

**Agenda Item No:**

**NORTH LONDON WASTE AUTHORITY**

**REPORT TITLE:**  
**ADDITIONAL POWERS AND RESPONSIBILITIES FOR THE LONDON MAYOR AND ASSEMBLY**

**REPORT OF:**  
**HEAD OF WASTE STRATEGY AND CONTRACTS**

<b>FOR SUBMISSION TO:</b> <b>AUTHORITY MEETING</b>	<b>DATE:</b> <b>20 September 2006</b>
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**SUMMARY OF REPORT:**  
This report summarises the results of the Government's review of the powers of the London Mayor and London Assembly and provides detail on a further consultation on specific proposals in relation to revised Mayoral planning powers.

**RECOMMENDATIONS**

The Authority is recommended to:

- i) agree the principles by which the Authority should lobby as the proposed London Waste and Recycling Forum is created:
- ii) authorise officers to draft a response to reflect the discussion and views of Members at the meeting to be finalised by the Chairman and submit it as the response to the consultation on changes to the Mayor of London order 2000.

**Signed by Head of Waste Strategy and Contracts**

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**Date:** .....

## **1.0 OUTCOME OF THE GOVERNMENT'S CONSULTATION ON ADDITIONAL POWERS AND RESPONSIBILITIES FOR THE LONDON MAYOR AND ASSEMBLY**

- 1.1 On 3<sup>rd</sup> July 2006, the Department for Communities and Local Government, the DCLG (formerly the Office of the Deputy Prime Minister) announced an 'enhanced package' of powers for the Greater London Authority (the GLA), the Mayor of London and the London Assembly.
- 1.2 The announcement followed the consultation exercise, launched in November 2005 for a review of these powers, to which the Authority approved a response in February 2006.
- 1.3 In relation to waste, waste planning, planning and climate change and energy, all of which impact upon the Authority the results of the review are as follows (notes taken from DCLG News Release 2006/0055):

### **Planning**

- 1.4
- a) The Mayor will be able to direct changes to boroughs' programmes for the local development plans they produce.
  - b) The Mayor will have a stronger say on whether draft local development plans are in general conformity with the London Plan.
  - c) The Mayor will have the discretion to determine planning applications of strategic importance.

### **Waste**

- 1.5
- a) The Mayor will lead a London-wide Waste and Recycling Forum, working in collaboration with the boroughs to improve performance in waste management and recycling. The Forum will manage a new London waste and recycling fund.
  - b) London's waste authorities will be required to be in "general conformity" with the Mayor's Municipal Waste Management Strategy, backed up by the Mayor's power of direction.
  - c) The Mayor and Government will work together closely on the London component of the Waste Infrastructure Programme.
  - d) Stronger powers for the Mayor to determine strategic waste planning applications.
  - e) A requirement for the boroughs to act in "general conformity" with the Mayor's Waste Strategy.

### **Climate Change and Energy**

- 1.6
- a) The Mayor will prepare and publish a statutory Climate Change and Energy Strategy for London, stating how the capital should minimise emissions of carbon dioxide by the use of energy in London, help to eradicate fuel poverty, harness economic opportunities for London from investment and innovation in energy technologies and energy efficiency.

- b) The Mayor will also prepare and publish a statutory Climate Change Adaptation Strategy setting out how the capital should adapt to the effects of climate change.
- c) The GLA will be subject to a specific duty to take action to mitigate the effects of climate change and help London adapt to its unavoidable impacts.

### **The London Assembly**

- 1.7
  - a) The Assembly will be able to set its own budget and will publish an annual report setting out its work and achievements over the previous twelve months.
  - b) The Assembly will be able to hold confirmation hearings for key appointments the Mayor proposes to make.
  - c) The Mayor will be required to have specific regard to the views of the Assembly and the functional bodies in preparing or revising his strategies. He will need to provide reasoned justifications where he is not acting on their advice.
  - d) The Mayor and Assembly will jointly appoint the Authority's statutory posts. Most other GLA staff will be appointed by the head of Paid Service.
- 1.8 Further detail on these proposals in relation to waste, planning and climate change is included in Appendix 1 to this report.

## **2.0 STRUCTURAL IMPLICATIONS FOR THE AUTHORITY**

- 2.1 One of the key decisions as a result of the above is that the current waste management arrangements remain the same, i.e. that there will not be a Single Waste Authority either created as a functional body accountable to the Mayor or as a body made up of borough representatives.
- 2.2 However, the level of consistency between the North London Joint Waste Strategy (NLJWS) and the London Mayor's municipal waste management strategy is to be raised significantly from the current test under which the partners to the NLJWS must demonstrate they have had "regard to" the London Mayor's strategy (s.355 Greater London Authority Act 1999) to the proposed new test under which we will have to demonstrate "general conformity" with the London Mayor's strategy. This was not a proposal in the original consultation document and Members may wish to oppose this change before it appears in a GLA Bill.
- 2.3 The proposals for the Mayor to lead a London-wide waste and recycling forum, working in collaboration with the boroughs to improve performance in waste management and recycling and in particular for the Forum to manage a new London waste and recycling fund must also be kept under review. Authority officers will need to actively engage in any discussions about the working of the Forum and the criteria for allocation of funding.

2.4 For example, the Authority may wish to advocate that representation on the Forum and the Fund should always be cross-sectoral and include officer and Member representatives from both the Joint Waste Disposal Authority areas of London as well as the Unitary Boroughs and that the funding criteria should focus on the diversion of biodegradable municipal waste and should include assessments of energy and climate change impacts along with full value for money assessments to satisfy Best Value duties, with all parts of London being equally eligible. Additionally the Authority may wish the Fund to be open for waste prevention bids, as well as recycling and composting, even though the outcomes of these will be more difficult to measure. Beyond this the Authority will need to take a close interest in how the Forum relates to the Government's proposed London Waste Implementation Development Programme, through which the Government aims to support the procurement of new waste treatment facilities in London.

### **3.0 FURTHER CONSULTATION**

3.1 Following the above announcement the DCLG has issued a consultation paper on the Mayor of London Order, 'The Greater London Authority: The Government's Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly, A Consultation Paper on changes to the Mayor of London Order 2000, August 2006, DCLG'. There are three specific questions asked in this consultation, responses to which should be received no later than 2 November 2006.

3.2 These questions are:

1. Do you agree with the Government's proposals on thresholds for referral of planning applications to the Mayor?
2. Do you consider this test provides a clear basis for the Mayor to decide whether he should take over a planning application?
3. Do you agree with the new procedures for handling planning applications in London?

3.3 In relation to question one, it is proposed that three main thresholds should trigger referral of applications for waste facilities to the Mayor:

1. Hazardous waste at 5,000 tonnes throughput per year
2. Non-hazardous waste at the current 50,000 tonnes per year
3. Sites for hazardous or non-hazardous waste over 1 hectare

3.4 It is also proposed to provide for the Mayor to see applications for waste facilities that do not accord with the development plan (departures). This is because the acceptability in principle of a waste use in that location has not been established. It is proposed that lower thresholds will trigger referral to the Mayor for these matters:

1. Hazardous waste at 2,000 tonnes throughput per year
  2. Non-hazardous waste at 20,000 tonnes per year
  3. Sites for hazardous or non-hazardous waste over 0.5 hectare
- 3.5 It is also proposed that these thresholds should be used to refer applications for residential or mixed use development which do not accord with the development plan and which abut existing or allocated waste facilities. This, says the consultation document, is necessary to ensure that non-waste uses that could prejudice the waste use are fully considered against strategic policies.
- 3.6 The Government expects that decisions on planning applications should normally be made by boroughs and that the Mayor should take over no more than a limited number of strategic planning applications in any given year that raise issues of London-wide or sub-regional importance.
- 3.7 In relation to question two, the Mayor will be required to apply two criteria to decide whether he would be justified in taking over the decision making on an application which is referred to him.
- 3.8 It is proposed that these criteria are:
1. Does the planning application raise issues of a nature and scale that would significantly impact on the implementation of specific London Plan (the spatial strategy for London) policies?
  2. Do the issues raised by the application have significant effects that go wider than a single borough?
- 3.9 The Mayor would have to publish the reasons for his decision and will also need to demonstrate that he has taken into account:
1. The borough's analysis of the Development Plan policies relevant to the application and how it intends to apply relevant London Plan policies;
  2. The borough's record in dealing with previous applications which have raised strategic planning issues; and
  3. Any precedent an application is likely to establish for implementing London Plan policies.
- 3.10 In relation to the third question in the consultation document, the proposed process for handling applications, this is outlined in the chart below, taken from Annex B of the "The Greater London Authority: The Government's Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly, A Consultation Paper on changes to the Mayor of London Order 2000", August 2006, Department for Communities and Local Government.

- 3.11 The deadline for response to the consultation is 2<sup>nd</sup> November 2006. As the next Authority meeting is in December Members are recommended to approve the proposal that a consultation response is finalised by the Head of Waste Strategy and Contracts in consultation with the Chair.

#### **4.0 CONSULTATION IMPLICATIONS FOR THE AUTHORITY'S PROCUREMENT STRATEGY**

- 4.1 The Authority, through the North London Joint Waste Strategy and the developing draft procurement plan, has a list of waste processing and treatment facilities that are required in order for the Authority to achieve future biodegradable waste diversion from landfill and recycling targets. The identification and location of appropriate sites is pivotal to providing these facilities. Work being carried out to determine the best approach to procuring these facilities and the associated services, has drawn out the approximate land size required for the facilities identified. The majority of facilities will require sites in excess of 1 hectare, while approximately just under 20% have the potential to be accommodated on sites of less than 1 hectare in size.

- 4.2 Under the thresholds set out in the consultation paper, the Authority would be required to refer the majority of its proposed sites for new waste facilities to the Mayor for further consideration prior to the determination of planning permission. Additional time may need to be built in to the procurement plan to ensure this does not delay the development of facilities. But, given that the North London Joint Waste Strategy follows a very similar approach to that set out in the London Mayor's Municipal Waste Management Strategy, it is not expected that this will be a significant issue (subject to the point made at paragraph 2.2 above). Failure to provide facilities when they are needed could however expose the Authority to fines under the Landfill Allowance Trading Scheme.

#### **5.0 RECOMMENDATIONS**

- 5.1 The Authority is recommended to:
- i) agree the principles for which the Authority should lobby as the proposed London Waste & Recycling Forum is created; and
  - ii) delegate authority to the Head of Waste Strategy and Contracts, in consultation with the Chairman, to finalise and submit a response to the further consultation on changes to the Mayor of London Order 2000.

#### **6.0 COMMENTS OF THE FINANCIAL ADVISER**

- 6.1 The Financial Adviser has been consulted in the preparation of this report and has no further comments to add.

## **7.0 COMMENTS OF THE LEGAL ADVISER**

7.1 The Legal Adviser has reviewed this report and has no comments to add

### **Local Government Act 1972 – Access to information**

**Documents used:** DCLG News Release, “Devolution agenda pushed forward with new powers for London”, DCLG News Release 2006/0055, 3<sup>rd</sup> July 2006

“The Greater London Authority: The Government’s Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly, A Policy Statement” July 2006, Department for Communities and Local Government – Sections 3.3 and 3.4 on Planning and Waste and 3.7 on Climate Change and Energy

“The Greater London Authority: The Government’s Proposals for Additional Powers and Responsibilities for the Mayor and Assembly, A Summary of the Responses to Consultation”, July 2006, Department for Communities and Local Government

“The Greater London Authority: Additional Powers and Responsibilities for the Mayor and Assembly, Regulatory Impact Assessment”, July 2006, Department for Communities and Local Government

“The Greater London Authority: The Government’s Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly, A Consultation Paper on changes to the Mayor of London Order 2000”, August 2006, Department for Communities and Local Government

**Contact Officers:** Barbara Herridge, Policy and Development Manager  
&  
Andrew Lappage, Head of Waste Strategy & Contracts

Lee Valley Technopark  
Unit 169, Ashley Road  
Tottenham  
N17 9LN

Tel: 020 8489 5730  
Fax: 020 8365 0254  
E-mail: [post@nlwa.gov.uk](mailto:post@nlwa.gov.uk)

## Appendix 1

### The Greater London Authority: The Government's Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly, A Policy Statement" July 2006, Department for Communities and Local Government – Sections 3.3, 3.4 and 3.7

#### 3.3 Planning

##### CONSULTATION OPTIONS

- 3.3.1 The Government believes the Mayor has a pivotal role to play in ensuring London's continued success, and additional planning powers and responsibilities for the Mayor to ensure the London Plan is implemented could help meet the capital's strategic challenges over the longer term.
- 3.3.2 We consulted on possible changes to the current arrangements for preparing development plans and deciding planning applications of strategic importance. The proposals fell into three categories: significant additional powers, more limited new powers or updated existing arrangements.
- 3.3.3 In relation to development plans the proposals were:
- (a) **significant additional powers** for the Mayor to direct the boroughs to amend their Local Development Schemes (LDSs) and to sign off schemes and a power of direction over Development Plan Documents (DPDs) on any matters, including overriding binding Inspector's recommendations, for the purpose of ensuring consistency with the London Plan. The Secretary of State's powers of direction on DPDs would be limited to matters of national policy; or
  - (b) **more limited new powers** for the Mayor to direct changes to LDSs and DPDs in relation to a defined set of strategic issues; or
  - (c) **updating existing arrangements** to bring them up to date, but without major changes.
- 3.3.4 In relation to development control, the Government consulted on:
- (a) **significant additional powers** for the Mayor to become the development control authority for defined classes of strategic planning application in London, including the negotiation of Section 106 agreements. The Mayor would consult on and decide strategic planning applications himself, in the same way as a London borough decides applications. The Secretary of State would retain the current power of call-in; however this power would only be exercised in relation to proposals that raised issues of national significance;
  - (b) **more limited new powers** for the Mayor to direct boroughs to refuse or approve planning applications in defined categories of strategic planning;
  - (c) **updating existing arrangements** to bring them up to date, but without major changes.
- 3.3.5 **In relation to waste planning**, the Government consulted on:
- Option A** – The Mayor would be responsible for planning for all waste streams in London, with powers to identify specific sites through a regional waste plan, undertake development control functions for waste and compulsorily purchase land.

**Option B** – A single London-wide, statutory joint waste planning authority, with a representative from each borough and the Corporation of London sitting on the committee, responsible for planning all waste streams in London, with powers to identify specific sites, undertake development control functions and compulsorily purchase land. This could also include a representative of the Mayor.

**Option C** – Statutory sub-regional, joint waste planning authorities, with a representative from each constituent borough sitting on the respective committee, responsible for planning all waste streams in London, with powers to identify specific sites, undertake development control functions and compulsorily purchase land.

**Option D** – Do nothing. The boroughs would remain responsible for planning for all waste streams in London, with powers to identify specific sites, undertake development control functions and compulsorily purchase land.

**Option E** – Waste planning authorities would retain Development Control functions and the Mayor's existing planning powers would be enhanced, through one or more of the following:

- a. allowing the Mayor to make site allocations;
- b. giving the Mayor powers to determine strategic waste applications (for example falling within the broad locations for facilities identified in the London Plan, or over a certain throughput threshold);
- c. giving the Mayor powers of direction over LDSs and DPDs on waste issues;
- d. consulting the Mayor on all waste development proposals and any planning applications for a change of land use from waste.

#### THE CONSULTATION RESPONSE

- 3.3.6 The planning proposals attracted the greatest interest amongst respondents to the consultation with a majority commenting on one or more aspects of the proposals. Most supported no, or only minimal, change to the current planning regime. Some sectors, including the business community and the housing sector, did support some change (with safeguards), but there was no consensus amongst respondents on what change should occur.

#### THE GOVERNMENT'S PROPOSALS

- 3.3.7 The Government has listened to all the views expressed in the consultation exercise. We believe there is a need to give the Mayor a stronger voice on planning in London to ensure that strategic planning policy for the capital is fully implemented. At the same time, we recognise the crucial role carried out by London boroughs in representing their local communities. The Government believes its proposals will balance both objectives.

#### *Local Development Schemes (LDSs)*

- 3.3.8 We propose that the Mayor should be able to direct changes to Local Development Schemes. This would enable the Mayor to ensure that key regional development priorities in the London Plan are taken forward in a timely way through borough Local Development Frameworks. However, whilst the Government encourages joint working between boroughs to prepare development plan documents, it does not believe it is practical for the Mayor to be able to direct London boroughs to work together. We propose the Secretary of State should have a reserve power to override a Mayoral direction, should national interests require it, but envisage the Secretary of State exercising this power in only exceptional circumstances.

#### *Development Plan Documents (DPDs)*

- 3.3.9 We will enhance the status of the Mayor's existing power to provide a statement to the examination into draft development plan documents about general conformity with the London Plan. This will mean that the Mayor's view would effectively be the starting point for the examination. The Inspector, having heard evidence from all parties, would be required to expressly consider the Mayor's arguments and reach conclusions on whether to support or reject them. The Government recognises that the definition of general conformity will be critical to the effective operation of this provision, and intends to apply the definition set out in paragraphs 4.19 and 4.20 of Planning Policy Statement 12 and will set this out in revisions to Mayoral Circular 1/2000.

#### *Powers Over Planning Applications*

- 3.3.10 We believe that the Mayor should have discretion to decide a small number of the most strategically important planning applications in London so as to ensure decision-making takes place at the most appropriate level and regional planning policies are fully taken into account. These applications are likely to relate to developments of substantial size and in the case of waste management those critical to the delivery of the Mayor's waste strategy.
- 3.3.11 London boroughs will continue to be required to send strategically important applications to the Mayor for his information. The Mayor would then decide to do one of three things:
- (i) Leave the application with the borough and have no further involvement;
  - (ii) Ask to be consulted again when the borough has decided whether to grant planning permission. This would allow him to consider whether to direct the borough to refuse the application;
  - (iii) Ask to be consulted again after a limited period of time once the borough has considered the strategic issues raised by the application. In particular, the borough would be required to set out how it intended to apply the relevant London Plan (regional) policies in considering the application.

- 3.3.12 The Mayor would then decide whether the borough had fully identified and addressed the strategic issues raised by the application and would consider whether he would be justified in taking over the application. The Mayor should give reasons when taking over an application. Where the Mayor did not take over the application we propose that he should retain his current power to direct refusal. We believe this would be sufficient safeguard for cases where the positions of the Mayor and the borough are not far apart.
- 3.3.13 In terms of process, we think the borough is best placed to carry out the necessary public consultation on an application, feeding back to the Mayor the consultation responses and the borough's own views. To facilitate this, fees for the application could be split between the GLA and the borough.
- 3.3.14 This approach maintains a balance between the powers and interests of the Mayor and the borough. The Mayor and the borough would not need to negotiate formally during the initial assessment stage (but could do so if they wished). The borough would be clear that it needed to focus on how strategic policies should be applied to the application. It also provides a clear cut-off point by when the Mayor would need to decide whether to take over an application, providing clarity to developers and boroughs about where jurisdiction lies.

#### *Planning for waste*

- 3.3.15 Effective planning for waste facilities in London is critically important. The Government intends that the Mayor should have discretion to decide those planning applications for waste facilities which are strategically important and critical to implementing his waste strategy.

#### *Which planning applications could the Mayor decide?*

- 3.3.16 The Government believes that planning applications should be decided at the local level whenever possible, and is keen to ensure that only applications which raise issues of genuine strategic importance are caught by these arrangements. Other than applications for waste facilities, the Government envisages the Mayor assuming jurisdiction for only a limited number applications a year. To implement this approach we intend to build on the current approach set out in Mayor of London Order 2000<sup>3</sup> which has generally worked well and require the Mayor to test any decision to take-over an application against key policy criteria:
- Firstly, we will put in place criteria that would trigger referral of an application to the Mayor. These could be similar in form to the current referral criteria set out in Mayoral Order. We will consult shortly on what the detailed criteria could be.
  - Secondly, the Mayor will apply a policy test (similar to the Secretary of State's call-in policy) which the Mayor will use to decide which of those applications he would be justified in taking over. The test could include whether the application raises the likelihood of significant conflict with the London Plan.

<sup>3</sup> Statutory Instrument 2000 No. 1493, The Town and Country Planning (Mayor of London) Order 2000. Available at [www.cpsi.gov.uk/si/si2000/20001493.htm](http://www.cpsi.gov.uk/si/si2000/20001493.htm)

3.3.17 The Mayor has a key role in supporting development in London. Indeed, the GLA's principal purposes are to promote economic and social development; and environmental improvement, in Greater London. But this risks creating a conflict of interest between the Mayor's promotional role and a new power to decide strategic planning applications. The Government proposes that the Mayor should only be able to take-over the handling of applications about which he has made no public statements of support or opposition. We propose that his power to direct refusal in such cases should remain because there is the further safeguard of an appeal to the Secretary of State. We do not consider the Mayor should be able to take over those cases which fall under the jurisdiction of the Olympic Delivery Authority or London Thames Gateway Development Corporation.

*Secretary of State's powers*

3.3.18 We do not propose that the Secretary of State should be able to overturn a decision by the Mayor to take over an application. However, the Secretary of State would retain a power to call-in the application, after the Mayor had taken it over, though the expectation would be that this power would be exercised only in limited circumstances such as where an application raised wider issues of national rather than regional importance.

*Mayoral involvement in s106 issues*

3.3.19 The Government proposes that the Mayor should be the lead party for s106 matters relating to those strategic applications he decides as planning authority. However, boroughs have a crucial role to play in discussions about the s106 because many of the impacts, even on very large schemes, are local in nature. We propose that boroughs should be statutory consultees. This would require the Mayor to take full account of boroughs' views and concerns.

3.3.20 For those strategic applications the boroughs decide, we propose the Mayor should be a statutory consultee. This will ensure Mayoral input into the process for agreeing s106 obligations on all strategic applications.

*Statutory consultee status for applications outside London*

3.3.21 The Government proposes to give the Mayor statutory consultee status on applications made to local planning authorities outside London which could have an impact on strategic planning matters in the capital.

**IMPLEMENTATION**

3.3.22 Most of the changes will be implemented through a GLA Bill and changes to secondary legislation. The Mayor's enhanced role in relation to the examination of DPDs will be achieved through revisions to the Mayor's Circular. The criteria against which the Mayor will decide whether to take-over a planning application will be set out in revisions to the Mayor of London Order 2000, following further consultation. We will also consult on revisions to the General Development Procedure Order in order to make the Mayor a statutory consultee to applications to authorities outside London of strategic importance to the capital.

## 3.4 Waste

### CONSULTATION OPTIONS

3.4.1 The consultation put forward four options regarding waste management.

- **Option 1** was for a Single Waste Authority (SWA) for London. It would be a functional body of the GLA responsible for the disposal of London's municipal waste. The Mayor would also be given an appropriate degree of oversight over waste collection contracts to ensure conformity with the operational strategy of the single waste authority.
- **Option 2** was for a London Statutory Waste Authority (a Single Waste Authority that is not a functional body of the Mayor), with a representative from each borough and the Corporation of London sitting on the Committee. This could also include a representative of the Mayor. The Statutory Waste Authority would also be given an appropriate degree of oversight over waste collection contracts to ensure conformity with the operational strategy of the statutory waste authority.

Under options 1 and 2 operations could be carried out at a number of geographic scales. There are also a number of variations on the breadth of functions of a Single Waste Authority. These include:

- (i) Operational and strategic responsibilities for collection and disposal of municipal waste only;
  - (ii) (i) and strategic responsibility for non-municipal waste;
  - (iii) (i) and strategic and operational (disposal only) responsibility for non-municipal waste; or
  - (iv) (i) and strategic and operational (disposal and collection) responsibility for non-municipal waste.
- **Option 3** was for the twelve authorities that undertake both waste collection and disposal to join existing or new statutory Joint Waste Disposal Authorities, with borough representation from each constituent authority sitting on the Joint Committees, so that all waste disposal arrangements in London are sub-regional. The Mayor's powers over waste authorities could either be strengthened or remain the same.
  - **Option 4** was a 'do nothing' option, under which the waste management structure in London would remain the same.

### THE CONSULTATION RESPONSE

3.4.2 40% of respondents commented on waste management and waste planning. There was a mix of views and no single preferred option emerged. A substantial majority of boroughs stated that responsibility for waste should remain at the local level and there was a mix of views from the waste industry.

## THE GOVERNMENT'S PROPOSALS

- 3.4.3 The Government has put forward a package of measures to strengthen London's ability to manage waste sustainably, without change to existing structures. This will allow the existing waste authorities to continue responding to the challenge of meeting EU Landfill Directive targets for the diversion of waste from landfill.
- 3.4.4 We propose that:
- The Mayor will be given further powers regarding waste planning (outlined in the previous planning section).
  - Waste authorities will be required to deliver functions under Part II of the Environmental Protection Act (1990) in "general conformity" with the Mayor's Municipal Waste Management Strategy.
  - Government will establish a London-wide Waste and Recycling Forum, to bring stakeholders together to deliver improved performance on waste minimisation and recycling, promote collaborative action and link waste with other London priorities around climate change, transport and employment;
  - Government will establish a new London Waste and Recycling Fund administered by the above body; and
  - Government will establish a dedicated London Waste Infrastructure Development Programme to get new waste facilities on the ground, led by Defra and with strong GLA involvement.
- 3.4.5 The enhanced requirement on boroughs with regard to the Mayor's waste strategy, alongside increased planning powers and existing powers of direction, will ensure that the vision and policies set out by the Mayor are implemented locally in the way that waste authorities deliver their functions. This will provide a strong policy framework for delivering sustainable waste management in London.
- 3.4.6 The Government believes that all sectors have an important role to play in achieving the significant challenge of meeting climate change objectives and landfill diversion targets. The London-wide Waste and Recycling Forum will bring together key stakeholders to look at strategic issues, facilitate joint working, make links to other London-wide strategic issues and improve waste management within the capital.
- 3.4.7 The Forum will administer a London Waste and Recycling Fund, the details of which will be worked up in consultation with stakeholders. The Fund will be created through contributions from the GLA plus re-diversion of the element of existing London local authority waste funding currently provided by the Waste Performance and Efficiency Grant (WPEG). The precise position will need to be decided in the spending review, but on the basis of current figures, we envisage a £25 million per annum fund, consisting of £19 million from local authority waste funding (WPEG) and £6 million from the GLA. The pre-announced settlement for local authorities in 2007/8 will be unaffected.

- 3.4.8 Delivering strategic waste infrastructure is vital to sustainable waste management in London. A stronger role for the GLA in bringing this infrastructure forward, working collaboratively with Government on a dedicated London element of the new national Waste Infrastructure Development Programme, will help bring forward investment and delivery of facilities that are of regional and sub-regional importance.
- 3.4.9 The Mayor's powers as regards waste planning are dealt with elsewhere. The Mayor will have discretion to decide those strategic waste applications critical to the delivery of the waste strategy set out in the London Plan.

#### **IMPLEMENTATION**

- 3.4.10 The proposal to increase the Mayor's planning powers and to require waste authorities to deliver functions in "general conformity" with the Mayor's strategy will require legislation in order to be enacted, and will form part of a GLA Bill. The remainder of these proposals do not require legislation and will be taken forward immediately.

### **3.7 Climate Change and Energy**

#### **CONSULTATION OPTIONS**

- 3.7.1 The consultation paper explained that London government can crucially affect the success of key national and international energy policy objectives: in particular objectives to tackle climate change and eradicate fuel poverty. It can do this through the powers and responsibilities it wields (planning, housing and economic development) as well as through opportunities to influence behaviour at grass roots level.
- 3.7.2 The Mayor is not currently required to produce a statutory energy strategy. Nevertheless, the Mayor voluntarily produced and published an Energy Strategy for London *Green Light to Clean Power* in February 2004, with the aim of reducing emissions of greenhouses gases, reducing fuel poverty and making a positive contribution to London's economy by helping to change the way the capital produced and used its energy.

- 3.7.3 In our consultation, we asked if there would be any benefit in making this strategy statutory. This would not require the current Mayor to do more than he is doing voluntarily. But it would give the energy strategy more credibility and influence with key stakeholders and partners, and ensure that future Mayors continue to see energy issues as important.
- 3.7.4 We also asked whether the Mayor's current range of powers are consistent with his existing statutory duty on sustainable development. We wanted to explore whether, for example, there was a case for extending his existing powers to take account of climate change.

#### CONSULTATION RESPONSE

- 3.7.5 Most responses to consultation supported the proposal of giving the Mayor's energy strategy a statutory basis. Some concerns were raised, for example that:
- energy policy is a national and international, not local, issue;
  - as the Mayor has already produced a voluntary strategy, a statutory requirement is not needed;
  - that the strategy needs to be developed and delivered in close consultation with key local and regional stakeholders; and
  - the strategy and its implementation need to balance energy policy objectives with other important local, regional and national concerns.
- 3.7.6 There was also broad support for the GLA to be given additional powers to tackle climate change. The Mayor and a number of other stakeholders proposed that the GLA be given a specific statutory duty to take action on climate change.

#### THE GOVERNMENT'S PROPOSALS

- 3.7.7 We propose that there should be a statutory duty on the GLA to tackle climate change, to be exercised by the Mayor. Such a duty would ensure an enduring London-wide programme of action to lower emissions of carbon dioxide (CO<sub>2</sub>). In view of London's sizeable contribution to UK emissions, a duty on climate change would have the potential to contribute significantly to meeting the Government's ambitious goals for reducing emissions. Moreover, it would help establish London as an important model for carbon management for other major international cities and strengthen the UK's reputation as a beacon of influence to the international community on combating climate change.
- 3.7.8 A duty on climate change would require the GLA to take account of climate change in its day-to-day activities. The Authority would be expected to perform activities to mitigate and adapt to climate change which are reasonably practical, cost effective and cost efficient. The GLA would also deliver the duty through the Mayor's proposed statutory Climate Change and Energy Strategy, in which the actions that the GLA is to undertake to lower emissions of carbon dioxide will be set out, as well as through the implementation of his other statutory strategies.

- 3.7.9 We also propose to place a duty on the Mayor to produce a statutory Climate Change and Energy Strategy, reflecting the pivotal relationship between energy use and climate change. The Government believes that local and regional action can add significant value to the delivery of national and international climate change and energy policy objectives. Placing the Climate Change and Energy Strategy on a statutory footing will have significant benefits in terms of enhancing its credibility and ensuring climate change and energy policies remain a priority for all future Mayors, irrespective of the political cycle. The Government will seek to ensure that the Mayor works closely with stakeholders in London in preparing and delivering his strategy.
- 3.7.10 Finally, we propose the Mayor prepares a Climate Change Adaptation Strategy, setting out how London should adapt to the effects of climate change.

#### **IMPLEMENTATION**

- 3.7.11 We will make provision for the GLA's new climate change duty, Climate Change and Energy Strategy and Climate Change Adaptation Strategy in a GLA Bill

**Appendix 2. The Greater London Authority: The Government's Final Proposals for Additional Powers and Responsibilities for the Mayor and Assembly A Consultation Paper on changes to the Mayor of London Order 2000, August 2006 – Annex B**

**Annex B**

**Proposed New Process**

