

# WEST LONDON WASTE PLAN: DRAFT PROPOSED SUBMISSION VERSION

<b>Cabinet Member(s)</b>	Councillor Keith Burrows
<b>Cabinet Portfolio(s)</b>	Planning, Transportation and Recycling
<b>Officer Contact(s)</b>	Jales Tippell – Residents Services
<b>Papers with report</b>	Appendix 1: Previously Approved and Revised Policy Wording for the West London Waste Plan: Proposed Submission Draft Appendix 2: West London Waste Plan – Draft Proposed Submission Version

## 1. HEADLINE INFORMATION

<b>Summary</b>	Approval was given by the Cabinet in November 2011 to proceed with consultation on the Proposed Submission Draft West London Waste Plan. This report explains the reasons why further redrafting of the Plan has since been required and seeks approval to proceed with consultation on the revised Plan.
<b>Contribution to our plans and strategies</b>	The West London Waste Plan forms part of Hillingdon's Local Plan and those of its other five west London partner boroughs.
<b>Financial Cost</b>	Hillingdon's share of the cost of preparing and taking the West London Waste Plan Proposed Submission Draft forward for the next consultation stage can be met from existing revenue budgets for 2013/14.
<b>Relevant Policy Overview Committee</b>	Residents' and Environmental Services
<b>Ward(s) affected</b>	All.

## 2. RECOMMENDATION

That Cabinet:

- Notes the changes made to the draft West London Waste Plan detailed in this report including the policy wording changes set out at Appendix 1, following the original approval to proceed with consultation in November 2011.**
- Approves the Proposed Submission Draft of the West London Waste Plan for public consultation (attached at Appendix 2).**

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3. **Grants delegated authority to the Deputy Chief Executive and Corporate Director of Residents Services to agree, in conjunction with the Cabinet Member for Planning, Transportation and Recycling, to make any minor editing and textual changes to the Proposed Submission Draft of the West London Waste Plan before it is formally published.**
4. **Approves the Proposed Submission Draft of the West London Waste Plan as a material consideration for the purposes of development management.**
5. **Instructs officers to carry out a minimum six-week public consultation on the Proposed Submission Draft of the West London Waste Plan and the accompanying Sustainability Appraisal in compliance with the adopted Statement of Community Involvement and for officers to report back to a future meeting of Cabinet the outcome of public consultation, prior to its submission for formal examination to the Department for Communities and Local Government.**

### **Reasons for recommendation**

These recommendations are sought 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, Planning Policy Statement 10 and the National Planning Policy Framework.

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, namely 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.

### **Alternative options considered / risk management**

If the Cabinet chooses not to approve the Draft Proposed Submission Version of the West London Waste Plan 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.

### **Policy Overview Committee comments**

None at this stage.

## **3. INFORMATION**

### **Supporting Information**

#### **The West London Waste Plan (WLWP) - Background**

1. The purpose of the WLWP is to set out a planning strategy to 2026 for sustainable waste management, deliver national and regional targets for waste recycling, composting and recovery and provide sufficient waste management capacity to manage waste arisings across the six west London boroughs. Planning applications for any new waste management facilities

will be considered in the light of the WLWP policies and they will also be assessed by the relevant council against that individual borough's Local Plan, including its local development management policies and any other material considerations.

2. The drafting of the WLWP has taken into account relevant planning legislation, national planning policy statements, on-going advice from the Greater London Authority and the Planning Inspectorate and also lessons learnt from professional planning bodies and agencies. The previous key consultation stages in the drafting of the WLWP comprised:

- Issues and Options (February 2009)
- Proposed Sites and Policies (February 2011)

3. Details of the previous consultation in February 2011 were reported to the Cabinet at its meeting on 24 November 2011, when it agreed to approve publication of the Draft WLWP Proposed Submission version for public consultation.

4. Since that decision was taken three factors have delayed further preparation and publication of the Plan for consultation:

- a) The introduction of the Duty to Co-operate which came into effect in November 2011 as part of the Localism Act 2011 and a subsequent nationally significant decision by an independent Planning Inspector, who following the Examination in Public recommended non-adoption of the North London Waste Plan on 14<sup>th</sup> March 2013. As a result of this, the North London boroughs agreed to start work on a new waste plan to comply with the Duty to Co-operate.
- b) The National Planning Policy Framework issued by the Government in March 2012 introduced a general presumption in favour of sustainable development. Legal officers have advised that a policy on this should be introduced into the WLWP, similar to that now included in Part 1 of the Hillingdon Local Plan adopted in November 2012.
- c) A need to resolve policy wording issues between the boroughs regarding (a) how to comply with the 2011 London Plan's waste planning policies and (b) to revise site designations in the London Boroughs of Harrow and Richmond-upon-Thames.

5. Legal officers have advised that following the introduction of the Duty to Co-operate and the decision in the North London Waste Plan case, the WLWP will similarly be expected to demonstrate evidence of having effectively co-operated to plan from the outset for issues with cross-boundary impacts when it is submitted for examination. In his decision on the North London Waste Plan the Inspector there advised that in order to meet the "Duty to Co-operate" introduced by the 2011 Localism Act, the boroughs needed to engage in the work of the relevant waste regional bodies and in one-to-one discussions with individual county waste planning authorities to whom waste is sent for landfill.

6. Officers working on the West London Waste Plan have since contacted the various county councils which receive waste from West London seeking views on the proposed content of the WLWP. The main points covered in their responses revolved around concerns that:

- a. there was often only a limited period remaining (e.g. 2-3 years) for waste to be sent for landfill to their area. In order to be sound the WLWP will need to

demonstrate that alternative provision will be available during the 15 years covered by the Plan;

- b. the WLWP wording should be updated to fully reflect the National Planning Policy Framework, the 2011 review of the UK Waste Strategy 2007 and the latest waste plans covering the counties;
- c. in order to properly reflect the wording of national waste planning guidance in Planning Policy Statement 10 the WLWP should detail all waste arisings in the West London area (especially hazardous waste);
- d. greater detail is required on monitoring and implementation; and
- e. details should be given in the Plan on the level of engagement that has taken place with other authorities. This is in order to satisfy an Inspector that the Duty to Co-operate has been fulfilled, especially as the Plan makes clear that on-going export of waste is likely to continue well into the plan period.

7. Officers have also engaged in discussions with the Greater London Authority, London Councils, the East of England and South East England county regional waste bodies to further progress with the preparation of the WLWP so as to meet the requirements of the Duty to Co-operate.

#### Summary of Changes made to the Plan since the Cabinet approval of 24 November 2011

8. The main changes to the text of the Plan have included:
- a. Revising the wording of policies WLWP 1 and WLWP 2 to ensure that they are in general conformity with the wording of the waste planning policies in the 2011 London Plan;
  - b. Updating waste flow data and landfill capacities in the Plan using information from the relevant counties and the latest available Environment Agency data;
  - c. Revising the Plan text regarding the Duty to Co-operate, implications of the National Planning Policy Framework, further requirements of Planning Policy Statement 10 and the review of the 2007 UK Waste Strategy; and
  - d. Preparing further documents required to accompany the Plan at Submission e.g. an accompanying Sustainability Appraisal.

#### Differences between the approved and revised versions of the policies

9. Appendix 1 shows the original wording used for policies WLWP 1 & WLWP 2 approved by the Cabinet in November 2011. Following discussions with the GLA concerning the implications of the waste policies in the 2011 London Plan and subsequent discussion between the boroughs, officers have proposed revised wording to policies WLWP 1 & WLWP 2. The key change here is a wording amendment concerning the safeguarding of both existing and proposed waste sites. Additionally, any adverse cumulative impact of a concentration of waste uses on an area is also to be taken into account when proposals come forward.

10. The revised version of WLWP Policy 1 differs from the approved version in the following ways:

- The first paragraph separates out land for waste management uses, waste transfer sites and civic amenity sites, highlighting that they will be protected from alternative non-waste use in line with 2011 London Plan policy,
- The third paragraph has been transferred from Policy 2 with minor wording changes for clarification so that it relates to existing waste sites only.

11. The revised version of WLWP Policy 2 differs from the first version in the following ways:

- As above, some of the content has been transferred, with amendments to Policy 1,
- Two additional bullet points have been added to safeguard the local community from adverse cumulative impacts and to note the need for compliance with WLWP Policy 3 which details the development management criteria that all six boroughs will take into account when considering applications for new waste uses.

12. 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 is required in the WLWP to ensure some flexibility in the event that sites do not come forward. The WLWP Proposed Submission Draft previously approved by the Cabinet includes 8 existing sites totalling 19.39 hectares and 3 new sites totalling 9.15 hectares, which amount to a total of 28.54 hectares. This identified sufficient land for waste management facilities to ensure that the 2011 London Plan apportionment is met.

13. Re-appraisal of the existing and new sites has been undertaken by the boroughs as part of work for the Sustainability Appraisal accompanying the WLWP Proposed Submission Draft. Following discussions between the boroughs, amended designations of the 'Forward Drive site' in the London Borough of Harrow and the 'Twickenham Depot site' in the London Borough of Richmond have resulted in a reduced site area now being proposed for waste management facilities. This has reduced the total site area identified in the WLWP to deal with its London Plan apportionment from 28.54 hectares to 25.34 hectares. This means that there is still a surplus capacity identified for West London and no further site assessments need to be undertaken prior to the WLWP Proposed Submission Draft being published for consultation.

14. 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 Submission consultation documents.

### Next Steps

15. The other five West London boroughs are all in the process of securing the requisite formal approvals to ensure that the approved version of the WLWP Proposed Submission Draft is identical in order to go out on public consultation. Once all six boroughs have approved the Draft Proposed Submission Version of the WLWP, the remaining timetable for its preparation will involve:

- a) A six-week public consultation to be held across the six boroughs during this summer. This may extend beyond the normal six-week period 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 to the Secretary of State for formal examination.

16. Officers anticipate that an Examination in Public will be held during the winter of 2013/14 and that the WLWP will be adopted by the six boroughs as part of their respective Local Plans during spring of 2014.

### **Financial Implications**

Hillingdon is the lead borough for the preparation of the joint West London Waste Plan on behalf of the six west London boroughs covered by the plan. Hillingdon incurs the costs of managing and co-ordinating the development plan process and undertaking necessary consultation across the west London area. These costs are shared equally between the six partner boroughs under a previously agreed protocol and Hillingdon's share of the cost of undertaking the next public consultation stage on the draft WLWP will be met from the existing planning policy budget.

Likewise, once the draft WLWP reaches an Examination in Public, the costs for this payable to the Planning Inspectorate will be shared equally between the six boroughs and Hillingdon's share will be met from existing earmarked reserves and the corporate contingency allocation for developing the Local Plan included in the 2013/14 budget.

## **4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

### **What will be the effect of the recommendation?**

The WLWP will form part of the Local Plans of the six partner west London boroughs and will provide a planning framework for sustainable waste development for the next 15 years. Planning applications for any new waste management facilities will be considered in the light of the WLWP policies and they will also be assessed by the relevant council against the individual borough's Local Plan, including its local development management policies and any other material considerations. The WLWP therefore has the potential to have a significant impact, both short term and long term, upon residents, businesses, service users and potentially all members of Hillingdon's communities.

### **Consultation Carried Out or Required**

The preparation of the WLWP has involved the close and active involvement of the west London borough partners and involved widespread consultation across the six partner boroughs. As outlined above, further consultation is to be held on a Draft Proposed Submission Version of the Plan across the six boroughs during this summer.

## **5. CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and concurs with the financial implications set out above, noting that Hillingdon's share of costs associated with the preparation of the West London Waste Plan are to be contained within existing resources. Any material financial implications of potential new waste management sites within the borough will be factored into the Council's Medium Term Financial Forecast as necessary.

### **Legal**

The West London Waste Plan is a development plan document for the purposes of Regulation 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012/ 767 (the "2012 Regulations").

The Government has introduced section 110 of the Localism Act 2011, which inserts a new section 33A to the Planning and Compulsory Purchase Act 2004 (the "PCPA") this provides a duty on local authorities involved in planning to cooperate together in a range of planning activities. Waste management is a strategic matter as confirmed by the National Planning Policy Framework and section 33A (4) of the PCPA therefore, the duty to co-operate is applicable.

The Duty requires local authorities in particular to engage constructively, actively and on an ongoing basis in any process by means of which the identified planning activities are undertaken and have regard to activities of the designated bodies so far as they are relevant to the identified planning activities.

Decision makers must ensure there is a full consideration of all representations arising during consultation of the proposed levy including those which do not accord with the officer recommendation. The decision maker must be satisfied that responses from the public are conscientiously taken into account.

Once the necessary statutory procedures have been completed and the WLWP has been formally adopted by Full Council, the WLWP will become part of the Council's statutory Development Plan. Any planning applications must be determined in accordance with the Development Plan unless material planning considerations indicate otherwise.

### **Corporate Property and Construction**

There are no property implications resulting from the recommendations set out in this report.

## **6. BACKGROUND PAPERS**

Cabinet Report on 24 November 2011: Draft West London Waste Plan - Proposed Submission Stage

## **APPENDIX 1:**

### **PREVIOUSLY APPROVED AND REVISED POLICY WORDING FOR THE WEST LONDON WASTE PLAN: DRAFT PROPOSED SUBMISSION VERSION**

#### **Previously Approved Version of the Policies**

##### WLWP Policy 1 – Safeguarding and Protection of Existing and Allocated Sites

Land accommodating existing waste management and waste transfer uses in west London will be safeguarded for continued use for waste facilities (Appendix 4 Table 4-1 and 4-2). Sites in Appendix 5 Table 5-1 are also allocated for waste use. Development for non-waste uses will not be considered on the land identified in these three tables unless compensatory and equal provision of sites for waste, in scale and quality, is made elsewhere within the west London Boroughs.

##### WLWP Policy 2 – Location of Waste Development

Waste development proposals on sites listed in Tables 4-1, 4-2 and 5.1 will generally be supported, provided that the proposals comply with the other WLWP policies and the boroughs' adopted development plans.

Waste development on other sites, not listed in Tables 4-1, 4-2 and 5.1, may be permitted if the proposals comply with the other WLWP policies and the boroughs' adopted development plans, and:

- It can be demonstrated that the development is not suitable for, or cannot be delivered at, any sites listed in Tables 4.1 and 5.1; and
- For some reason, identified sites have not come forward and it can be demonstrated that there is an emerging shortfall in capacity.

To ensure no loss in existing capacity, re-development of any existing or allocated waste sites must ensure that the quantity of waste to be managed is equal to or greater than the quantity of waste which the site is currently permitted to manage, or that the management of the waste is being moved up the waste hierarchy.

#### **Revised Version of the Policies**

##### WLWP Policy 1 – Safeguarding and Protection of Existing and Allocated Waste Sites

Land accommodating existing waste management uses in west London is protected for continued use for waste management, together with waste transfer and civic amenity sites required for the delivery of the West London Waste Authority's (WLWA) Municipal Waste Strategy.

Existing waste transfer sites which have been allocated as having the potential for redevelopment to waste management (Table 5-1) and new sites with potential for redevelopment to waste management facilities (Table 5-2) are also safeguarded.



To ensure no loss in existing capacity, re-development of any existing waste management sites must ensure that the quantity of waste to be managed is equal to or greater than the quantity of waste which the site is currently permitted to manage, or that the management of the waste is being moved up the waste hierarchy.

Development for non-waste uses will only be considered on land in existing waste management use, waste transfer sites, civic amenity sites or land allocated in Table 5-2 if compensatory and equal provision of sites for waste, in scale and quality, is made elsewhere within the west London Boroughs.

### WLWP Policy 2 – Location of Waste Development

Waste development proposals on existing waste management sites, waste transfer and civic amenity sites or sites listed in Table 5-2 will generally be supported, provided that the proposals comply with the other WLWP policies and the boroughs' adopted development plans.

Waste development on other sites may be permitted if the proposals comply with the other WLWP policies and the boroughs' adopted development plans, and:

- It can be demonstrated that the development is not suitable for, or cannot be delivered at any existing waste management sites, waste transfer sites, civic amenity sites or sites listed in Table 5-2;
- Identified sites have not come forward and it can be demonstrated that there is an emerging shortfall in the waste management capacity required to meet the boroughs' joint apportionment target; and
- There is no adverse cumulative effect, when taken together with existing waste management facilities, on the well-being of the local community, including any significant adverse impacts against the WLWP sustainability objectives; and
- The proposed site meets the criteria set out in policy WLWP3.

**APPENDIX 2:**

**WEST LONDON WASTE PLAN – DRAFT PROPOSED SUBMISSION VERSION**