

REPORT FOR: **CABINET**

Date of Meeting:	20 June 2012
Subject:	Revised Proposed West London Waste Plan: Pre-Submission Consultation Document
Key Decision:	Yes [affects all Wards]
Responsible Officer:	Andrew Trehern, Corporate Director Place Shaping
Portfolio Holder:	Councillor Keith Ferry, Portfolio Holder for Planning and Regeneration Councillor Phillip O'Dell, Portfolio Holder for Environment and Community Safety
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendix A – Revised Proposed West London Waste Plan: Pre-Submission Consultation document

[Due to the size of the document, it has been circulated to Cabinet Members, the Leader and Deputy Leader of the Conservative Group and key officer(s) only. A hard copy has been placed in the Members' Library. The document has been published with the agenda and can be viewed on the website.]

Section 1 – Summary and Recommendations

This report follows a previous report to Cabinet in December 2011 which gave approval to proceed with publishing the next version of the West London Waste Plan subject to amendments. Following discussions between the partner boroughs, this report seeks agreement to a revised site designation to Harrow's Depot site that overcomes the Council's concerns to the policy wording of the draft Plan.

Recommendations:

Cabinet is requested to:

1. Note the amendment to the Harrow Council Depot site designation, which reduces the area to be safeguarded for waste management
2. Note that final 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
3. Recommend that the Council approve the West London Waste Plan: Pre-Submission Consultation document (attached at Appendix A) including the revision to the Harrow Council depot site designation
4. Recommend that the Council approve the revised West London Waste Plan: Pre-Submission Consultation document (attached at Appendix A) and the associated Sustainability Appraisal for an eight-week public consultation in accordance with the adopted Statement of Community Involvement
5. Agree that officers report back to a future meeting of Cabinet the outcome of the public consultation and any further proposed changes to the Plan prior to its formal submission to the Secretary of State for independent examination.

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 Statement 10, which is still extant.

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 proposed West London Waste Plan: Pre-Submission Consultation document was reported to Cabinet at its meeting of 15 December 2011. Cabinet recommended the document be approved for public consultation subject to amendments being made to ensure that any proposal by the Council to improve, enhance or intensify the depot site for operational or depot functions would not be considered a departure from the Plan.

At that stage the Cabinet also granted delegated authority to the Divisional Director of Planning in consultation with the Portfolio Holders for Planning, Development and Enterprise and Environment and Community Safety, to make any minor editing and textual changes to the Proposed Submission Draft of the West London Waste Plan before it is formally published.

A meeting of the WLWP Steering Group, which comprises both officers and members, was then held on 24 January 2012 to discuss finalisation of the draft Plan. Whilst agreement was reached by the six Councils on the majority of the content, Harrow's amendments were not agreed.

The key objections to Harrow's amendments were that the changes were considered more than minor, and therefore unable to be dealt with through delegated authority, and that to allocate rather than safeguard the three new proposed waste sites could result in an under-provision of land required to meet West London's waste appointment target, and therefore could impact on the soundness of the Plan.

Given that the Plan cannot proceed to the public consultation unless the same version is agreed by all the boroughs, discussions continued to take place between the Councils to seek an amicable way forward. This cumulated in a further meeting of the WLWP Steering Group on 11 May 2012, where it was agreed that an amendment to the Harrow Depot site designation would overcome Harrow's outstanding concerns and avoid the need to amend the policies. The suggestion is therefore, that the boroughs agree to a revision to the site boundary of the Council Depot site at Forward Drive to reduce the area to be safeguarded for waste management.

Options considered

If Cabinet chooses not to recommend the revised West London Waste Plan: Pre-Submission Consultation document to full 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.

Proposed Amendment to the Depot Site Designation

West London needs to identify a maximum of 22.4 ha of land for waste management facilities to ensure that the 2011 London Plan apportionment is met. An additional amount of land (i.e. a contingency) is also required to ensure some flexibility in the event that identified sites do not come forward.

The proposed Pre-Submission Consultation document, previously approved by Cabinet, identified some 28.54 hectares of land for waste management. This included eight existing waste sites totalling 19.39 hectares and three new sites, including the Council Depot site, totalling 9.15 hectares. This therefore demonstrated sufficient land to meet the 2011 London Plan apportionment requirements.

Re-appraisal of the existing and new waste sites has been undertaken by the boroughs as part of work for the Sustainability Appraisal accompanying the proposed Pre-Submission Consultation document. The revised designation to the Council Depot site will result in a reduced site area being proposed for waste management from 2.83 hectares to 1.83 hectares. Overall, this will reduce the total site area identified in the WLWP from 28.54 hectares to 27.54 hectares. Whilst this demonstrates that the proposed West London Waste Plan still provides for a surplus in the land required to meet West London's appointment target, more importantly from Harrow's point of view, it will enable the Council bring forward proposals on the un-designated portion of the Depot site to improve, enhance or intensify depot functions and uses without these being considered as a departure from the West London Waste Plan.

It also means that no further site assessments are required prior to the Pre-Submission Consultation document being published for consultation.

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

Next Steps

The other five West London boroughs are all in the process of securing the requisite formal approvals to ensure that the approved versions of the Pre-Submission Consultation document are identical in order to go out on public consultation. Once all six boroughs have approved the revised document, the remaining timetable for the preparation of the Plan will involve:

- a) An eight-week public consultation on the Pre-Submission Consultation document to be held across the six boroughs during July and August 2012. This has been extended beyond the six-week period originally approved to allow for this being the summer holiday period.

- b) The consultation responses will then be assessed and any further evidence base research undertaken before officers report back to the Cabinet and full Council on the Proposed Submission stage consultation and seek Members' approval to submit the draft WLWP with any further proposed changes to the Secretary of State for formal examination.

Officers anticipate that an Examination in Public will be held during the spring of 2013 and that the WLWP will be adopted by the six boroughs as part of their respective Local Plans during autumn 2013.

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 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.

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 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 WLWP 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 2012/13.

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 88,326 tonnes in 2010/11. 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.

As set out in the 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 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 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 DPD 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 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.

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 has been undertaken of the Proposed Pre-Submission Consultation document. This 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

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 keeping neighbourhoods clean, green and safe.

Section 3 - Statutory Officer Clearance

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 28 May 2012		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 24 May 2012		

Section 4 – Performance Officer Clearance

Name: Liz Defries	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Partnership, Development and Performance
Date: 24 May 2012		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker

on behalf of the
Divisional Director
(Environmental
Services)

Date: 24 May 2012

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 8 December 2011; Cabinet Report of 15 December 2011; 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 does not apply to
decisions that are for Noting
and those reserved to Council]*