

REPORT FOR: CABINET

Date of Meeting:	18 November 2010
Subject:	Draft West London Waste Plan Proposed Sites and Policies Document
Key Decision:	Yes – Affects all Wards
Responsible Officer:	Andrew Trehern, Corporate Director for Place Shaping
Portfolio Holder:	Councillor Keith Ferry, Portfolio Holder for Planning, Development and Enterprise Councillor Phillip O’Dell, Portfolio Holder for Environment and Community Safety
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendix A – Draft WLWP Proposed Sites and Policies Consultation document Appendix B – Consultation responses report to the WLWP Issues and Options document Appendix C - Reference from Overview and Scrutiny Committee meeting held on 2 November – to follow Appendix D - Recommendation from the Local Development Framework Panel meeting held on 9 November – to follow

Section 1 – Summary and Recommendations

This report presents the Draft West London Waste Plan Proposed Sites and Policies Consultation Document for approval for the purposes of public consultation.

Recommendations:

Cabinet is requested to:

1. Note the contents of the Draft West London Waste Plan: Proposed Sites and Policies Consultation Document.
2. Resolved to recommend to Council to approve the Draft West London Waste Plan: Proposed Sites and Policies Consultation Document and the associated Sustainability Appraisal for the purposes of public consultation.
3. Note that approval is also being sought to undertake consultations on the Draft West London Waste Plan: Proposed Sites and Policies Document by five other west London councils, namely Brent, Ealing, Hillingdon, Hounslow and Richmond upon Thames, as members of the West London Waste Authority partnership.
4. Instruct officers to carry out a minimum 6 week public consultation on the Draft West London Waste Plan: Proposed Sites and Policies Consultation Document and the Sustainability Appraisal in compliance with the adopted Statement of Community Involvement, and for officers to report back to a future meeting of Cabinet the outcome of public consultation and recommendations for changes to the Plan prior to its formal submission.

Reason: (For recommendation)

The recommendations are sought to enable the Council to make meaningful progress on the West London Waste Plan (WLWP) in order to meet targets set out in the current London Plan (consolidated with Alterations 2008), the draft Replacement London Plan 2009, and Planning Policy Statements 10 and 12.

Section 2 – Report

2.1 Introduction

It is a corporate priority to prepare a series of statutory planning policy documents, which together comprise the Local Development Framework (LDF) for the Borough that will eventually replace the existing Unitary Development Plan (adopted in July 2004). The Proposed Sites and Policies Consultation Document is the latest stage in the preparation of the West

London Waste Plan (WLWP). The WLWP is being prepared jointly by the six west London boroughs of Harrow, Brent, Ealing, Hillingdon, Hounslow and Richmond. When finally adopted, it will provide the planning framework for the management of all waste produced in Harrow and the five partner boroughs over the next 15 years.

The preparation of the WLWP will help the Council meet its corporate priority to build stronger communities through putting in place the policy framework required by the Council, both as a local planning authority and municipal waste authority, to manage the waste generated in Harrow in line with the principles of good waste management: -

- The waste hierarchy – the avoidance of land fill through the waste hierarchy of reduce-reuse-recycle-recovery (through energy from waste technologies) and, finally, landfill.
- The proximity principle - treatment of waste should take place close as possible to the source of production.

2.2 Options Considered

Cabinet may decline to approve the Draft West London Waste Plan: Proposed Sites and Policies Consultation Document. It is considered that this would prejudice progress on the preparation of the West London Waste Plan, resulting in further delay to the delivery of the Local Development Framework, and the failure to provide the Council and our west London partners with an up-to-date statutory development plan against which to assess any future waste development proposals. Alternatively, the Cabinet may seek amendments to the document.

2.3 Background

The purpose of the WLWP is to set out a planning strategy to 2026 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. 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 Development Framework, including its local development management policies and any other material considerations.

Public consultation was undertaken in January and February 2009 on the WLWP Issues and Options document. Since then the consultants and the officer steering group have been undertaking work to:

- determine the amount of land that is required to accommodate the range of facilities needed to manage west London's waste;
- assess existing and potential sites to determine their suitability to accommodate future waste management provision; and
- respond to the comments received to the Issues and Option consultation in preparing the current draft of the WLWP.

2.4 Current Situation

Municipal solid waste and commercial and industrial waste arisings to be managed to 2026 are identified in the London Plan borough level waste apportionment. In order to accommodate the waste management capacity to manage projected waste arisings, it is anticipated that the land-take required

across the six west London boroughs is 56ha under the 2008 London Plan. This requirement has been reduced to a far more realistic figure of 37ha as a result of the Mayor's 'Minor Alterations – waste arisings and apportionments' to the London Plan, published in December 2009. The draft WLWP contains sufficient contingency to meet the 2008 London Plan requirements, given that the 2008 London Plan is the adopted Plan at this time. However, this contingency will also allow scope for a number of sites to be deleted from the Draft WLWP Proposed Sites and Policies document, should there be valid objections during the consultation stage, and particularly given that the revised London Plan figures will gain more weight following its Examination in Public.

The Draft WLWP Proposed Sites and Policies document seeks to provide sufficient waste management capacity to manage projected waste arisings by safeguarding the capacity of selected existing waste management facilities and identifying opportunities for additional facilities, whilst aiming to ensure that the WLWA boroughs do not manage a disproportionate amount of waste from other London boroughs.

In accordance with the London Plan, the starting point taken for the assessment of suitable sites was limited to existing waste sites and land currently in industrial use. This amounted to some 302 industrial estates or sites comprising some 1,500ha. The suitability of each of these sites was then tested by consultants Mouchel in light of the 'Sustainability Appraisal' and against a list of site selection criteria that was agreed by all Councils at the 4 November 2009 Members Seminar meeting attended by the then Leader of Harrow Council.

The findings of the criteria based assessment were then further supported through additional commentary about the deliverability of each site, which was informed through Mouchel's site visit observations as well as borough officer and West London Waste Authority's detailed comments. This further level of assessment including the consideration of site size, configuration, whether the site was in single or multiple ownership, and whether or not it had planning permission or was already safeguarded for an alternative use (e.g. Crossrail). Not all of these were considered a 'show-stopper' but would impact on the viability of bringing some of these sites forward for development for waste management use.

The outcome of applying the robust methodology was a short list of 24 sites, comprising a total of 66ha. The methodology, approach to assessment, and the draft list of sites are all to be the subject of stakeholder and public scrutiny through the proposed public consultation. The site selection criteria and the draft sites are provided in Section 4 of the attached report.

In Harrow, there are three existing waste management sites. These are the Council's civic amenity site on Forward Drive, Harrow Breakers on Pinner View, and Paxton Recycling located in the Barratt Way industrial estate in Wealdstone. Due to the small size of each of these existing sites (i.e. less than 0.5ha) none of these sites are considered to be suitable for intensification or re-orientation from transfer facilities to treatment facilities.

The Central Depot on Forward Drive is the only new site to be identified in Harrow as a potential location suitable for new waste treatment facilities.

Consultation Arrangements

Public consultation on the Draft West London Waste Plan: Proposed Sites and Policies Consultation Document is planned for a six-week period commencing in mid-January. The overall format for the consultations is prescribed by Regulation 27 of The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 and the detailed arrangements will comply with the Council's Statement of Community Involvement, 2006. The six boroughs have agreed that consultation will be undertaken by members of the WLWP Steering Group Committee together with a firm of consultants, CAG, with a programme drawn up which is agreed with their respective corporate communication officers.

2.5 Why a change is needed

At the moment, the London Plan and national policy provide the only direct policy guidance to councils. The absence of local policies does not prevent private companies making applications for waste processing developments within the borough, completely separate from the development of the Waste Plan. This highlights the importance of developing an effective local policy framework against which to consider such applications.

2.6 Implications of the Recommendation

Legal comments

The Council has power to make joint arrangements with other boroughs for the discharge of its functions. The West London Waste Plan will constitute part of the Borough's Local Development Framework. Formally, it will be a Development Plan Document - further to section 7(c) of the Town and Country Planning (Local Development) (England) Regulations, 2004 - as it will include a site allocation policy for waste management facilities in the borough.

When preparing the West London Waste Plan, the Local Planning Authority must comply with the consultation requirements found both in the Town and Country Planning (Local Development) (England) Regulations 2008 ("the 2008 Regulations") and the 2008 revised PPS 12 (Local Spatial Planning) which sets out government policy on Local Development Frameworks. This includes the duty to consult with specific and general consultation bodies, the requirement to place an advertisement in the newspaper and the general duty to comply with the Council's Statement of Community Involvement.

Financial Implications

The cost of preparing and consulting on the Draft 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.

Costs associated with publication and consultation on the Draft WLWP 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.

Performance Issues

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

It will help WLWA and the six councils improve the following national indicators 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)

NI 191 Residual household waste per household;

NI 192 Percentage of household waste sent for reuse, recycling and composting; &

NI 193 Percentage of municipal waste land filled.

Since 2004/05 the amount of household waste generated in Harrow has decreased year upon year from 105,331 tonnes to 95,610 tonnes in 2008/09. Harrow has increased the amount it recycles and composts significantly in recent years, achieving 46% in 2009/10 (the second highest rate in London). The remaining 54% continues to go to landfill.

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 the above targets.

Environmental Impact

Does the proposal comply with all relevant environmental legislation? Yes

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 draft WLWP.

Risk Management Implications

Risk included on Directorate risk register? Yes

The Council, along with the five other West London waste boroughs, is preparing the joint West London Waste DPD. A memorandum of understanding has been signed by all parties, 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.

The following is a summary identifying the main risks that will need to be managed by the Council in the preparation of the WLWP:

The “soundness” of DPDs – to be found sound, LDF documents are to comply with statutory process, government policy, be supported by an appropriate evidence base and be in general conformity with the London Plan. The new coalition Government has signaled its intention to revise all current Government Planning Policy Statements and the LDF system. Such changes will take time to bring into effect and, in the interim, the Council will need to press on with the Core Strategy and other documents but will need to remain flexible to take account of changes as and when they occur. Given this uncertainty, and the current direction of Government policy towards localism, it is possible that the Planning Inspectorate will take this into account and apply greater flexibility in their application of the ‘soundness’ tests. However, again this will need to be monitored.

With regard to the London Plan, a replacement London Plan is currently the subject of an Examination in Public and will be adopted in February next year. The WLWP officer steering group has been engaged in the consideration of changes to regional waste policy and will continue to ensure that Harrow’s LDF, and the WLWP, keeps pace with the changes proposed by the new London Plan and remains in general conformity.

Joint working – The production of a joint DPD with five other boroughs gives rise to particular challenges, not least understanding local issues and aspirations for growth and development. Substantial work has gone into programming each stage of the Plan’s development that takes account of the lead in times required by each authority’s reporting procedures and the specific, but often quite different, requirements each authority might have in respect of public consultation, notifications, media etc. In some instances it may be necessary to hold additional meetings of LDF Panel, Cabinet or Full Council to ensure reporting timeframes and ultimately the DPD milestones are met. In other instances, compromises may have to be negotiated to ensure consistency in approach, whilst ensuring where possible, the vast majority of other corporate responsibilities or requirements are still able to be complied with.

Stakeholder engagement – A requirement of the WLWP is that it has to be deliverable. In support of this requirement, the West London Waste Authority has been heavily engaged in the consideration of the preparation of the draft WLWP and, in particular, the assessment of sites. Wider engagement with the waste industry and local residents is now required to firm up the final list of sites and policies to be taken forward in the submission version of the WLWP.

Equalities implications

Was an Equality Impact Assessment carried out? Yes

Equalities Impact Assessment (EQIA) for DPDs is an iterative process. An EQIA was undertaken during preparation of the Issues and Option document and has been updated during the course of preparing the current draft of the

WLWP. This will be published alongside public consultation on the draft WLWP, supporting technical reports, and the Sustainability Appraisal.

Corporate Priorities

The completion of key LDF documents, including the WLWP, is a corporate priority for Place Shaping that 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 other corporate priorities relevant to building stronger communities and delivering cleaner and safer streets.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 19/10/10		
Name: Matthew Adams	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 21/10/10		

Section 4 – Performance Officer Clearance

Name: Martin Randall	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 19/10/10		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director (Environmental Services)
Date: 20/10/10		

Section 6 - Contact Details and Background Papers

Contact: Matthew Paterson, Senior Professional Policy Planning, Development and Enterprise, phone 02087366082

Background Papers: WLWP Issues and Options Consultation Document (January 2009); Sustainability Appraisal of the WLWP Proposed Sites and Policies Consultation Document; Equalities Impact Assessment; Previous LDF Panel & Cabinet Reports.

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

NOT APPLICABLE