

On 19th December 2006**Executive Report**

Report Title: North London Joint Waste Development Plan Document

Forward Plan reference number (if applicable):

Report of: Andrew Travers, Interim Director of Environmental Services

Wards(s) affected: All

Report for: Key Decision

1. Purpose

1.2 To seek Members approval to prepare a Joint Waste Development Plan Document with the other boroughs of the North London Waste Authority (Barnet, Camden, Enfield, Hackney, Islington and Waltham Forest).

2. Introduction by Executive Member

2.1 This report is brought to the Executive in order to seek Members' approval for the development of a joint Waste Development Plan with neighbouring boroughs.

3. Recommendations

3.1 That Members note the arrangements for the preparation of a Joint Waste Development Plan Document.

3.2 That Members recommend to the Full Council that the Joint Waste Development Plan Document is prepared.

Report Authorised by: Andrew Travers, Interim Director Environmental Services**Contact Officer:** Angela Smith, Planning Policy Officer, 020 8489 5512**4. Executive Summary**

4.1 The seven boroughs in the North London Waste Authority are proposing, as planning authorities, to draw up a Joint Waste Development Plan Document (JWDPD). The North London Joint Waste Development Plan Document will set out the amount of waste that will need to be managed in the seven boroughs up to 2020 and identify and safeguard sites that will be used to manage this waste using a mix of technologies.

- 4.2 A considerable amount of preparatory work has been undertaken. On 1 November 2005 the Council's Executive agreed in principle (TEX113) to produce the JWDPD. The Executive, also resolved that authority be delegated to the Director of Environmental Services, in consultation with the Executive Member Enterprise and Regeneration to approve a Memorandum of Understanding (MoU) in order to agree detailed arrangements for the production of the joint document. The MoU was approved under delegated authority on 7 July 2006.
- 4.3 Under the Local Authorities (Function and Responsibilities) (England) Regulations 2000 [as amended] the decision to take part in a Joint Development Plan Document with other authorities cannot be a function of the Executive and it therefore needs to be considered and determined by Full Council. Therefore, this report recommends to the Full Council that work on the JWDPD be formally started.

5. Director of Finance Comments

- 5.1 It is estimated that the production of the Joint Waste Disposal Planning Document will cost approximately £111k per constituent Council phased over the period 2006/07 to 2008/09. It is uncertain at this stage how the cost will be profiled over this period but it is likely that significant costs will be incurred at the examination stage towards the end of process. These costs will include payments to the Inspector, a Barrister and a Programme Officer to organise the Inquiry. A bid for additional resources to meet the cost was unsuccessful as part of the 2006/07 to 2008/09 budget process. Therefore any appropriate costs in connection with the JWDPD will need to be managed within the approved cash limit for Planning Policy and Development for the relevant financial year.

6. Head of Legal Services Comments

- 6.1 The Head of Legal Services has been consulted and only wishes to draw to members' attention that the Memorandum of Understanding proposed six "key decision points", and requires each Borough as a minimum to seek full Council approval at two stages only: the stage of Submission of the JWDPD (predicted timing July 2008) and adoption (predicted timing August 2009). Any future revocation will also need full Council approval. In the absence of matters of controversy arising the minimum reports to full Council are expected, with other matters being reported to the Executive or the Executive Member for Enterprise and Regeneration for information or decision as the case may be.

7. Local Government (Access to Information) Act 1985

- 7.1 The following documents were used in the preparation of this report:-
- Land Use Consultants and SLR Consulting Ltd: Guidance for North London Boroughs and Draft specification for the development of a Joint Waste Development Plan Document
 - Memorandum of Understanding between the North London Boroughs

8. Background

- 8.1 The seven boroughs of the North London Waste Authority (NLWA), in their capacity as planning authorities, have decided to prepare a Joint Waste Development Plan Document (JWDPD). The seven boroughs are Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest. On 1 November 2005 the Council's Executive agreed in principle (TEX113) to produce the JWDPD. The Executive, also resolved that authority be delegated to the Director of Environmental Services, in consultation with the Executive Member Enterprise and Regeneration to approve a Memorandum of Understanding (MoU) in order to agree detailed arrangements for the production of the joint document. The MoU was approved under delegated authority on 7 July 2006. The North London JWDPD will consider the amount of waste that will need to be managed in the seven boroughs up to 2020. The JWDPD will consider options for managing all the types of waste that will be generated across the seven boroughs and will identify and safeguard sites for managing and recycling that waste using a mix of different technologies. The JWDPD will be drawn up under the planning regulations and will be subject to public consultation at each stage. The JWDPD needs to be ratified at each stage by each council and, when adopted, will form part of each borough's Local Development Framework.
- 8.2 Preparations are underway to let a contract for consultants to carry out much of the work. However it has become apparent that under the Local Authorities (Function and Responsibilities) (England) Regulations 2000 [as amended] the decision to take part in a joint development plan document with other planning authorities cannot be by a function of the Executive and therefore will need to be considered and determined by Full Council. The other six councils are also taking the matter to their respective Full Councils.

9. Description

- 9.1 There are two main reasons for carrying out the JWDPD. The first is the need to be in conformity with national planning guidance and with the London Plan. The second is the need to identify sites where recycling and waste management can take place in order to avoid fines under the EU Landfill Directive.
- 9.2 London boroughs as waste planning authorities need to prepare waste plans in order to be in conformity with national planning guidance and with the London Plan. Planning Policy Statement 10 states that planning authorities should provide a framework in which communities take more responsibility for their own waste, help drive waste management up the waste hierarchy, and help implement the national waste strategy, including obligations required under European legislation. The Mayor's requirements for planning authorities are becoming clearer following the publication of the Early Alterations to the London Plan, the report of the Panel of their Examination in Public and in the recent Further Alterations.
- 9.3 European and national policy aims that most waste is treated or disposed of within the region in which it is produced. The Landfill Directive sets targets to significantly reduce the amount of biodegradable municipal waste landfilled over the next 14 years. Where targets are breached waste disposal authorities will face fines of £150 per tonne of waste as well as a share of an EU fine of £0.5m per day. These fines

will be passed onto boroughs and could have significant implications for borough finances.

9.4 The seven boroughs in the North London Waste Authority (NLWA) have prepared a Joint Municipal Waste Strategy. Without a JWDPD, the future of the North London Waste Authority will be at risk because the JWDPD is the identified means for the NLWA to secure sufficient sites for its Joint Municipal Waste Strategy.

9.5 It is the considered view of all the boroughs that a joint DPD is the best way forward. This is in line with government guidance set out in Planning Policy Statement 10, it enables waste and recycling facilities to be shared across boroughs in a sub-region where the boroughs involved have a long history of collaboration over waste and it enables boroughs to share out the limited expertise available on waste planning. A joint DPD will also result in cost savings for individual boroughs.

9.6 Memorandum of Understanding and other work to date

9.7 There has been extensive work to date to prepare for the JWDPD. The Memorandum of Understanding (MoU), which has been agreed by all the boroughs, sets out a framework for decision making and project management for the North London JWDPD.

- A Programme Manager has been employed by Camden as lead authority. His role is to co-ordinate activity and act as the main point of contact for the plan. The Programme Manager will be responsible for ensuring that the timetable and budget is adhered to, for managing the performance of consultants and the consultation and communication activity
- The Planning Officers Group (POG) will meet approximately every six weeks to steer the work on the production of the JWDPD. Each borough will be represented and these officers will report back to their boroughs.
- The Planning Members Group (PMG) will review progress on the JWDPD, the issues arising and other matters referred to them by the POG. The PMG is intended to meet at the key statutory stages of the JWDPD. Each borough will be represented by the cabinet member with planning responsibility, or their nominee.

10. Consultation

10.1A community consultation strategy for the JWDPD will be developed which will be consistent with the Council's draft Statement of Community Involvement. The Strategy will explain what consultation methods and initiatives will take place in addition to the statutory public consultation periods. Consultation has been ongoing between the seven boroughs and between planning and waste departments and with the North London Waste Authority.

11. Summary and Conclusion

11.1 The seven boroughs in the North London Waste Authority are proposing, as planning authorities, to draw up a Joint Waste Development Plan Document (JWDPD).

11.2 On 1 November 2005 the Council's Executive agreed in principle (TEX113) to produce the JWDPD. However, under the Local Authorities (Function and Responsibilities) (England) Regulations 2000 [as amended] the decision to take part in a Joint Development Plan Document with other authorities cannot be a function of the Executive and therefore this decision needs to be determined by Full Council.

12. Recommendation

12.1 That Members note the arrangements for the preparation of a Joint Waste Development Plan Document.

12.2 That Members recommend to the Full Council that the Joint Waste Development Plan Document is prepared.

13. Equalities Implications

13.1 The JWDPD will address waste capacity and the siting of waste facilities across the whole of North London and the Borough for the benefit of the whole community. Care will be taken to ensure that consultation exercises reach all sections of the community and that national and the Council's equal opportunity policies are complied with.