process and the development of an 'Issues and Options' document.

APPENDIX A

Terms of Reference

Steering Group

The Steering Group will be made up of a representative officer from each of the local authorities: Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames.

West London Waste Authority (West London Waste Authority) will also sit on the Steering Group in an advisory technical capacity only. They will not have any voting rights.

The purpose of the group is to make and decide recommendations in relation to the production of the West London Waste Development Plan Document (Joint Waste DPD)

If a decision is needed, and a consensus cannot be reached, or a way forward cannot be agreed, the dispute will be resolved through an extra-ordinary meeting convened with Members from the participating Local Authorities. This meeting will discuss and consider a way forward.

The Chair of the Steering Group will be rotated amongst the Local Authorities every 6 months in the following alphabetical order Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames. The representative from the next Local Authority to be chairman will act as vice chairman and stand in, in the absence of the chairman. The role of minute taker will be the Project Manager

It will be the responsibility of the Chair to co-ordinate and distribute the agenda normally 1 week prior to the meeting and minutes within 2 weeks of the meeting amongst the Local Authorities, Councillors and West London Waste Authority as appropriate.

In the first 6 months (September 2006 – March 2007) the Steering Group will be meeting every month. This will be reviewed early 2007 with the aim to meet a minimum of quarterly.

Project Manager

For the Steering Group the project manager will provide secretariat support for the group. The Project Manager will attend all Steering Group meetings and provide regular feedback (including financial) to the group on the progress of the Joint Waste DPD. The Project Manager will provide the main contact for the consultants and be the central co-ordinator for all activities and tasks of the Steering Group and consultants.