

	<p>Policy and Resources Committee</p> <p>9th July 2015</p>
<p style="text-align: center;">Title</p>	<p>Draft North London Waste Plan and Supplemental Memorandum of Understanding</p>
<p style="text-align: center;">Report of</p>	<p>Commissioning Director Growth and Development</p>
<p style="text-align: center;">Wards</p>	<p>All Wards</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix 1: Regulation 18 draft North London Waste Plan Appendix 2: Schedule of minor changes to committee version of the North London Waste Plan Appendix 3: Memorandum of Understanding between the seven north London boroughs Appendix 4: Memorandum of Understanding between the North London boroughs and the LLDC</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Nick Lynch – Planning Policy Manager 0208 359 4211 Nick.lynch@barnet.gov.uk Mike Carless – Principal Planning Policy Officer 0208 359 4657 mike.carless@barnet.gov.uk</p>

<p>Summary</p>
<p>Seven North London Boroughs (“the Boroughs”) have prepared a draft North London Waste Plan (NLWP) for consultation. At the same time the Boroughs have revised the Memorandum of Understanding which establishes governance arrangements for joint working on the draft Waste Plan which will provide a planning framework for waste management decisions up to 2031.</p> <p>The draft NLWP adopts a combined strategy of net self sufficiency in waste and of maximised recycling to achieve the recycling targets set out in the London Plan. The draft NLWP identifies a capacity gap and identifies sites and areas to meet that gap. It also sets out policies to assist decision making on planning applications. Public consultation on the draft NLWP is programmed to commence in summer 2015.</p>

Recommendations

- 1. That the draft North London Waste Plan (NLWP) as set out in Appendix 1 and Schedule of minor changes at Appendix 2 be approved for public consultation and the committee delegate authority to the Assistant Director - Development Management & Building Control to be authorised to make any further minor changes to the draft North London Waste Plan prior to consultation.**
- 2. That the Committee recommend the approval of the revised Memorandum of Understanding (as set out in Appendix 3) by full Council as the formal arrangement for Barnet's continued involvement in the NLWP.**
- 3. That the Committee approve the proposed strategic objectives identified at paragraph 1.26 for future Memoranda of Understanding which will satisfy the duty to co-operate in respect of the NLWP. That the Committee further recommends that Full Council delegate authority to the Assistant Director - Development Management & Building Control to agree such future Memoranda of Understanding which meet these strategic objectives.**
- 4. That the Committee recommend that Full Council approve the Memorandum of Understanding with the London Legacy Development Corporation (LLDC) as set out in Appendix 4**

1. WHY THIS REPORT IS NEEDED

What is the North London Waste Plan?

- 1.1 The seven planning authorities of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are working together to produce the North London Waste Plan (the 'NLWP'). When adopted the Plan will form part of the suite of documents that make up the Local Plan for each of the North London Boroughs.
- 1.2 The purpose of the NLWP is to ensure there will be adequate provision of waste management facilities to manage North London's waste. It will set out the waste management needs and demonstrate how these needs will be met during the plan period through the identification of suitable sites and areas for waste management facilities. It will also include a policy framework for determining planning applications for waste development.
- 1.3 The NLWP is a requirement of the EU Waste Framework Directive and National Planning Policy for Waste. The NLWP must be in general conformity with the London Plan which apportions an amount of waste to each borough for management.
- 1.4 In 2012 a previous version of the NLWP was found by a Planning Inspector to not meet the legal requirements of the Duty to Co-operate and as a result the Boroughs had to start on a new NLWP.

Progress to date on the North London Waste Plan

- 1.5 The current draft NLWP was launched with a 'issues' consultation in spring 2013. A report of this consultation has been published online¹. In 2014 the Boroughs held a series of three focus group meetings involving a cross section of key stakeholders to discuss emerging issues for the current draft NLWP. A report of the focus group discussions has also been published².
- 1.6 The Boroughs have been consulting with other planning authorities as part of the Duty to Co-operate requirement pursuant to regulation 4 of the Town and Country Planning (local planning) (England) Regulations 2012. Over 120 waste planning authorities who receive waste from North London have been contacted. Over 40 of these have been found to receive significant quantities of waste from North London. A report on the initial round of Duty to Co-operate engagement (which is an ongoing process) has been produced³ as evidence of meeting this requirement.

Summary of the draft North London Waste Plan

- 1.7 The aim of the draft NLWP is:

'To move towards achieving net self-sufficiency in the management of north London's waste and support a greener London by providing a planning framework that contributes to an integrated approach to management of materials further up the waste hierarchy. The NLWP will provide sufficient land for development of waste facilities that are of the right type, in the right place and provided at the right time to enable the north London Boroughs to meet their future waste management needs by 2032'

- 1.8 North London's special characteristics and its waste management requirements are addressed in the NLWP spatial strategy. The strategy provides the basis for balancing priorities, opportunities and constraints, in particular the availability of sites/areas to achieve a deliverable distribution of waste management sites, whilst bringing social, economic and environmental benefits of new waste management facilities to North London.
- 1.9 The NLWP Data Study considers the amount of waste currently produced in North London. It examined how this is managed, the amount of waste that will be produced over the plan period to 2031, the capacity of existing waste infrastructure and the extent to which this can meet future need. The Data Study found North London's waste management capacity to be 3.2 million tonnes per annum.

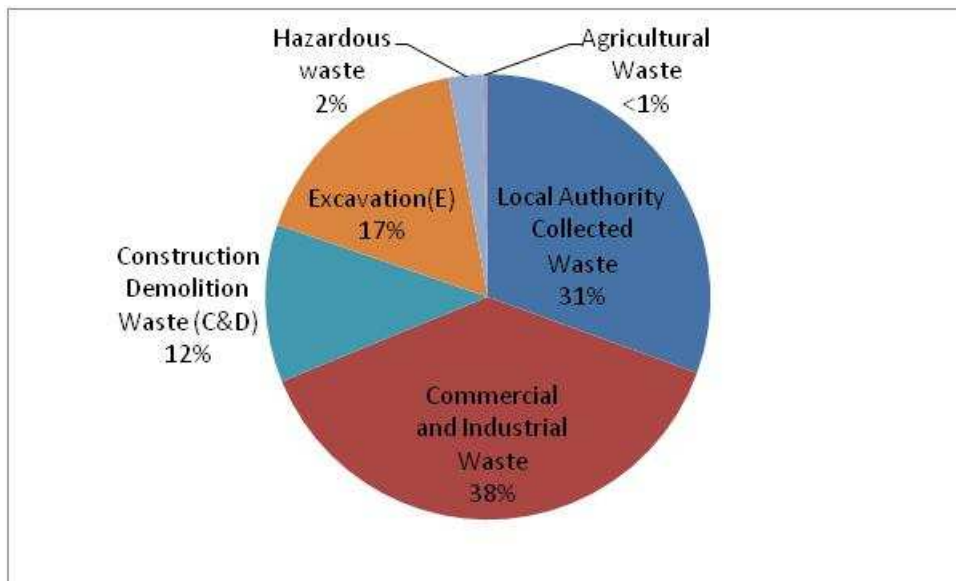
¹ http://www.nlwp.net/downloads/consultation2014/nlwp_launch_consultation_report.pdf

² http://www.nlwp.net/downloads/consultation2014/Report_on_Focus_Group_Events_%28March-July_2014%29.pdf

³ http://www.nlwp.net/downloads/2014_dtc/DtC_Report_June_2014.pdf

- 1.10 The NLWP needs to plan for seven waste streams:
- Local Authority Collected Waste (LACW),
 - Commercial and Industrial (C&I),
 - Construction, Demolition & Excavation (CD&E),
 - Hazardous,
 - Agricultural waste,
 - Waste Water and
 - Low level radioactive waste.

Figure 1: Proportion of North London Waste in Each Waste Stream 2013



Source: *North London Waste Data Study Update 2015*

- 1.11 The NLWP must demonstrate that the amount of LACW and C&I waste apportioned through the London Plan can be managed in North London. The Boroughs must also meet statutory recycling targets. To satisfy these requirements the NLWPs strategic approach is net self-sufficiency for LACW, C&I and C&D waste.
- 1.12 Growth and behaviour scenarios have been modelled to project future capacity gaps and waste management needs. The optimum solution which ensures that NLWP meets statutory recycling targets will also ensure more waste is managed further up the waste hierarchy than other options. Consequently it provides more opportunity to divert waste away from landfill.

Sites and Areas

- 1.13 The capacity required for waste management facilities during the plan period [up to 2031] is 12 hectares. This capacity requirement is spread across two waste management facility types; recycling and energy from waste. The NLWP has to identify sufficient sites and areas to meet this requirement.
- 1.14 All existing waste sites in north London are safeguarded through policy in the London Plan. Existing waste site owners and operators were contacted

about plans to rationalise or expand their facilities, but with limited results. A call for sites was also made with limited results. Therefore with no land coming forward from existing waste operators a land availability search was undertaken. As the basis of this search assessment process criteria were split into two levels, absolute criteria and screening criteria. Sites which passed both sets of criteria were subject to site visits to complete the assessment.

- 1.15 As a result the draft NLWP has been able to identify sites and areas that are potentially suitable for waste use. A 'site' is an individual plot of land whereas an 'area' comprises a number of individual plots of land, for example, an industrial estate or employment area.
- 1.16 The draft NLWP identifies four new sites for waste use, two in Enfield and one each in Barnet and Hackney. In Barnet the only site identified is land between Edgware Road and Geron Way which falls within the Brent Cross Cricklewood regeneration area and is identified as the replacement site for the Hendon Rail transfer station.
- 1.17 The draft NLWP also identifies a list of 23 areas across six of the seven north London boroughs covering a total of 330 hectares. Six areas covering a total of 10 hectares are identified in Barnet; all are in commercial use and four are identified in Barnet's Local Plan as existing Locally Significant Industrial Sites. This list of areas includes Oakleigh Road South, the proposed location for the replacement Council depot.
- 1.18 There are a number of benefits to allocating both sites and areas. Allocating sites that are available and suitable for waste management facilities will contribute towards meeting the apportionment targets set out in the London Plan. Allocating areas within which waste uses would be broadly acceptable will ensure the NLWP is flexible. Developers of waste facilities seek flexibility in terms of land availability. Other non-waste uses would still be permitted in the areas identified.

Memorandum of Understanding (MoU)

- 1.19 The MoU is an updated version of the document agreed by all the North London Boroughs on 26th February 2007. The MoU provides the formal basis for borough co-ordination to enable production of the NLWP. The MoU covers issues of partnership working, organisational structure, project management and dispute resolution.
- 1.20 The MoU sets out the following principles of partnership working:
 - Co-operation – boroughs agree to co-operate in order to achieve most sustainable waste management solutions for North London, whilst taking into account implications for each borough;
 - Accountability – recommended actions and decisions should promote the well being of all council tax payers;
 - Transparency - boroughs will seek joint solutions to waste planning through communicating in an open and transparent manner.

- 1.21 Following the Planning Inspector's decision that the previous draft NLWP failed the Duty to Co-operate, it was clear that the MoU required revisions to take account of new circumstances. This version reflects changes to the NLWP budget and timetable. However the underlying principles of the original MoU have not been modified.

North London Waste Plan Memoranda of Understanding and the duty to cooperate

- 1.22 A key issue for the NLWP is the movement of waste beyond the seven boroughs, both within and outside London. Ensuring sufficient land/waste facilities outside the NLWP area will be dealt with by the 'Duty to Co-operate' which requires boroughs to engage, constructively, actively and on an on-going basis with other public bodies on strategic matters. Methods which can satisfy the duty include meetings, information exchange, agreement of common issues, statements of common ground and memorandum of understanding.
- 1.23 National Planning Policy Guidance (NPPG) recommends that effective cooperation is likely to require sustained joint working with concrete actions and outcomes. It is unlikely to be met by an exchange of correspondence, conversations or consultations between authorities alone. Therefore the NLWP will be looking to agree various Memorandum of Understanding with authorities where a significant quantity of waste is exported. The agreements will be between LB Barnet as a member of the North London Waste Plan and the other planning authority as principles of waste policy planning need to be agreed to deliver the NLWP's policy framework. Demonstrating we have met the Duty to Co-operate is a legal requirement for plan making however guidance makes clear it is not a duty to agree. The Memorandum of Understanding with the London Legacy Development Corporation is included at Appendix 4 both for agreement and as an example. *The agreement is likely to be one of the more complicated Memorandums required.*
- 1.24 The various MoU related to the Duty to Co-operate requirement will help form the content of the NLWP and should have no financial implications. The MoU may need to be agreed by each NLWP borough at various stages of Waste Plan production prior to submission and adoption.
- 1.25 Currently there are about 40 individual waste planning authorities or groups of waste planning authorities which the Boroughs would like to continue a dialogue with. The level of agreement will vary and not all will have policy implications. A pragmatic approach to dealing with the practicality of having a number of MoUs with prospective partners (related

to the Duty to Co-operate) would be to delegate the decision making to officers. The MoU would have to be in line with the aims and principles agreed by the Policy and Resources Committee and a summary of the agreed MoU could be reported to Committee when the NLWP is recommended for adoption. This solution would allow officers of the Council to agree future MoU's with their respective partners in the progression of the work related to the North London Waste Plan.

1.26 It is proposed that the following strategic objectives guide future draft Duty to Co-operate MoU:

SO1. To support the movement of north London's waste as far up the waste hierarchy as practicable, to ensure environmental and economic benefits are maximised by utilising waste as a resource;

SO2. To ensure there is sufficient suitable land available to meet North London's waste management needs through safeguarding and allocation policies;

SO3. To achieve net self-sufficiency by providing opportunities to manage as much as practicable of North London's waste within the Plan area taking into account the amounts of waste apportioned to the Boroughs in the London Plan, and the requirements of the North London Waste Authority.

SO4. To ensure that all waste developments accord to high standards of design and build quality, and that the construction and operation of waste management facilities do not cause unacceptable harm to the amenity of local residents or the environment;

SO5. To ensure the delivery of sustainable waste development within the plan area through the integration of social, environmental and economic considerations;

SO6. To provide opportunities for North London to contribute to the development of low carbon industries and decentralised energy;

SO7. To support the use of sustainable forms of transport and minimise the impacts of waste movements including on climate change;

SO8. To protect, and where possible enhance, North London's natural environment, biodiversity, cultural and historic environment.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Delivering the NLWP will satisfy the requirement to deliver a waste management plan to identify adequate land for waste use. This is the first stage of consultation in the regulatory process for adopting a Local Plan Development Plan Document.
- 2.2 Ensuring approval of the NLWP Memorandum of Understanding will ensure that the legal basis for delivering the Waste Plan is up to date.
- 2.3 Approving a process for agreeing future Memorandum of Understanding related to the NLWP will reduce the burden on the committee system.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 In line with the National Planning Policy Framework to ensure the NLWP is justified, a separate Options Appraisal report tests a range of options to demonstrate that the Boroughs have considered reasonable alternatives and that draft NLWP follows the most appropriate strategy.
- 3.2 Withdrawing from the NWLP would not be realistic because of the MoU which ensures Barnet's involvement until the NLWP adoption. Not adopting a waste plan would also leave the Council liable to fines from the European Union. The Government wrote to waste planning authorities in January 2011 reminding them that the UK would be liable for fines and that these penalties can be passed onto any authority which caused the UK to breach its obligations.

4. POST DECISION IMPLEMENTATION

- 4.1 The draft NLWP will go out to public consultation once all seven planning authorities have approved the draft NLWP, it is anticipated that consultation will commence in summer 2015. The draft NLWP will be revised in light of comments received and the proposed submission version will come back to Boroughs for approval before going out to consultation in winter 2016.

NLWP Timetable

Consultation on draft plan	Summer/Autumn 2015
Consultation on proposed submission plan	Summer 2016
Submission to the Government	Autumn 2016
Examination hearing	Winter 2016/17
Final Inspector's Report	Summer 2017
Adoption by boroughs	Autumn 2017

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The draft NLWP helps to meet Corporate Plan 2015-20 strategic objectives in ensuring that Barnet is a place:-

- of opportunity, where people can further their quality of life – *the NLWP will ensure waste management facilities are appropriately planned thereby protecting residential areas from any environmental impact of new or redevelopment of existing facilities;*
- where people are helped to help themselves, recognising that prevention is better than cure – *the NLWP will ensure land is available for a range of waste management facilities which will support growth of waste recycling businesses increasing both business opportunities and opportunities for residents and businesses to recycle and utilise waste as a resource;*
- where responsibility is shared, fairly – *the NLWP will seek a network of waste sites across North London ensuring that communities take responsibility for their own waste; and.*
- where services are delivered efficiently to get value for money for the taxpayer - *the NLWP will ensure that the sites for waste management are delivered in more accessible locations helping to improve service delivery.*

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The indicative costs of producing the NLWP are set out in the revised MoU. The table below sets out that the indicative total cost for the project with the bottom row the cost per borough which are allocated on an equal basis. Barnet can expect a total cost of £156,422 across the lifetime of the project. Barnet has already paid £58,713. The costs are payable to LB Camden (the lead borough) twice a year, and are currently funded by the council's Re budgets and will be met from existing budgets.

Indicative Budget for the NLWP

	2013/14	2014/15	2015/16	2016/17	2017/18	Total
Consultant Data Study	£42,956					£42,956
Consultant Plan	£34,186	£113,302	£106,624	£73,097	£10,076	£337,284
Programme Management	£99,921	£105,372	£110,678	£87,701	£16,188	£419,860
Publicity	£2,065	£2,041	£43,200	£29,700	£12,700	£89,706

Legal	£2,500	£8,650	£10,000	£44,000	£5,000	£70,150
Examination				£135,000		£135,000
TOTAL	£181,628	£229,365	£270,502	£369,498	£43,963	£1,094,955
Per borough	£25,947	£32,766	£38,643	£52,785	£6,280	£156,422

5.2.2 Delay to the NLWP will be the principal cause of increased costs mainly through funding of the NLWP Programme Manager.

5.2.3 The budgets for the legal, consultation and examination are indicative and may be different due to demand. However, will try to be managed within the budget envelope.

5.3 Legal and Constitutional References

5.3.1 The Planning & Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of Local Plan documents. Upon adoption the NLWP becomes a statutory Development Plan Document that provides part of Barnet's formal planning policy framework.

5.3.2 In accordance with the Council's constitution and paragraph 1.9 of Responsibility for Functions, the delegation of significant functions to other local authorities is reserved to Full Council. The Memorandum of Understanding with the Boroughs establishes Camden Council as the lead borough and as such Camden will enter into all contracts with third parties on behalf of the Boroughs (subject to consultation with the project panel). The Committee is therefore being asked to recommend the approval of the MoUs to Full Council.

5.3.3 Constitution, Annex A (Responsibility for Functions) Policy and Resources Committee Function 2 details that the Committee is responsible for the approving the development of Local Plan and related documents (for adoption by Full Council).

5.4 Risk Management

5.4.1 The Council has a responsibility as a waste planning authority to deliver a waste management plan to identify adequate land for waste use. If a member state does not conform with the European Union Waste Framework Directive then it is liable for fines which will be passed onto the offending authorities.

5.4.2 Any further delay in Borough approvals of the NLWP has serious implications and financial costs for the programme. Barnet is the first to consider approval of the NLWP.

- 5.4.3 Failure to put in place an up-to-date waste plan as part of the Local Plan will hinder delivery of sustainable development, proper planning of infrastructure and protection and enhancement of what makes Barnet's suburbs distinctive.
- 5.4.4 The NLWP will be examined by an Independent Planning Inspector who will assess the document on the basis of it being justifiable, effective and consistent with national planning policy. If found unsound the North London boroughs will be required to go back to an earlier stage which would seriously delay robust decision-making on waste management matters. As part of the process of NLWP production issues of soundness will be assessed against the Planning Advisory Service Soundness Toolkit.
- 5.4.5 The Memorandum of Understanding establishes protocols and commitments between the seven boroughs. It also provides contractual obligations which would result in financial penalties on any Borough defaulting from these commitments.

5.5 Equalities and Diversity

An Equality Impact Assessment (EQIA) has examined the impact of proposed waste management facilities and waste planning policies on the area covered by the seven boroughs. The EQIA found that implementation of NLWP policies and proposals should not lead to unacceptable adverse effects on different communities. Waste facilities can also provide employment opportunities both during construction and operation phase, which may be beneficial to all target groups in all Boroughs. NLWP consultations are designed to gather the views of the local community and other relevant stakeholders. The contribution of different groups will be monitored through consultation responses. NLWP Documents are being made as widely available as possible. In addition to pre-arranged public events there will be the offer of targeted meetings with local groups to discuss the NLWP.

5.6 Consultation and Engagement

- 5.6.1 The draft NLWP will commence public consultation in summer 2015 following all seven planning authorities approval of the plan. The NLWP will be revised in light of comments received and the proposed submission version will come back to Boroughs for approval before going out to consultation in winter 2016.

6. BACKGROUND PAPERS

- 6.1 Report of North London Waste Plan Launch 19 April 2013 – 7 June 2013, July 2013
- 6.2 North London Waste Plan Data Study Part 1, November 2013
- 6.3 North London Waste Plan Data Study Part 2, December 2013
- 6.4 North London Waste Plan Data Study Part 3, January 2014
- 6.5 North London Waste Plan Duty to Cooperate Report, June 2014
- 6.6 Letter from Chief Planner to Chief Executives of all Waste Planning Authorities in England regarding EU Waste Framework Directive, 10 January 2011