

AGENDA ITEM 13.2

Meeting Council

Date 7 November 2006

Subject **The Joint Waste Development Plan for North London and the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005**

Report of: Head of Planning and Environmental Protection

Summary Although initially Cabinet agreed to move forward with North London boroughs on the production of a Joint Waste Development Plan Document, it now transpires that Council agreement is required in order to comply with the new Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005.

Officer Contributors Head of Planning and Environmental Protection and Borough Solicitor

Status (public or exempt) Public

Wards affected All

Enclosures Appendix 1 – Acronym Guide

For decision by Council

Function of Council

Reason for exemption from call-in (if appropriate) Not appropriate

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Serial No.

1. RECOMMENDATIONS

- 1.1 That the Council agrees to work in partnership with other authorities in the North London Waste Authority to produce the North London Waste Development Plan.**
- 1.2 That the Council agrees to regularise the previous decision of the Cabinet Resources Committee on 5 January 2006 and the decision of the Cabinet Member for Planning and Environmental Protection on 28 June 2006 by approving the terms of the previous decisions set out in Paragraphs 2.3 and 2.5 accordingly.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 The Draft LDS was approved by Cabinet on 22 November 2004 (decision item 6). Cabinet agreed the content of the LDS including a Joint Waste Development Plan Document to be produced with the NLWA and sub-regional partners. This DPD will set out policies and proposals against which sites for waste development can be identified. GOL approved the LDS in April 2005.
- 2.2 Council approved on 28 June 2005 the schedule of post inquiry modifications to Barnet's UDP for consultation purposes. The modifications included a commitment to produce a Waste DPD as part of the emerging LDF. Council on 8 November 2005 agreed to adopt the UDP, pending any direction from the Secretary of State. The Council on 15 December 2005 was directed to change the affordable housing threshold and employment car parking standards.
- 2.3 Cabinet Resources Committee on 5 January 2006 approved Barnet's participation in commissioning the JWDPD subject to the allocation to services of additional Planning Delivery Grant and income as part of the 2006/07 budget process. The Cabinet Member for Planning and Licensing was given delegated authority to approve the Memorandum of Understanding.
- 2.4 Council on 31 January 2006, on the recommendation of Cabinet on 23 January 2006, agreed modifications to the UDP following the Secretary of State's direction. Council on 12 April 2006, on the recommendation of Cabinet on 3 April 2006 agreed to publish a notice of intention to adopt in accordance with the Regulations. The UDP was adopted on May 18 2006.
- 2.5 The Cabinet Member for Planning and Environmental Protection on 28 June 2006 approved the Memorandum of Understanding as the formal arrangement for the Council's involvement in the production of the North London Joint Waste Development Plan Document. He also approved the identification of a Cabinet Member to attend the JWDPD Planning Members Group.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The JWDPD is particularly relevant to the following key priority in the Corporate Plan:
 - Clean, Green and Safe - preventing waste and maximising recycling.
- 3.2 The Three Strands Approach adopted in November 2004 can be considered an embryonic version of the Core Strategy DPD (the centrepiece of Barnet's LDF) the purpose of which is to provide the long term spatial vision for the Borough. The JWDPD will be consistent with Three Strands and the emerging Core Strategy.

4. RISK MANAGEMENT ISSUES

- 4.1 Government guidance - PPS 12 encourages joint working on Waste DPDs. Failure to participate in the production of a JWDPD will require Barnet to prepare a Waste DPD on its own in order to comply with the London Plan. The NLWA joint working enables waste and recycling facilities to be shared across boroughs. Sharing facilities makes the best use of land resources. A joined up approach also allows the sharing of the limited expertise on waste planning in North London, without which Barnet would find it more difficult to acquire expert assistance to achieving a waste planning framework.
- 4.2 The LDF (including the Waste DPD) are key components to Barnet's development plan process which has agreed targets with the DCLG and GOL. Failure to provide such statutory planning documents would result in poor performance against BVPIs and potential loss of PDG.
- 4.3 Finance for the JWDPD will be paid to the lead authority, London Borough of Camden. It should be noted that costs will inevitably rise for Barnet if any member of the NLWA drops out.
- 4.4 The MoU does not legally bind all seven boroughs including Barnet to produce the JWDPD. It does establish protocols and commitments. Once the contract is signed by the seven boroughs there will be contractual obligations which would result in financial penalties on any borough defaulting.
- 4.5 Failure to regularise the previous decisions of the Cabinet Resources Committee on 5 January 2006 and the Cabinet Member for Planning and Environmental Protection on 28 June 2006 respectively might lead to delays arising from potential challenges to these decisions as not in accordance with the requirements of Local Authorities (Functions and Responsibilities) (Amendment) (No. 2) (England) Regulations 2005.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The specification for consultants includes preparation of the JWDPD, developing a monitoring framework for assessing progress, undertaking of Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) as the Plan is developed and carrying out all necessary consultation linked to each stage of the DPD preparation and SA/SEA requirements. The production of the JWDPD and Sustainability Appraisal will demonstrate how it supports Barnet and other members of the NLWA in meeting their equalities obligations.
- 5.2. In addition to the consultants' specification, the Council is working with other members of the NLWA to develop a consultation and community involvement strategy to enable effective outreach working with North London's diverse communities. This will be in addition to the requirements of Barnet's Statement of Community Involvement.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 6.1 Finance from DEFRA's Waste Implementation Plan has enabled consultants to make progress on the JWDPD including the preparation of a draft Memorandum of Understanding. A Programme Manager serving the JWDPD is now in place to help let and manage the JWDPD contract. This has enabled progress to be made on the procurement process with letting of the contract anticipated by late 2006.
- 6.2 The cost of the JWDPD equates to £115,143 per borough. As part of the 2006/07 budget and Forward Plan process it has been agreed that £35,000 be funded each year from 2006/07 to 2008/09 as part of the allocation to services of additional Planning Delivery Grant and income. The balance of £10,143 will be contained within existing approved budgets.

7. LEGAL ISSUES

- 7.1 As referred to in the body of the report.

8. CONSTITUTIONAL POWERS

- 8.1 Constitution Part 3, Section 2, states that the Council can discharge all non-executive functions.

9. BACKGROUND INFORMATION

- 9.1 The Planning Officers Group (a steering group of planners from each of the seven boroughs) expects to let the contract for the JWDPD by late 2006. Under the current timetable the contract can be awarded and signed on 15 December 2006 (following the assessment, scrutiny and cooling off periods) if no unforeseen difficulties occur.
- 9.2 Several authorities in Greater Manchester, Merseyside and East London are working together to produce JWDPDs. Through sharing examples of good practice the relevance of the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005 and the requirement to seek full Council approval has been highlighted by the Government Office for the North West. To avoid further delay each borough in the NLWA now has to secure full Council approval for moving forward with the JWDPD.
- 9.3 According to the Local Authorities (Functions and Responsibilities) (Amendment) (No.2) (England) Regulations 2005 paragraph 4(c) the making of an agreement to prepare one or more joint development plan documents shall not be the responsibility of the executive of the authority.
- 9.4 On this basis, this function needs to be discharged by Full Council and not the Executive as previously approved.
- 9.5 A new timetable for JWDPD production will be drawn up by consultants and included in each borough's Local Development Scheme. The indicative timetable expects the first consultation stage (Issues & Options) to take place in September 2007, followed by second consultation stage (Preferred Options) in March 2008 and third consultation stage (Submission) in July 2008. Following the Examination in November 2008 the JWDPD is expected to be adopted by August 2009. Following adoption a revised written agreement between boroughs will cover JWDPD implementation and monitoring.

10. LIST OF BACKGROUND PAPERS

- 10.1 None

Legal: CH

CFO: CM

Appendix 1 Acronym Guide for Local Development Framework Terminology

ALG	Association of London Government
BVPI	Best Value Performance Indicator
DCLG	Department for Communities and Local Government
DEFRA	Department for Environment, Food and Rural Affairs
DPD	Development Plan Document
GLA	Greater London Authority
GOL	Government Office for London
JWDPD	Joint Waste Development Plan Document
LDF	Local Development Framework
LDS	Local Development Scheme
MoU	Memorandum of Understanding
NLWA	North London Waste Authority
PDG	Planning Delivery Grant
PPS	Planning Policy Statement
UDP	Unitary Development Plan