

WEST LONDON WASTE PLAN ADOPTION

Reporting Officer: Head of Democratic Services

1. Background Information

The West London Waste Plan has been prepared by six West London Boroughs (Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames). This report presents the outcome of the Public Examination of the West London Waste Plan, including the Inspector's Report, and recommends that the Council adopts the West London Waste Plan as part of the Local Development Plan for Hillingdon.

RECOMMENDATIONS: That

- a) the outcome of the independent Examination in Public of the West London Waste Plan be noted**
- b) the West London Waste Plan be adopted as part of the Borough's Local Plan**
- c) authority be delegated to the Corporate Director of Residents Services in consultation with the Cabinet Member for Planning, Transportation and Recycling to agree minor text and graphic layout changes prior to final publication**

Reasons for recommendation

To progress the West London Waste Plan to adoption in accordance with the current Local Development Scheme; to ensure that an up-to-date Development Plan for the Borough is in place; and to comply with regulatory requirements.

Alternative options considered / risk management

The only alternative to adoption that can be considered as an option is withdrawal of the WLWP. This would be at odds with the Council's adopted Local Development Scheme. It would leave the Council without a full suite of policies for determining planning applications for waste related development.

Given the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development that applies where boroughs do not have an up to date development plan, a decision not to adopt would leave the Council with little local policy control over the determination of applications for developments associated with the management of waste, relying solely on the UDP and the Local Plan Part 2 Development Management Policies once that is adopted.

Contribution to our plans and strategies

The West London Waste Plan will form part of Hillingdon's Local Development Plan and that of the Local Plans of its five West London partner boroughs and the Old Oak and Park Royal Development Corporation. It aligns closely with the Sustainable Community Strategy and provides a long-term strategy for waste development in the borough up to 2031.

Financial Cost

Costs of complying with post adoption requirements and publishing the adopted Plan can be contained within existing revenue budgets of £16,200 for 2015-16

3. INFORMATION

Supporting information

- 3.1. The West London Waste Plan (WLWP) sets out the planning strategy to 2031 for the sustainable waste management for the six West London boroughs. The Plan contributes to the delivery of national and regional targets for waste recycling, composting and recovery, and it demonstrates that there is sufficient waste management capacity to manage waste arisings across the six West London boroughs.
- 3.2 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 against the Borough's Local Plan and any other material considerations.

Preparation of the West London Waste Plan

- 3.3 The drafting process of the WLWP has taken into account relevant planning legislation, national planning policy, regional policy including the London Plan (as well as Further Alterations to the London Plan 2015), on-going advice from the Greater London Authority (GLA) and the Planning Inspectorate, and also lessons learnt from professional planning bodies and agencies.
- 3.4 Key public consultation stages have comprised the following:
 - Issues and Options (February 2009)
 - Proposed Sites and Policies (February 2011)
 - Draft Pre-Submission Version of the WLWP (February 2014)
 - Proposed Main Modifications (November 2014)
- 3.5 Several factors have delayed the progress on the WLWP, particularly during the Proposed Sites and Policies consultation in 2011 and the Publication consultation in 2014. These included:
 - The Duty to Co-operate was introduced as part of the Localism Act 2011, following which the North London Waste Plan was required to carry out additional consultation. As a result, there was further engagement with relevant waste bodies, including with waste planning authorities with jurisdiction for landfill sites where waste is sent for disposal.
 - The publication of the National Planning Policy Framework (NPPF) in March 2012, which required an additional policy in favour of sustainable development.
 - The resolution of a policy issue with the GLA to ensure general conformity with the London Plan 2011.
 - Sites in the London Boroughs of Harrow, Ealing and Richmond upon Thames as well as the change in availability of various sites originally identified in the 2011 draft of the WLWP had to be revisited.
 - The withdrawal of consultants Mouchel in July 2013, due to financial and capacity issues and the subsequent need to procure new consultants, BPP Consulting LLP.

3.6 The Pre-Submission Version of the WLWP was reported to Cabinet at its meeting on 23 January 2014, where Cabinet recommended that this version of the WLWP be approved for publication for a six week period of representations on the Plan's soundness and legality and, subject to representations, submission to the Secretary of State for Public Examination. At that time Cabinet noted changes made to the draft West London Waste Plan, following the original approval to proceed with consultation on a Pre-submission draft plan in June 2012.

Public Examination

3.7 The draft WLWP, including the representations received on the Publication consultation were submitted to the Secretary of State who appointed Planning Inspector Mr Andrew Freeman BSc (Hons) DipTP DipEM FRTPI FCIHT MIEEnvSc to examine the plan for its soundness and legality. The six boroughs wrote to the Inspector on 1 September 2014 requesting that, as part of the Examination process, and pursuant to section 20(7C) of the Planning and Compulsory Purchase Act (2004) (as amended), modifications be recommended to the WLWP to ensure it satisfied the requirements in subsection (5)(a) of the Act and is sound.

3.8 The public hearings associated with the examination took place between Tuesday 7 October and Friday 10 October 2014. The Inspector invited those who had responded to the consultation on the submission plan to participate in the hearings. During the hearing sessions, the Planning Inspector discussed a number of proposed main modifications that he considered necessary to make the WLWP 'sound'. The Proposed Main Modifications to the Plan were published for representations on their "soundness" and "legal compliance" during a six week consultation period running from 7 November to 19 December 2014.

Main Issues and Inspector's Modifications

3.9 Following the Examination in Public hearing sessions, the Planning Inspector's Report into the WLWP addresses six key issues in order to make the Plan sound. These are:

- Whether the Plan sets out a positive and collective vision for the sustainable management of waste within the area
- Whether sufficient new waste management capacity of the right type would be provided in the right place and at the right time
- Whether there are clear and effective policies that will help secure the appropriate and timely provision of waste management facilities in line with the London Plan (2011) and national policy and guidance
- Whether the site selection process has led to the identification of sites that would meet appropriately the need for new waste management capacity in West London
- Whether the allocated sites are acceptable in environmental terms and in other respects; whether the locations are deliverable; and whether the Plan provides an appropriate context for the successful development of waste management facilities
- Whether there are clear arrangements for monitoring the Plan and reporting the results as part of a delivery strategy with clear targets and measurable outcomes

3.10 Consideration of these issues led to the modifications in the Plan. The Inspector summarises the principal main modifications in his report as follows:

- adding reference to superseded policies;
- recognising updated national policy (National Planning Policy for Waste);

- aligning the Vision and Strategic Objectives with national policy;
 - encouraging appropriate provision for construction, demolition and excavation waste and hazardous waste;
 - adding a policy on the provision of new waste management capacity;
 - ensuring the effectiveness of policies on safeguarding, the location of development, high quality development, decentralised energy and sustainable site waste management;
 - correcting details regarding allocated sites (including the Rigby Lane site's boundary);
 - adding site descriptions and relevant considerations; and
 - introducing monitoring triggers.
- 3.11 The Inspector concludes that, subject to the inclusion of the main modifications, the Plan is legally compliant and sound. The Inspector's Report (Appendix 1) is available in the Group Offices, on line and upon request and includes an appendix, which sets out the Main Modifications to the Plan.
- 3.12 It should be noted that some additional, or minor, modifications have also been made to the WLWP; however, these were minor changes mainly to provide clarity, improve grammar, spelling corrections and factual changes where needed but ultimately they do not affect the substance of the WLWP. The 'Illustrated' Plan (Appendix 3) shows these modifications and is available in the Group Offices, on line and upon request.

Sustainability Appraisal and Habitats Assessment

- 3.13 Section 19 of the Planning and Compulsory Purchase Act (2004) and the Environmental Assessment of Plans and Programmes Regulations (2004) require local planning authorities to carry out a sustainability appraisal of Local Plan documents and to prepare a report of the findings of the appraisal. The Regulations prescribe the requirements for Environmental Assessment pursuant to relevant European Union directives. However as a matter of national policy, the UK Government requires a sustainability appraisal to also assess economic and social effects, as well as those in relation to the environment.
- 3.14 At all stages of preparation of the WLWP the partner boroughs have undertaken a sustainability appraisal of the document, in accordance with requirements and proportionate to the level of detail contained within the documents at the stage reached. This includes the public consultations on modifications made throughout the Public Examination process, as described above. The Sustainability Appraisal Report has been made available alongside the WLWP at each stage of public consultation including on the Main Modifications. The final Sustainability Appraisal Report will be permanently available for inspection alongside the WLWP.
- 3.15 The Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) requires local planning authorities to make an 'appropriate assessment' of the implications for designated 'European' sites of a plan that they intend to bring into effect. The Habitats Regulations prescribe the requirements for Habitats Assessment pursuant to relevant European Union directives.
- 3.16 The partner boroughs undertook an assessment in accordance with the Habitats Regulations, and in consultation with Natural England, of the impact of the WLWP on all European sites within 10 kilometres of the Plan area. The assessment was first carried out in December 2010 and an update was completed in 2014. As with the Sustainability

Appraisal, the Habitats Assessment has also been made available alongside the WLWP for public consultation.

Publication of the Inspector's Report and Adoption

- 3.17 The Boroughs have published the Inspector's Report in accordance with Regulation 25 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This means that the Report is available to view via the dedicated West London Waste Plan website and in hard copy at the Borough's offices.
- 3.18 Members of the five other partner Boroughs, (Brent, Ealing, Harrow, Hounslow and Richmond upon Thames, as well as the Old Oak and Park Royal Development Corporation, will also recommend the adoption of the WLWP at Full Council meetings between May and July 2015 (see the table below for exact dates of the Boroughs' Full Council meetings).

Borough/authority	Date of Full Council meeting	Adopted
Harrow	19 May 2015	Adopted
Ealing	9 June 2015	Adopted
Brent	22 June 2015	Adopted
Richmond upon Thames	7 July 2015	Pending
Hillingdon	9 July 2015	Pending
Hounslow	14 July 2015	Pending
Old Oak & Park Royal Development Corporation	After all boroughs have adopted. Exact date tbc	Pending

- 3.19 Prior to final publication, the WLWP may be subject to desktop publishing to improve its layout for future users.
- 3.20 Planning applications for any new waste management facilities or loss of such facilities as well as any proposals for the Rigby Lane site will be considered in the light of the WLWP policies; and they will also be assessed against the Borough's Local Plan and any other material considerations.
- 3.21 It should be noted there will be a six-week period following adoption by the six boroughs and the Old Oak and Park Royal Development Corporation during which any final objection on legal grounds can be made to the High Court (as required by section 113 of the Planning & Compulsory Purchase Act, 2004).

Conclusions

This report recommends the adoption of the WLWP incorporating the modifications as agreed and as appended to the Inspector's Report. The modifications have been made in light of the discussion of the main issues between the Council's officers, partner Borough officers and other participants at the public examination hearing sessions and the Inspector's comments throughout the process. They have been the subject of public consultation and, in making the modifications, the Planning Inspector has taken into account the responses received.

Financial Implications

The costs of complying with post adoption requirements and publishing the adopted Plan can be met from the existing revenue budgets. For 2015/16, a non-staffing budget of £16,200 is available. As the West London Waste Plan is a joint plan with five other West London Boroughs, costs of complying with the requirements and the publishing of the Plan will be shared equally between the six boroughs.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The WLWP will deal with municipal waste and commercial & industrial waste in accordance with the London Plan. It includes a chapter on monitoring and implementation. This sets out indicators, with triggers, that will be measured to monitor the implementation of the Plan. Monitoring of the Plan against these indicators will be reported in the Authorities Monitoring Report (AMR).

It will help the West London Waste Authority and the six Councils reduce the amount of waste sent to landfill and improve the amount of waste reused, recycled and composted by ensuring provision is made for a range of new waste management facilities that are required to treat waste generated within west London higher up the waste hierarchy (reduce-reuse-recycle-recovery and as a final option, landfill).

Without the WLWP and allocating sites for waste management provision, it is difficult to see how Hillingdon and the five other West London boroughs will be able to substantially improve their performance in recycling and reducing the amount of waste sent to landfill.

Consultation Carried Out or Required

The preparation of the West London Waste Plan has involved the close and active involvement of both internal officers and Hillingdon Partners.

External consultation was carried out at various stages as detailed in point 4 above.

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 adoption 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 (WLWP) 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"). Section 23 of the Planning and Compulsory Purchase Act 2004 therefore, requires the WLWP to be adopted by way of a resolution of the Council.

This report confirms to Members that under section 113 of the Planning and Compulsory Purchase Act 2004 anyone who may be aggrieved by the WLWP may make an application to the High Court on the ground that the WLWP is not within the appropriate power or a procedure requirement has not been complied with.

Corporate Property and Construction

There are no Corporate Property and Construction implications arising from the recommendations in this report.

BACKGROUND PAPERS: Appendix 1 - Planning Inspector's Report; Appendix 2 - West London Waste Plan Version for Adoption; Appendix 3 - 'Illustrated' version of the West London Waste Plan showing modifications