

AGENDA ITEM: 7

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Meeting	Cabinet Resources Committee
Date	5 January 2006
Subject	Moving Towards a Joint Waste Development Plan for North London
Report of	Cabinet Member for Planning & Licensing Services
Summary	To endorse Barnet's involvement with other members of the North London Waste Authority in engaging consultants to produce a Joint Waste Development Plan (JWDPD) Plan to analyse future levels of municipal, commercial, industrial, construction & demolition waste and to propose facilities accordingly. The JWDPD will form an integral part of Barnet's Local Development Framework. A Memorandum of Understanding will set out arrangements for formal joint working between the boroughs.

Officer Contributors	Head of Planning
Status (public or exempt)	Public
Wards affected	All
Enclosures	None
For decision by	Cabinet Resources Committee
Function of	Executive
Reason for urgency / exemption from call-in (if appropriate)	Not appropriate

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1. RECOMMENDATIONS

- 1.1 That subject to the allocation to services of the additional Planning Delivery Grant and income as part of the 2006/7 budget process approval be given to Barnet commissioning a Joint Waste Development Plan Document (JWDPD) with the other six planning authorities in the North London Waste Authority (NLWA) within the terms set out in this report.**
- 1.2 That authority to approve the Memorandum of Understanding be delegated to the Cabinet Member for Planning and Licensing Services.**
- 1.3 That the Head of Planning be instructed to initiate a report back to future Cabinet and Cabinet Resources Committee meetings as necessary, on progress with preparation of the JWDPD and for approval of the finalised JWDPD which will form an integral component of the Barnet Local Development Framework.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 The Draft Local Development Scheme (LDS) – which sets out Barnet’s programme for the Local Development Framework (LDF) - 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 (JWDPD) to be produced with the North London Waste Authority (NLWA) and sub-regional partners. This DPD will set out policies and proposals against which sites for waste development can be identified.
- 2.2 The Cabinet Member for Regeneration and Development (now Cabinet Member for Planning and Licensing) was given delegated authority to approve any subsequent amendments required prior to submission to the Government Office for London (GOL) in March 2005. GOL approved the LDS in April 2005.
- 2.3 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. The Waste DPD will provide a set of policies and proposals against which sites for waste development can be identified. Cabinet on 11 October 2005 recommended Council on November 8 to adopt the UDP, which was agreed pending any direction from the Secretary of State.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The JWDPD is particularly relevant to the following key priority in the Corporate Plan:
 - A Cleaner Greener Barnet, with the reduction of waste and the maximisation of recycling.
 - New European and Government waste minimisation and recycling targets place a significant requirement on local authorities for which a

robust waste-related planning framework will provide considerable assistance to meeting those aims and objectives.

- 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 The EC Landfill Directive sets targets to progressively reduce the amount of biodegradable municipal waste landfilled over the next 15 years. By 2010 it should be reduced to 75% of 1995 production, by 2013 to 50% and by 2020 to 35% of the 1995 figure. If these targets are breached the NLWA will face a fine of £150 per tonne of waste, plus a share of an EU fine of £0.5m per day. These fines will be apportioned to the boroughs by the NLWA. Without an effective and robust planning waste framework as part of the Barnet LDF, it will be increasingly difficult for the Council to achieve these stringent targets and ensure that the LDF is complete and comprehensive.
- 4.2 Government guidance - PPS 12 particularly 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. In 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 be vulnerable to achieving a waste planning framework.
- 4.3 The LDF (including the Waste DPD) are key components to Barnet's development plan process which has agreed targets with the ODPM and GOL. Failure to provide such statutory planning documents result in poor performance against BVPIs and loss of Planning Delivery Grant (PDG)
- 4.4 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.

5. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 5.1 Initial work on the JWDPD, a scoping study by Land Use Consultants (May 2005), was financed by Defra's Waste Implementation Plan (WIP). A further WIP grant has been secured to cover preparation work including a scoping study on community involvement, preparation of a Memorandum of Understanding to ensure formal joint working and a stakeholder conference for members and officers.
- 5.2 The scoping study identified total costs of £806,000 for JWDPD production which breaks down as follows :
- | | |
|-------------|----------|
| Consultants | £380,000 |
|-------------|----------|

Programme Manger	£130,000
Printing /publicity	£50,000
Examination	£246,000

Divided by the 7 members of NLWA this equates to £115,143 per borough. Broken down to the 3.5 year programme for JWDPD production this equates to an average cost per borough of £32,898 per annum for 3.5 years. It is being proposed as part of the 2006/7 budget process that £35,000 pa be funded from 2006/7 to 2008/9 as part of the allocation to services of additional Planning Delivery Grant and income. This results in funding of £105,000, with the balance of £10,143 (to achieve the total estimated cost of £115,143) to be contained within existing approved budgets. Expenditure from 2006/7-2008/9 is subject to approval as part of the budget and Forward plan process.

- 5.3 A robust assessment and scrutiny of the above costs is being undertaken by the Council's Procurement Section.

6. LEGAL ISSUES

- 6.1 Each borough needs to agree the Memorandum of Understanding (MoU). It is recommended that Cabinet and Resources delegate responsibility to the Member for Planning and Licensing to approve the MoU.

7. CONSTITUTIONAL POWERS

- 7.1 Part 4 of the Council's Constitution - Section 3 - Responsibility for Executive Functions.

8 BACKGROUND INFORMATION

- 8.1 London has to deal with its own waste. Government planning guidance - PPS 10 – Planning for Sustainable Waste Management (July 2005) encourages the identification in DPDs of sites and areas suitable for new or enhanced waste management facilities. It also expects DPDs to demonstrate how capacity targets in the London Plan can be met. An alteration to the London Plan was published for formal consultation in October 2005. It expects boroughs to identify the number and type of new or enhanced recycling and waste processing facilities required and the opportunities for their broad location. The North London sub-region (Barnet, Enfield, Haringey and Waltham Forest) should find an additional 11.4 ha of capacity not currently in waste use between 2005 and 2020. The majority of this extra capacity is expected to come from industrial land allocations. There is a need to ensure that existing waste facilities are safeguarded and new capacity is provided, particularly for recycling of municipal solid waste and commercial and industrial waste. A separate report on the Council's response to the London Plan Alterations will be considered at this Cabinet meeting.
- 8.2 A lack of in-house planning expertise on waste, pressing other concerns on LDF preparation and potential economies of scale have meant that the JWDPD can most effectively be progressed through use of specialist external

consultants. Considering the sensitivities of seven boroughs over site selection, coordinating their inputs and achieving their approval through their own appropriate mechanisms will be a major task. Land Use Consultants (LUC) set out a methodology for producing the JWDPD including a detailed specification covering all stages of sustainability appraisal, consultation work and the examination in public. LUC also recommended the production of a Memorandum of Understanding setting out rights and responsibilities for the boroughs as a further preliminary task at the beginning of the process.

- 8.3 Much progress has been achieved on JWDPD preliminary work by a steering group of planners from each of the seven boroughs and with assistance from NLWA, GOL, ALG and GLA. The Council's Environmental Services and waste related sections have had significant input to the process. Financial assistance has been provided by Defra. LB Camden has co-ordinated the steering group, applying for funds and representing the project at other London-wide meetings. The JWDPD will continue to require a high level of co-ordination between boroughs as the organisation moves from an informal to a formal arrangement based on a Memorandum of Understanding. JWDPD costs include supplying a secondment at Camden as Programme Manager.
- 8.4 Barnet is the last NLWA authority to seek Cabinet endorsement for this Council's involvement in the JWDPD and the programme for production cannot readily proceed without this endorsement.
- 8.5 LUC recommended the following tasks at the beginning of the process.
- Amending the LDS to include project details of JWDPD. Subject to Cabinet's approval of the arrangements for a JWDPD Barnet's LDS will be revised and new project milestones will be set out following the appointment of consultants for the JWDPD.
 - Producing a 'scope of policies' document to encourage consistency between each borough's core strategy and the emerging JWDPD. Preparatory work on Barnet's Core Strategy will commence in November 2005
 - Producing model development control policies in the LDF on waste for boroughs to ensure consistency. These policies will be set out in Barnet's Site Development Policies DPD, the production of which is set to start in November 2006
 - Ensuring boroughs' Statements of Community Involvement (SCI) contain references to joint consultation on the JWDPD in line with an emerging consultation strategy. Work on Barnet's SCI will commence in November 2005.

The full list of recommendations by LUC for the NLWA boroughs is set out at Appendix 1

- 8.6 The following administrative arrangements are suggested for the boroughs:
- Planning Officers Group (POG) to meet 6 weekly to be chaired by a borough planning officer, probably Assistant Director (Planning) at Camden. This group will supervise the consultants.

- Planning (Portfolio) Members Group to meet at key stages of the JWDPD preparation. This group should contain the appropriate Cabinet member from each council.
- Appointment of a Programme Manager to be main point of contact for consultants, work with officer and member groups, to oversee consultation work and to be public face of the plan.
- Planners to work closely with borough colleagues in waste and environment services, through regular update meetings and forward planning sessions as well as through inclusion in the relevant processes.
- Any relevant recommendations from the current Best Value Review of Waste Management will be incorporated into the JWDPD and the project as a whole.

At each stage the JWDPD will need to go through each council's appropriate decision making machinery and at submission and adoption stage that is the full council.

- 8.7 Overall the project is expected to last for up to four years, with DPD preparation taking just over two years. The final year is taken up with the examination in public (effectively a public inquiry) and the inspector's report. The individual boroughs in the NLWA are now taking decisions on moving towards a JWDPD. On the basis of these decisions a tendering process will take place in early 2006 so that JWDPD production can start by mid 2006.
- 8.8 The Mayor of London is seeking new waste planning powers including a London Single Waste Authority (LWSA) which will replace the NLWA. The Mayor considers that London boroughs are ill equipped to deliver new waste facilities and highlights the failure of UDPs to protect or identify suitable sites for waste. The Mayor's Scoping Paper fails to acknowledge the progress made by the 7 boroughs on the JWDPD. A LWSA will require primary legislation. According to the Mayor, if the Government agreed his proposals, the earliest it could be enacted is the 2008/09 parliamentary session.

Conclusion

- 8.9 The Waste DPD will provide an effective long term strategy to meet Government targets and deal with the spatial elements of Barnet's and North London's waste within the Borough's Local Development Framework. The early production of the first phase of this document will ensure that the Council is better placed to meet new stringent waste reduction and recycling targets and LDF timescales.
- 8.10 This piece of work needs to be progressed notwithstanding the Mayor of London's stated aim to assume overall responsibility for waste planning in London, as it will provide a sound basis for future planning irrespective of where that responsibility lies.

9 LIST OF BACKGROUND PAPERS

- 9.1 LB Barnet Local Development Scheme, April 2005

Cabinet Report Barnet's Draft Local Development Scheme - November 22nd 2004

Cabinet Member for Regeneration and Development - Additional Amendments to the Draft Local Development Scheme – March 17th 2005

Land Use Consultants & SLR Consulting Ltd - Joint Planning for Waste in North London – Draft specification for the production of a Joint Waste Development Plan Document (May 2005)

Land Use Consultants & SLR Consulting Ltd - Joint Planning for Waste in North London – Guidance for North London Boroughs (May 2005)

ODPM - PPS 10 Planning for Sustainable Waste Management (July 2005)

Mayor of London Scoping Paper on Proposal for a London Single Waste Authority and Enhanced Mayoral Waste Planning Powers (September 2005)

Mayor of London Draft Alterations to the London Plan – Housing Provision Targets, Waste and Minerals (October 2005)

LB Barnet Waste Prevention Strategy 2005 – 2020 (November 2005)

- 9.2 Anyone wishing to inspect the background papers should telephone 020 8359 4211

APPENDIX 1 - Full list of recommendations from Land Use Consultants

Recommendation 1: All borough LDS documents should be updated at a later stage, once the timetable, resources and monitoring arrangements for the JWDPD have been finalised.

Recommendation 2: A preliminary task in developing a JWDPD should be to produce a 'scope of policies' document to encourage consistency between borough Core Strategy DPDs in supporting waste planning objectives for North London.

Recommendation 3: The 'scope of policies' document referred to in Recommendation 2 should include an agreed scope of development control policies for waste planning. It may also include examples of model policies to provide consistent guidance for each borough in producing development control policies within individual LDFs.

Recommendation 4: Adopted proposals maps should be updated once the JWDPD has been adopted. Consideration should also be given as to whether other borough LDDs need to be reviewed.

Recommendation 5: Boroughs should ensure that current draft SCIs support the objective for joint consultation on the JWDPD. SCIs should include a statement allowing for joint consultation and for a separate Consultation Strategy for the JWDPD to be produced.

Recommendation 6: Boroughs should adopt the joint working arrangements outlined in the Consultants' Specification, including decision-making arrangements, with the view to:

- Identifying a Cabinet member to attend the PMG on a regular basis.
- Co-ordinating committee cycles during preliminary stages, issues and options, submission and adoption.
- Identifying and appointing a Programme Manager at an early stage in the work programme.

Recommendation 7: Borough planners should work closely with their respective waste teams to help identify waste infrastructure requirements and inform site allocations and policies on key issues.

Recommendation 8: Boroughs should adopt the work programme set out in section three of the Consultants' Specification.

Recommendation 9: Boroughs should adopt the time and cost estimates set out in this paper and the Consultants' Specification, with the view to appointing consultants to undertake the project from early 2006.

Source - Land Use Consultants & SLR Consulting Ltd

Joint Planning for Waste in North London – Draft specification for the production of a Joint Waste Development Plan Document (May 2005)

Joint Planning for Waste in North London – Guidance for North London Boroughs (May 2005)