

REPORT FOR: CABINET

Date of Meeting: 15 December 2011

Subject: West London Waste Plan: Pre-Submission Consultation 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 1 - Summary Report of Consultations - West London Waste Plan: Proposed Sites and Policies Consultation Document
Appendix 2 - Proposed West London Waste Plan: Pre-Submission Consultation document
[Due to their size, the Appendices have only been circulated to Cabinet Members, other key Members and officers. A copy has been placed in the Members' Library and the appendices have been published with this agenda for viewing.]
Appendix 3 – Recommendation from LDF

Section 1 – Summary and Recommendations

This report presents the results of the consultation held in February and March 2011 on the West London Waste Plan Proposed Sites and Policies Consultation Document and introduces the next version of the Plan – the Pre-Submission document – proposed for publication for public consultation in January 2012.

Recommendations:

Cabinet is requested to:

1. Note the responses received to the consultations held during February and March 2011 on the West London Waste Plan: Proposed Sites and Policies Consultation Document, as detailed in the Summary Report of Consultations (attached at Appendix 1).
2. Note the contents of the West London Waste Plan: Pre-Submission Consultation Document, in particular, the continued inclusion of the Council's Depot site on Forward Drive as a proposed new waste management site in Harrow.
3. Note that approval is also being sought to undertake consultations on the West London Waste Plan: Pre-Submission Consultation 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. Recommend that the Council approve the West London Waste Plan: Pre-Submission Consultation Document and the associated Sustainability Appraisal for the purposes of public consultation.
5. Recommend that authority be delegated to the Divisional Director of Planning in consultation with the Portfolio Holders for Planning, Development and Enterprise and Environment and Community Safety, to agree the Sustainability Appraisal and Equalities Impact Assessment; and to make any minor editing and textual changes to the Pre-Submission Draft of the West London Waste Plan prior to public consultation.

Reason: (For recommendation)

To enable the Council to make meaningful progress on the West London

Waste Plan (WLWP) in order to meet targets set out in the London Plan 2011, and Planning Policy Statements 10 and 12.

Section 2 – Report

2.1 Introduction

It is a Council 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 Pre-Submission 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 recommend the West London Waste Plan: Pre-Submission Consultation Document to full Council for public consultation. If Cabinet chooses to do this, it would prejudice adoption of the final Plan and impede progress on the LDFs of the six west London boroughs, and result in the failure to provide the Council and its 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, the delivery of national and regional targets for waste recycling, composting and recovery, and to 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 Development Framework, including its local development management policies and any other material considerations.

The drafting of the WLWP has taken into account relevant planning legislation; national planning policy statements; on-going advice from the Greater London Authority and the Planning Inspectorate; and also from 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)

2.4 Results to Consultation on the WLWP Proposed Sites and Policies Consultation document (February 2011)

The WLWP Proposed Sites and Policies Consultation Document was reported to Cabinet on 18 November 2010 for approval for public consultation.

The detailed arrangements made in Harrow to involve the public and key stakeholders in consultations on the Proposed Sites and Policies stage of the WLWP followed the approach set out in the Council's adopted Statement of Community Involvement (SCI). The SCI sets out a minimum of six weeks for public consultations for each of the stages in the plan-making process. Consultations on the WLWP were carried out over a six-week period between 9 February and 25 March 2011.

During this period:

- A press notice was placed in the Harrow Observer on 10 February.
- The consultation documents were made available for viewing and comment at all borough public libraries and at the Civic Centre Planning Desk.
- Public information displays were exhibited at the Civic Centre, Central Reference Library, and Wealdstone Library.
- An information drop in session was held at the Civic Centre on 18 February that was attended by both planning and waste officers to raise awareness and encourage discussion about the draft WLWP.
- The consultation was also advertised on the Council's website as well as the WLWP website from 9 February.

In addition to the above, a direct letter drop was also undertaken of residents and businesses in the immediate area surrounding the Council's Depot site, notifying them of the site's inclusion as a proposed waste site in the WLWP. The letter informed them of the proposal, where they could obtain further information including attending the drop in session being held at the Council as well as the other events being held across West London, and how they could make representation to document.

In Harrow alone, approximately 1,200 letters and emails were sent to various groups and individuals, inviting comments on the consultation documents. The letters included a brief summary about the draft WLWP, where to view it

and how to provide comments. Relevant groups were also provided with a copy of the draft Plan on a CD Rom. Responses were invited on-line, by email, by completing a Consultation Response Form, by letter or fax.

All elected members and local MPs were posted a letter explaining the consultation process and an invitation to a drop-in session, with a hard copy of the draft Plan delivered to the Group offices, with additional hard copies delivered upon request. A letter, copy of the draft WLWP and CD-Rom was sent to all statutory consultees.

In total, 374 responses were received from organisations and individuals on the various chapters, policies and proposals. A summary report on the responses received is attached at Appendix 1. The main areas of concern which arose are summarised below.

The overwhelming focus of the consultation responses was on the 24 sites proposed for potential waste management use. The main objections were to the Tavistock Road former Coal Depot at West Drayton in Hillingdon and to a set of proposed sites at Park Royal in Brent and Ealing.

To summarise the main concerns raised:

- Former Coal Depot, Tavistock Road, West Drayton - this proposed new site received the most objections (67) of any single proposal. In addition, a petition with 2,201 signatures was submitted against including the site in the WLWP. The main concerns raised by the petitioners were the location of the site close to three residential estates and its likely environmental impact on local residents; and the likely impact of traffic congestion which would result from a major waste facility being sited there. There were also specific criticisms of the site assessment scoring system used by the consultants, particularly, that the weighting given to proximity to residential areas had not been consistently applied.
- Park Royal Sites (existing site numbers 352 and 328 and proposed new sites numbers 386, 129, 186, 187, 183, 182, 191) - one third of total responses to the draft WLWP opposed the sites proposed at Park Royal. Many of these expressed local residents' concerns at the designation of several sites for waste use in such close proximity. A 193-signature petition was received on this issue. The main concerns raised by the petitioners were the unfairness of locating so many sites in the area; the cumulative impact of new sites when added to existing waste and industrial facilities; proximity to housing; increased traffic; air pollution and the health impacts of pollution. A number of submissions addressed the site assessment procedure, suggesting that the weighting on transport accessibility resulted in the impacts on local residents not being properly considered. It was also suggested that existing air quality and the cumulative impacts of more than one site should be included in the site assessment.

A total of four objections were received to the proposed Council Depot site, three from residents in Cullington Close and one from Harrow Local Agenda

21. The representation all raised concerns with proximity and potential for impact on the neighbouring residential area and access issues. Two of the representations made by residents suggested the Kodak site would be a much better site for a waste treatment facility in Harrow. However, as set out in the Cabinet report on the Proposed Sites and Policies stage document, the Kodak site did not score above the threshold for inclusion in that document for further public consideration, following a robust site suitability assessment.

The Consultation Document included four proposed policies which would be used to determine future planning applications for proposed new sites. To summarise the response to these:

- Policy 1: Location of Waste Development – a key concern with this policy was that sites should not be located close to residential communities. Other concerns were the fact that the Plan is technology neutral and there were requests from the waste sector for greater flexibility in the Plan to make clear that other sites, not allocated in the Plan, could still be considered in the future. The draft Plan seeks to safeguard residents' amenity through its policies - together with detailed development management policies in boroughs' individual Local Development Frameworks.
- Policy 2: Ensuring High Quality Development - key suggestions here were that the sustainable transport requirements should be strengthened; there should be greater protection for local residents taking account of their views on proposals, particularly regarding the cumulative impacts of a number of sites; and ensuring effective monitoring. Officers consider that the draft policies in the Plan sufficiently cover the transport implications of individual waste proposals. Residents' views on individual proposals will be taken into account by individual boroughs, in accordance with their own Statements of Community Involvement. Monitoring will continue through boroughs' Annual Monitoring Reports.
- Policy 3: Decentralised Energy - while there was considerable support for this policy a number of concerns were expressed about the impacts of particular technologies on local communities, and the potential negative impact on recycling rates if more waste went to energy generation. The environmental aspects of proposed developments will be taken into account through the planning application process in each borough.
- Policy 4: Sustainable Site Waste Management - a third of those commenting on this policy considered that the proposal that at least 10% of materials / products used in the construction of new waste developments should come from reused or recycled materials was too low. There is no defined level of materials' use in new developments. It will be for boroughs to determine the viability of requesting this level of recycled materials' use when planning applications are submitted.

2.4 Current Situation

The WLWP Pre-Submission documents has been amended to take into account the consultation responses, the findings of a detailed Site Delivery Assessment carried out by the consultants, a Sustainability Appraisal and an Equalities Impact Assessment which have also been prepared in support of the draft Plan. Two detailed schedules, comprising all comments received on the sites included in the draft Plan and all comments received on other matters (the proposed approach to waste management in the draft Plan, the individual proposed policies, monitoring and other aspects and the Sustainability Appraisal) are included as background papers to this report and will form part of the background evidence base. The main changes to the draft Plan are set out below.

a) Land take requirement for the WLWP

The WLWP Proposed Sites and Policies document stated that West London needed to identify a maximum of 56 ha of land for waste management facilities to ensure that the 2008 London Plan apportionment is met. The replacement London Plan, which is now adopted, revised the total waste arising forecasts and borough appointments (provided at Table 3.4), which have reduced West London's required land requirement a maximum of 22.4ha to ensure that the 2011 London Plan apportionment is met. The reduction in the land take requirement is largely because the 2008 London Plan included very high and unrealistic projections for municipal solid waste and commercial and industrial waste arisings.

b) Existing sites

The WLWP Proposed Sites and Policies document included 10 existing sites totalling 16.19 hectares. The revised plan now includes 8 sites totalling 19.39 hectares, namely:

- Twyford Waste Transfer Station in Brent
- Veolia Transfer Station, Marsh Road in Brent
- Greenford Reuse and recycling site, Greenford in Ealing
- Greenford Depot, Greenford Road in Ealing
- Quattro, Victoria Road, Park Royal in Ealing
- Victoria Road Transfer Station in Hillingdon
- Transport Avenue Waste Transfer Station in Hounslow
- Twickenham depot in Richmond

The two sites that have come off the initial list are Rigby Lane Waste Transfer Station in Hillingdon and the Townmead Reuse and Recycling Site in Richmond. Following a further review of existing uses it was determined that the Rigby Lane site was actually a waste treatment facility and was therefore transfer to the existing waste treatment sites list. The Townmead Reuse and Recycling Site had ceased waste transfer activities and had been sold for redevelopment. The increase in the total from 16.19 ha to 19.39ha is largely due to a recalculation of the site area at the Twickenham Depot.

c) Proposed sites

The WLWP Proposed Sites and Policies document included 14 new sites totalling 50.42 hectares. It was prepared with the intention of including a sufficient number of sites in order to allow a meaningful consultation to take place. The revised plan now includes 3 sites totalling 9.15 hectares, namely:

- Council Depot at Forward Drive in Harrow
- Yeading Brook, Bulls Bridge in Hillingdon
- Western International Market in Hounslow

It should be noted that the following sites have been removed from further consideration through the WLWP Pre-Submission document:

- Tavistock Road Coal Depot, West Drayton, Hillingdon
- Silverdale Road Industrial area, Hayes, Hillingdon
- Abbey Road, Park Royal, Brent
- Rail sidings, Premier Park Road, Park Royal, Brent
- Alperton Lane Industrial area, Marsh Road, Alperton, Brent
- Hannah Close/Great Central Way, Wembley, Brent
- Three Park Royal sites (2, 8 and 9).
- Park Royal site 1 in Ealing
- Atlas Road site at Park Royal in Ealing

As stated above, the land take requirement is now a maximum of 22.4 ha to ensure that the 2011 London Plan apportionment is met. An additional amount of land is required in the WLWP to ensure some flexibility in the event that sites do not come forward. From the details given above, it is apparent that the WLWP Pre-Submission document includes 8 existing sites totalling 19.39 hectares and 3 new sites totalling 9.15 hectares, which amount to a total of 28.54 hectares. It can therefore be concluded that the Plan being put forward includes sufficient land for waste management facilities to ensure that the 2011 London Plan apportionment is met.

d) The WLWP policies

In order to be in conformity with the London Plan adopted in July 2011, a further policy has been introduced. This makes clear that existing and proposed waste management and transfer sites in west London will be safeguarded for waste use. Development for non-waste uses will not be considered unless compensatory and equal provision of sites for waste, in scale and quality, is made elsewhere within the west London boroughs.

The wording of policy on the location of waste development has been amended in order to strengthen the requirement to ensure that there is no loss in existing capacity at existing or allocated waste sites.

The wording of the policy on ensuring high quality development has been amended with several new additions to protect the amenities of the area; to incorporate sustainable urban drainage systems; to ensure no increased flood risk in the area; to protect heritage assets such as conservation areas and

listed buildings; and to ensure that adjacent development proposals do not prejudice the use of sites allocated for waste purposes.

The policy on decentralised energy remains unchanged and the policy on sustainable site waste management has been strengthened to ensure that construction plans are comprehensive and capable of being delivered.

e) Volumes of different types of waste

A substantial amount of information has been added at Section 3.2 in order to explain the volumes of different waste flows, in order to meet the requirements of central Government planning guidance.

The Sustainability Appraisal is being updated and an Equalities Impact Assessment has also been undertaken for the proposed policies and both will be published as part of the Pre-Submission consultation.

2.5 Next Steps

The remaining timetable for the preparation of the WLWP will involve:

- a) A six-week public consultation on the Pre-Submission version of the WLWP to be held across the six boroughs during February and March 2012.
- b) The consultation responses will then be assessed and any further evidence base research undertaken before officers report back to the LDF Panel, Cabinet and full Council on the outcomes of consultation and seek Members' approval to submit the final WLWP, with any further proposed changes, to the Secretary of State for formal examination.

Officers then anticipate the Examination in Public to be held during the autumn of 2012 and the Plan to be adopted by the six boroughs, as part of their respective LDFs, in early 2013.

2.6 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 treatment 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.

As stated in the introduction to the report, there are also a number of other influences driving the requirement to bring forward the WLWP. These include the EU Landfill Directive, which seeks to direct waste away from landfill and includes landfill allowances that reduce over time, which if not achieved result in a landfill tax being imposed. In addition to this financial implication, there is also a need to acknowledge changing best practice and the achievement of wider sustainability objectives. In particular, the acceptance of the proximity principal in national and regional policy, which requires the treatment of waste

take place close to where the waste is generated. In summary, London should treat London's own waste within London.

2.7 Implications of the Recommendation

Legal comments

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 West London Waste Plan will constitute part of the Local Development Framework 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.

As part of the legal requirements for the preparation and consultation on the West London Waste Plan, each of the participating authorities is required to consult with specific and general consultation bodies set out in the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended), 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 West London Waste Plan being found 'unsound' at the examination in public.

Financial Implications

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.

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 is incorporated in the LDF team budget for 2011/12.

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 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)

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 50% in 2010/11 (the highest rate in London). The remaining 50% 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 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 DPDs are required to comply with the legal requirements for preparing and consulting on DPDs 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 DPD 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 is also currently the subject of consultation. The process for preparing, and content of, Development Plan Documents will need to be consistent with these changes.	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 the WLWP and to Harrow's LDF Panel to consider and advise on a way forward.
Robust evidence	In preparing the WLWP, the boroughs have sought to	The DPD includes a contingency that would allow for one or even

	<p>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.</p>	<p>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.</p>
<p>Politically sensitivity</p>	<p>Waste management is typically a sensitive topic, given its 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.</p>	<p>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.</p>

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

Equalities Impact Assessment (EQIA) for DPDs is an iterative process. An equalities impact assessment will be undertaken of the Site Allocations DPD. This will build on the previous EQIA prepared for the WLWP Proposed Sites and Policies Consultation document, and will be published alongside publication of the Plan.

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: 29 November 2011		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 22 November 2011		

Section 4 – Performance Officer Clearance

Name: Martin Randall	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 22 November 2011		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Divisional Director (Environmental Services)
Date: 21 November 2011		

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 (February 2011); Equalities Impact Assessment; LDF Panel Report of 9th November 2010 Cabinet Report of 18th November 2010 West London Waste Plan Proposed Sites and Policies Consultation document, February 2011 West London Waste Plan Proposed Sites and Policies Consultation: Consultation Responses - CAG Consultants, July 2011 Site Deliverability Assessment (September 2011)

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

NOT APPLICABLE

[Call-in applies]