

**Agenda Item No:**

**NORTH LONDON WASTE AUTHORITY**

**REPORT TITLE:**

LONDON MAYOR'S WASTE CONSULTATIONS

**REPORT OF:**

HEAD OF WASTE STRATEGY AND CONTRACTS

**FOR SUBMISSION TO:**

AUTHORITY MEETING.

**DATE:**

19<sup>th</sup> October 2005

**SUMMARY OF REPORT:**

This report sets out the principal matters raised in two recent consultations by the London Mayor.

The first concerns draft alterations to the London Plan. The second concerns the Mayor's proposal for a single London-wide waste disposal authority.

**RECOMMENDATIONS**

The Authority is recommended to: -

- i) approve the draft response to the London Mayor's draft alterations to the London Plan (Appendix 1);
- ii) consider and amend or approve the table of issues in section 4 of the report;
- iii) consider and approve or amend the table in section 4 of this report and to express initial views on the London Mayor's scoping paper; and
- iv) delegate authority to the Head of Waste & Contracts, in consultation with the Chair, to prepare a written statement of initial Authority views to the London Mayor.

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

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**Date:**.....

## 1. INTRODUCTION

- 1.1 This report deals with two consultations from the London Mayor. The first relates exclusively to land-use planning for waste. The second consultation recommends the creation of a single, London-wide waste disposal authority as a Mayoral functional body, a manifesto commitment of the London Mayor.

## 2. DRAFT ALTERATIONS TO THE LONDON PLAN

- 2.1. In July 2005 the Mayor of London published draft early alterations to the London Plan, in relation to housing provision targets and waste and minerals, for consideration by the London Assembly and the functional bodies of the Greater London Authority. A copy of these draft alterations was sent to the Authority for initial comment during the Mayor's consultation with the Greater London Assembly and formal consultation of the alterations will be carried out between 17<sup>th</sup> October and 16<sup>th</sup> January 2006.
- 2.2. The early alterations identify the number and type of new or enhanced recycling and recovery facilities required to deal with 85% of London's waste in London by 2020 and the opportunities for their broad location. The draft alteration is based upon the study 'Recycling and Recovery Facilities: Sites Investigation in London'. The study, undertaken on behalf of the GLA by Land Use Consultants and SLR, evaluates the adequacy of London's existing strategically important waste management and disposal facilities to meet London's future needs for all waste streams, and identifies the potential to locate new recycling and recovery facilities in London.
- 2.3. It concluded that in London as a whole, there are sufficient potential new sites of sufficient size to deal with London's future waste treatment needs, but that this was not the case for individual boroughs and some planning sub-regions.
- 2.4. The Authority has submitted an initial response (Appendix 1) to the draft alterations and intends to respond in full at the formal consultation stage.
- 2.5. **It is recommended that the Authority formally approves this.**

### 3. A “LONDON SINGLE WASTE AUTHORITY”

#### Background

- 3.1. The Greater London Authority Act 1999 requires the London Mayor to prepare a Municipal Waste Management Strategy. It must include the Mayor’s proposals and policies for implementing the National Waste Strategy within Greater London, and meet (or exceed) waste recycling and recovery targets, and may contain such other proposals and policies relating to municipal waste, as he considers appropriate. In preparing the Strategy, the Mayor must have regard to the waste recycling plans prepared by waste collection authorities in London.
- 3.2. In producing the Strategy, the Mayor must also have regard to any guidance issued by the Government. The Secretary of State can direct the Mayor if action under the London Municipal Waste Management Strategy would be detrimental to any area outside Greater London, or is not consistent with the National Waste Strategy, any European Union treaty or other international obligation.
- 3.3. The Mayor proposed in his Draft Municipal Waste Management Strategy of September 2002 to influence land-use planning and to establish a new single London-wide waste disposal authority under his control. The Authority was supportive of strategic interventions by the Mayor to add certainty to land-use planning matters, but expressed doubt as to whether there was a proven case for a London-wide Waste Local Plan (the precursor to Local Development Frameworks and Development Plan Documents). The Authority was also opposed to the creation of a single London-wide waste disposal authority. The full comments returned by the Authority on these two matters in December 2002 are set out at Appendix 2.
- 3.4. The Mayor’s final municipal waste strategy “Rethinking Rubbish” continued in the same direction and set out the following relevant policies and proposals.

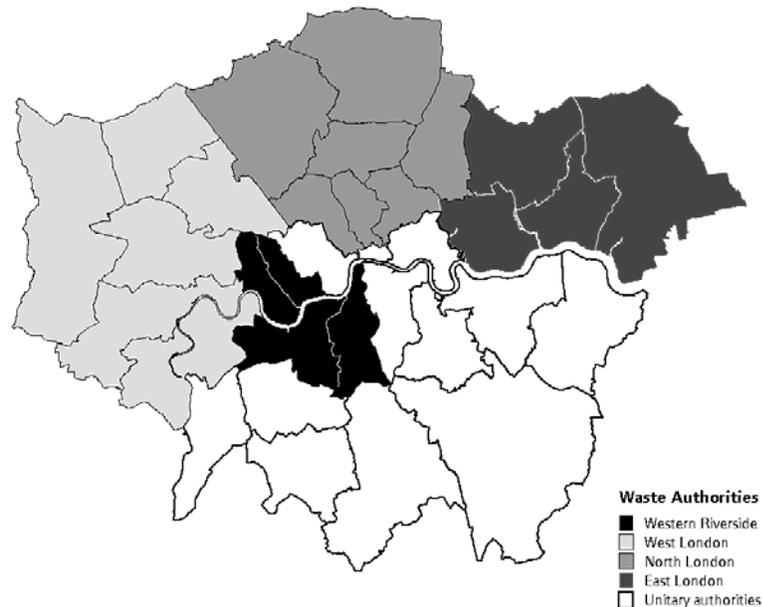
| <b>Planning the waste infrastructure in London</b> |                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy 36                                          | The Mayor will lead on improving the arrangements for waste planning in London, so that this occurs on a strategic level but also involves local communities.                                                                                                                                                                                         |
| Policy 37                                          | The Mayor will work with relevant stakeholders to encourage inward investment to establish the necessary strategic waste infrastructure across London. This will include seeking to protect existing waste management facilities and the provision of new sites for strategic and local recycling, composting, and other waste processing operations. |

|                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposal 82                                                                   | When preparing or revising their Unitary Development Plans and Local Development Documents, boroughs must ensure that land resources are available to implement the Mayor's Municipal Waste Management Strategy, Waste Strategy 2000, the Landfill Directive and other EU Directives on waste. They should identify the sites needed for waste management and disposal facilities over the period of the plan and in conformity with the London Plan, including facilities for the management of waste with specific requirements, such as hazardous waste. |
| Proposal 83                                                                   | When preparing or revising their Unitary Development Plans and Local Development Documents, boroughs must ensure they conform with the strategic policy framework on planning for waste within the London Plan.                                                                                                                                                                                                                                                                                                                                             |
| Proposal 84                                                                   | The Mayor will work in partnership with the boroughs and relevant stakeholders to produce detailed waste policy guidance for each Sub-Regional Development Framework, developed under the London Plan, outlining the number, types, and, where appropriate, locations of facilities needed to manage waste and recyclables in their area.                                                                                                                                                                                                                   |
| Proposal 85                                                                   | The Mayor will work with the South East England and East England regional assemblies to co-ordinate strategic waste management across the three regions.                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Longer-Term Structural Changes<br/>– a single waste disposal authority</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Proposal 86                                                                   | The Mayor believes the best way to achieve sustainable waste management in London is for waste disposal to be under the control of a single authority. The Mayor will develop an environmental and business case and consider the views of London waste authorities. In the light of London's progress towards the 2005/06 targets, the Mayor's position will be presented to Government, to consider appropriate changes to existing legislation.                                                                                                          |

### **Outline of the London Mayor's Scoping Paper's Proposals**

- 3.5 The London Mayor published a "scoping paper" on 15<sup>th</sup> September 2005 in which he proposed new arrangements for wastes management in London. The scoping paper's proposals are to be seen in the context of the Government's commitment to review the powers of the Mayor of London.

- 3.6 The Mayor has issued the main 29 page scoping paper, backed up by a 42 page report on likely costs, a 112 page report on options for future waste governance and administration, a 22 page report on policy drivers, and a 108 page report on efficiency gains. Only the first of these is attached as Appendix 3; the others are available at <http://www.london.gov.uk/mayor/environment/waste/lswa/index.jsp> or from the Deputy Clerk.
- 3.7 The scoping paper recommends taking all waste planning functions away from the London boroughs. This includes in the first instance assessing the amounts of municipal, commercial and industrial wastes that will be produced, assessing the likely and best ways of managing these wastes and identifying sufficient suitable sites for appropriate and adequate new waste facilities to be built. This must be done with extensive public engagement and scrutiny. It also recommends this role to be re-inforced with compulsory purchase order powers. And finally the scoping paper also recommends the Mayor receives and decides upon individual planning applications for new or changed waste facilities.
- 3.8 It is understood that the London Mayor wishes most of these responsibilities and powers to rest with a new functional body that is responsible for municipal waste disposal too, but that the powers relating to development control decisions are to be based within the core GLA, in order that the Mayor can separate in law the application by a functional body for planning permission and his subsequent decision on whether or not to grant such permission.
- 3.9 The scoping paper also recommends that the Mayor takes over all the functions of the North London Waste Authority and its counterparts in East and West London and Western Riverside, along with the waste disposal functions of the eleven London Boroughs and the Corporation of London that are currently unitary waste authorities (responsible for their own individual waste collection and disposal needs).
- 3.10 The diagram below shows the geographical range of these current structures.



- 3.11 The London Mayor, through the proposed new functional body, would decide what types of waste facilities were needed, at what scale and at which locations. The Mayor would decide this for re-use, recycling, composting and residual waste treatment or disposal facilities across all London. As noted above, this would be re-inforced by the scoping paper's proposed new Mayoral planning powers for waste.
- 3.11 The London Mayor has requested initial views on this scoping paper, and indicated that there will be an extensive round of consultations before any final decisions are made.

#### **North London Waste Authority Contextual Position**

- 3.12 The Authority has noted and opposed proposals for a single, London-wide waste disposal authority in the past.
- 3.13 Whilst the Authority fully shares the Mayor's concerns about the need to deal with growing amounts of waste, maximise recycling and composting and minimise landfill, the Authority does not share the view expressed in the scoping paper that current arrangements are not working. Considerable success has been achieved in increasing recycling and composting rates in North London (in part with financial assistance from the London Recycling Fund), and in sustaining diversion from landfill through substantial investment in the energy-from-waste facility at Edmonton.

- 3.14 The future challenges for wastes management are such that it is essential that all tiers of government (national, regional, sub-regional and borough) find clear ways of working together. In this context it is therefore unfortunate that meaningful discussion of alternatives to a single London-wide waste disposal authority is not included in the main scoping paper that was circulated to Chief Executives, but is instead contained only in the supplementary reports.
- 3.15 The complexity of London suggests to the Authority that it can never be the case that a “one size fits all” solution can be found, nor can significant disruption at a critical time be avoided if the organisational change proposed goes ahead.. Consequently it may be more appropriate for change to be limited to those areas that need it, thereby enabling the Mayor to focusing his attention to deliver greater improvement.
- 3.16 The Authority acknowledges, however, that a review of the Mayor’s current powers in relation to waste contracts and strategic waste planning could be useful, given the apparently unintended deficiencies identified in the scoping paper. Such a review should however consider issues such as accountability, equity and affordability, as well as the ability to deliver change.

### **Discussion of the Scoping Paper’s Proposals**

- 3.17 The immediate context in which the scoping paper’s proposals need to be considered by the Authority is the progress made within current organisational structures, the prospects for further progress and achievement of statutory targets within current organisational structures, and the likelihood of improvements to these if a single London-wide waste disposal authority controlled by the London Mayor is created.
- 3.18 There is also the broader picture which brings in such issues as public accountability, re-processing infrastructure development, synergies with non-municipal waste streams and some form of co-ordination of London-wide issues.
- 3.19 The review below of these matters follows the sequence in which they are raised within the London Mayor’s scoping paper for ease of relating the two together, starting from his section on the case for change (paragraph numbers from the Mayor’s scoping paper are in brackets).

### The Problems Perceived by the Mayor's Scoping Paper

- 3.20 The scoping paper opens with the statement "London's waste disposal arrangements are failing" (2.1) and then goes on to discuss the failure of some waste authorities to achieve their 2003/04 statutory recycling and composting performance standards. The North London Waste Authority, has progressed beyond this however; and in 2003/04 the audited achievement was a recycling and composting rate of 12.98% against a statutory target of 12% and the 2005/06 statutory target of 18% was passed early with 18.28% in 2004/05 (not yet audited), whilst current performance has passed 20%.
- 3.21 The scoping paper then goes on to set this "failure" in the context of the population and housing growth requirements of the London Plan (his own document) that will make the future challenge more difficult.
- 3.22 Landfill Directive and Landfill Allowance Trading Scheme obligations and associated risks are set out by the scoping paper, using a worst case scenario to add urgency and weight to his argument (2.6). To illustrate the impact of this, the assertion that LATS penalties could be up to £278m for London in 2020 (at £150 per tonne) could be turned into a cost of £37m for London in 2020 if surplus landfill allowances can be purchased from elsewhere at the currently prevailing price of £20 per tonne (arguably possible if other parts of the country where land and labour are less expensive have built capacity to divert biodegradable wastes beyond their own legal obligations – an explicit Governmental aspiration of the LATS scheme).
- 3.23 The scoping paper notes that for London to be 85% self-sufficient for municipal, commercial and industrial wastes (he has set a lower target of 80% for municipal waste), and says that this will require 331 new waste facilities by 2020 in London. This high figure however is based on small, localised facilities that are unlikely to deliver maximum economies of scale or operate on a strategic level. These figures are taken from a previous report published by the Mayor that accompanied his Draft Alterations to the London Plan and show an expected need for 208 MRF's, each with 41,000 tonnes per annum (tpa), 62 composting facilities at 19,000 tpa, 20 mechanical biological treatment facilities at 128,000 tpa, 27 anaerobic digesters at 15,000 tpa and 14 gasification or pyrolysis facilities at 115,000 tpa. To take just one of these, by way of illustration, this would mean finding sites for some 44 such MRF's in North London.

- 3.24 Whilst it must be remembered that this selection of waste facilities has been drawn up to handle both municipal and non-municipal wastes for all London, it is nevertheless substantially at odds with the clear pursuit of greater levels of cost-effectiveness within the NLJWS, under which we expect to need for North London's municipal waste just three MRF's at 100,000 tpa, four more composting facilities at 75,000 tpa, one mechanical and biological treatment facility at 250,000 tpa and one replacement (choice of technology yet to be decided) for the current energy-from-waste incinerator at 450,000 tpa. The agreed approach in North London is to obtain full benefit of economies of scale, develop relatively few strategic facilities so that procurement costs and subsequent operating costs are minimised, reduce the number of planning applications and enquiries needed, and reduce the number of local residents effected in any way by having fewer waste facilities and all of them being on appropriate industrial land.

#### Disposal

- 3.25 The scoping paper subsequently goes on to describe the current waste disposal arrangements in London as "chaotic" (2.11) and "not fit for purpose" (2.12), due to the mixture of statutory joint waste disposal authorities such as ourselves covering 21 boroughs and the other boroughs being unitary, and complains that "these arrangements do not operate efficiently, cost-effectively or sustainably ... [with the] 16 waste disposal authorities managing between 50,000 to 940,000 tonnes of waste each" (2.12).
- 3.26 Current arrangements in North London, however, have instead always had full regard to prevailing and forthcoming statutory requirements. The exceeding of statutory recycling and composting targets is dealt with above. The North London Joint Waste Strategy was delivered to the Mayor on time, complete and agreed (apart from two single policy statements not signed off by Barnet) setting local targets in full compliance with the Mayor's best practicable environmental option in "Rethinking Rubbish". Formal agreement to the preparation of a Joint Waste Development Plan Document is close to being secured by all seven waste planning authorities in North London, and contract documents are ready to be tendered to procure consultants support in taking this project forward.

- 3.27 There exists however a tension however in that the Mayor has copied the statutory requirement for a joint waste strategy for the North London Waste Authority area whilst he is also seeking to integrate land-use planning work across the London Plan boundaries, which are different, thereby taking two of our constituent borough councils (Camden and Islington) into the Central region, and Hackney into the Eastern region. Yet joint waste planning across the NLWA boundaries not only helps ensure the delivery of the North London Joint Waste Strategy (required by the Mayor), but also ensures that our four Outer London boroughs assist the land use requirements of the relatively densely developed three Inner London boroughs (a further requirement of the Mayor). Such co-operation between boroughs is a function of the common destiny created by the statutory joint waste disposal authority model.
- 3.28 Authority officers have been assured that the Mayor's sub-regional boundaries will be "permeable" in different ways for different local government services, but the written position of the Mayor in his Draft Alterations to the London Plan (July 2005) continues to state that boroughs as planning authorities should work together in identifying sites across the different London Plan sub-regional boundaries.
- 3.29 The scoping paper also complains that since the abolition of the Greater London Council in 1985 (the GLC having been a single waste disposal authority for London), "only one major piece of disposal infrastructure has been built in London (SELCHP incinerator in Lewisham)" (2.12).
- 3.30 However, in North London the former Ashburton Grove waste transfer station was substantially refurbished in the early 1990's, then to be replaced by a brand new facility comprising a 200,000 tpa rail-side waste transfer station, a 50,000 tpa recycling bulking facility and a new re-use and recycling center, along with operational depot facilities for Islington Council. The Authority has also commissioned from LWL a strategic bulky waste recycling facility and a 30,000 tpa in-vessel composting facility (the latter as part of the largest award ever given by the London Recycling Fund). In addition the Authority secured investment of some £15m into the energy-from-waste facility at Edmonton in 1994 so that it could continue dealing with North Londoners' waste within North London (the purpose for which it was first built by the GLC), and a further injection of approaching double that again currently to comply with the new Waste Incineration Directive, and thereby continue to provide a proximal service to North Londoners. Finally in North London, whilst one borough is indeed planning to close one of its two re-use and recycling centers, new facilities have been built in Barnet (Summers Lane), Camden (Regis Road), Haringey (High Street, Hornsey), Islington (Hornsey Street) and Waltham Forest (Kings Road and Gateway Road) over the last ten years; other sites have been upgraded recently too, some with support from the London Recycling Fund.

## Planning

- 3.31 When the scoping paper goes on to talk about perceived deficiencies with the current land-use policies, and the fact that most current waste sites (including non-municipal) are not explicitly protected in borough unitary development plans (UDP's), this is not placed in the context of the previous absence of statutory targets to require London waste authorities to achieve levels of landfill diversion that required any waste facilities beyond those already operational and in public ownership (in one form or another) and therefore not arguably in need of protection at the time.
- 3.32 Moreover, since the submission of the "Mayor's Draft" NLJWS in September 2004, land-use planners have been brought together across North London to establish how to provide a common strategic planning framework for North London, both to assist with the implementation of the NLJWS and also, and possibly more importantly, to identify and provide for the land-use needs of all North London's waste in a way advocated by the Mayor for all London. Consultants have been engaged (with "Waste Implementation Programme" funding from DEFRA) to advise on the level of integration between the planning functions of each borough, to establish the likely costs and timescales of developing the recommended Joint Waste Development Plan Document (JWDPD) and to prepare a contract specification so that, once approved by each waste planning authority separately, procurement of support to actually develop a JWDPD for North London can proceed apace. Formal decisions to approve this work have already been taken by Camden, Hackney and Islington. By the time of this meeting, formal decisions are due by Enfield and Waltham Forest. The last decisions from Barnet and Haringey are already scheduled to follow soon thereafter.
- 3.33 Once again, the common destiny that is intrinsic in the statutory joint waste disposal authority model (i.e. our constituent borough councils share in the benefits of the Authority achieving or exceeding LATS targets, and conversely also in the costs of failure if adequate new strategic facilities are not built on time) has made this joint planning work both possible and necessary.
- 3.34 The scoping paper's observation that the proposed new single London-wide waste disposal authority could be frustrated if planning powers did not exist at the same organisational level (2.15) could be used to justify formal joint planning structures at the level of the North London Waste Authority, just as easily as the scoping paper's conclusion that these planning powers would have to be transferred to the proposed functional body.

- 3.35 It should be noted however that the planning function of any organisation has to maintain a proper distance from other parts of that organisation that are applying (directly or through contractors) for planning permissions; there are examples such as Surrey where a county council in its capacity as a waste disposal authority has awarded a contract that required certain waste facilities to be built, but has then in its capacity as a waste planning authority refused planning permission for those same facilities. This emphasises above all the need for proper, due process at all stages of both contract procurement and land-use planning.

### Contracts

- 3.36 The scoping paper sets out in some detail the reasons for which he feels his current powers of direction over London waste authorities are inadequate. This is in part due to the specific legal definition of the points at which the Mayor can issue directions. The scoping paper states that the Mayor believes he is using his powers as well as they can be used, given the existing arrangements, but is concerned at three limitations that “significantly reduce their effectiveness in delivering [his] strategy” (2.18).
- 3.37 The scoping paper states that the Mayor is concerned firstly that he cannot direct a waste authority to terminate a contract early or to do anything that breaches that contract; secondly that he is required by law to have regard to the resources available for implementation of his waste strategy; and lastly that waste authorities are only required to *have regard to* his strategy when undertaking their functions, meaning that they have the freedom to conclude that they should not implement certain aspects.
- 3.38 This raises the fundamental questions firstly of how to align on the one hand the legal responsibility to perform certain statutory functions, to achieve certain statutory outputs and to raise the necessary funds, with on the other hand a power to decide how all the above should be done; and secondly how to ensure an appropriate level of political accountability to this.
- 3.39 It may be appropriate for the Mayor as a strategic body to set out targets or outputs that waste authorities are required to achieve, but it is less certain as to whether it should properly be the role of a strategic body to decide on how any such targets or outputs are achieved, when this will have to be determined in the context of local circumstances that are certain to differ around North London. In fact it is clear even within single boroughs that similar targets and outputs can only be achieved in different parts of their area using very differently structured services. The issue of “subsidiarity” may need further discussion.

### Prospects to meet strategic challenges

- 3.40 The scoping paper claims (2.22) that if his proposed single London-wide waste disposal authority is created, it will enable London to
- i) dramatically increase levels of recycling and composting and reduce the amount of municipal waste generated;
  - ii) meet the requirements of the Landfill Directive;
  - iii) become regionally self-sufficient in the management of its municipal waste;
  - iv) manage municipal waste as close to the point of production as possible
  - v) increase investment in sustainable waste management
  - vi) operate more efficiently by securing a single centre of procurement and waste management expertise; and
  - vii) reconcile local and London-wide interest in a contentious area.
- 3.41 The Authority has already made plans through the NLJWS to ensure that it can meet these challenges in partnership with our constituent borough councils at our own statutory sub-regional level. It is not clear that the scoping paper's proposal will improve North London's prospects in meeting these challenges. If anything, the strengths of North London's current waste management arrangements that have been developed and maintained (£multi-million investment in recycling and composting services and £multi-million investments on two occasions in reducing energy-from-waste emissions to ensure continued diversion of waste from landfill outside of London and recent joint waste planning work) in the past might be dissipated across other parts of London.
- 3.42 The Authority has also already assembled a team with significant experience and expertise to ensure it can play its part within the NLJWS partnership in the future. Nevertheless, specialist skills will be needed, probably through consultants, at peak periods of activity, particularly in relation to procuring new facilities for the NLJWS and the successor arrangements to the main waste disposal contract. In this regard, it is noted that the Mayor already has an approved list of consultants, but it may be that the Mayor might choose to take this one step further by directly employing suitable experts and making them available to London waste collection and disposal authorities on some form of consultancy basis; this could help ensure consistency between the Mayor's objectives and local or sub-regional implementation of new service.
- 3.43 It should be acknowledged, however that some means of reconciling local, sub-regional and London-wide interests (point (vii) above) will be needed. This used to happen at a strategic advisory officer level,, but has only been formalised implicitly at a political level by the Mayor's use so far of his statutory powers. There is no forum for a political debate and binding resolution on contentious areas of conflict; this leaves just the courts to settle any such matter, an approach which should give a legally correct resolution, but not necessarily a practically useful outcome in relation to the known challenges for wastes management.

### London-wide versus sub-regional

- 3.44 The scoping paper states that there are problems with basing the governance for waste disposal at a sub-regional level. It cites a legal dispute between the Western Riverside Waste Authority and Wandsworth Council (its lead borough) and the fact that Barnet has not yet formally agreed the NLJWS due to its concerns about the levy system for apportioning the Authority's costs.
- 3.45 The scoping paper also expresses concern about a number of other issues (2.39 -2.40):
- 3.45.1 a relative lack of suitable land for new waste facilities in his South and Central London Plan sub-regions;
  - 3.45.2 a potential missed opportunity for efficiency savings by a single waste disposal authority as opposed to some five or six sub-regional waste disposal authorities;
  - 3.45.3 the (in)ability of boroughs to act in partnership, given that voluntary partnerships are fragile;
  - 3.45.4 Welsh experience that a network of unitary waste authorities (collection and disposal) have made little progress with regional and strategic approaches according to the Audit Commission
  - 3.45.5 some South London boroughs have restrictions on the use of their re-use and recycling centres by residents from other boroughs
  - 3.45.6 local needs can compete with regional needs, resulting in inadequate safeguarding of existing waste sites and the sale in Enfield of a re-use and recycling centre and the loss of an unspecified waste management site in Westminster.
- 3.46 The experience in North London however, and our proposed use of the NLWA boundaries for sub-regional waste planning, have ensured that whilst differences have arisen between Partners in the NLJWS, progress has continued to be made throughout and, as noted previously, there has been a net increase in the number of re-use and recycling facilities in North London, notwithstanding Enfield's decision to sell one of its two sites. A key part of this, once again, is the common destiny provided by the statutory joint waste disposal authority model that ensures the costs of sub-regional SJWDA decisions are borne by all of our constituent borough councils, thereby further ensuring their on-going active engagement and participation in joint-working.

### Potential timescale for change

- 3.47 The scoping paper reports that the Mayor is eager for a new single London-wide waste disposal authority to be created as a GLA functional body as soon as possible. It proposes (3.5) that inclusion in the October 2006 Queen's Speech and the drafting and passing of legislation in the 2006/07 parliamentary session could allow this new body to be created as early as late 2007. It states "this timetable is aggressive" (3.5), but cites facility development lead times, the prospect of potentially crippling fines and the need to protect existing sites and assets as grounds for such an accelerated timetable.
- 3.48 The scoping paper is confident (3.6-3.8) that the GLA group already has the necessary organisational expertise to establish a new functional body and transitional arrangements to merge existing structures, but acknowledges that it would have to recruit relevant staff to populate the new functional body.

### Financial implications

- 3.49 The scoping paper makes assessments (3.9) that compare the potential costs of achieving Landfill Directive obligations across London under the current London arrangements (four SJWDA's and twelve unitary authorities) and under his proposed new functional body. It assesses that this could give over £5billion in collection and disposal savings between 2004 and 2020 (c. £9.5m per borough per year for sixteen years), and also asserts that pooling London's landfill allowances to avoid penalties and progressing more swiftly as a functional body with compulsory purchase and development control powers could save as much as £39.2m per year (c. £1.2m per borough) in addition.
- 3.50 The scoping paper also suggests the joint procurement strategies of the proposed functional body have a better chance of securing economies of scale and would be better placed to drive down costs and minimise risk. However, the NLJWS authorities have already agreed to adopt a partnership approach at a local level in meeting the requirements of the Landfill Directive and are already taking steps to deliver this strategy. As a consequence the single authority approach will not necessarily improve the deliverability of the Mayor's optimum solution in the north London area.
- 3.51 The scoping paper itself does not show any assessment of the costs of achieving Landfill Directive obligations across London if a sub-regional structure were to exist that integrated collection and disposal functions on the SJWDA model, that permitted planning policy and/or development control activities to happen using the same sub-regional structure, and that ensured the existence of some form of effective strategic co-ordination for London-wide issues.

- 3.52 One of the supplementary reports supporting the case for a single waste disposal authority suggests that the running costs of the new administrative structure may broadly balance, or increase to only a marginal extent. The document does not rule out the possibility of the scoping paper's optimum solution being delivered through the existing structures but goes on to suggest that a single authority for waste disposal offers the potential to deliver lower overall costs over the long-term.
- 3.53 The scoping paper does not touch upon the subject of existing assets beyond noting them as a pressure for a swift transition. It may be possible for this to cease to be such a contentious issue if all current waste authorities were promised that any new bodies created to improve the management of municipal waste in London would have to compensate the current owners of any assets (notwithstanding the difficulty in agreeing a valuation). If this principle could be established early, it would permit much more open discussion of the subject of new bodies, whether sub-regional or London-wide.

#### 4. ISSUES OF PRINCIPLE

- 4.1. In assessing the London Mayor's proposal, the Authority must firstly have regard to the best interests of North London, and in doing so should consider what matters should be dealt with at Borough level, Authority level or London-wide level in order to maximise the certainty of fulfilling our Landfill Directive obligations and our other statutory duties.
- 4.2. A table is set out below that lists these issues, and suggests the appropriate level for each of them.

|    | Issue                                                                       | Borough | Authority | London | National |
|----|-----------------------------------------------------------------------------|---------|-----------|--------|----------|
|    | <b>Waste Services</b>                                                       |         |           |        |          |
| 1  | Set strategic objectives                                                    | ✓       | ✓         | ✓      | ✓✓       |
| 2  | Increase producer responsibility                                            |         |           |        | ✓        |
| 3  | Decide how to meet strategic objectives                                     | ✓       | ✓         |        |          |
| 4  | Sign-off sub-regional joint strategies                                      |         |           | ✓      |          |
| 5  | Implement sub-regional strategies to minimise growth and maximise diversion | ✓       | ✓         |        |          |
| 6  | Responsibility for LATS                                                     |         | ✓         |        |          |
| 7  | LATS trading strategy                                                       |         | ✓         |        |          |
| 8  | LATS brokerage                                                              |         |           | ✓      |          |
| 9  | Financing new facilities                                                    |         | ✓         |        |          |
| 10 | Financing new collection services                                           | ✓       |           |        |          |
| 11 | Seeking external finance                                                    | ✓       | ✓         | ✓      | ✓        |

|    |                                                                           |   |    |    |    |
|----|---------------------------------------------------------------------------|---|----|----|----|
| 12 | Selling recyclable wastes                                                 |   | ✓  | ✓  |    |
| 13 | Setting green procurement objectives                                      |   |    | ✓  | ✓  |
| 14 | Develop and implement green procurement / closed loop practices           | ✓ | ✓  | ✓  | ✓  |
| 15 | Attracting inward investment in reprocessing                              |   | ✓  | ✓✓ |    |
| 16 | Integrate waste policy with economic development or regeneration policies | ✓ | ✓  | ✓✓ |    |
| 17 | Integrate waste policy with energy policies                               |   |    | ✓  | ✓✓ |
| 18 | Integrate waste policy with climate change policies                       |   |    | ✓  | ✓✓ |
| 19 | Exploit synergies with non-municipal wastes                               | ✓ | ✓✓ | ✓✓ | ✓✓ |
|    |                                                                           |   |    |    |    |
|    | <b>Waste Planning</b>                                                     |   |    |    |    |
| 21 | Setting overall planning framework                                        |   |    | ✓  | ✓✓ |
| 22 | Setting regional self-sufficiency targets                                 |   |    | ✓  |    |
| 23 | Liaison with neighbouring regions                                         |   |    | ✓  |    |
| 24 | Waste planning policy formulation and site identification                 | ✓ | ✓  |    |    |
| 25 | Waste planning policy sign-off                                            |   |    | ✓  |    |
|    |                                                                           |   |    |    |    |
|    | <b>Dispute Resolution</b>                                                 |   |    |    |    |
| 26 | A new body may be needed, or a new combination of existing bodies         | ? | ?  | ?  | ?  |

- 4.3. An issue not overtly discussed in the Mayor's scoping paper is the nature of any new Functional Body, as there are two quite distinct models already within the GLA group.
- 4.4. The essential difference between them is the nature of appointments to their Boards. Transport for London and the London Development Agency are appointed by the Mayor. The Metropolitan Police Authority and the London Fire and Emergency Planning Authority boards are both made up from a broader range of sources to permit borough inputs and others.

- 4.5. One of the supporting reports to the Mayor's scoping paper focuses however on this question of options for future governance, and does lean towards a model that allows borough input into the governance of the new functional body. It does this in recognition of the need for waste to be managed in a coherent, integrated fashion from collection to treatment and disposal.
- 4.6. The Minister for London is soon to consult on future governance arrangements for London, and it is expected that a full debate will follow on the relative merits of the two models in terms of delivering outcomes, public accountability, and decision-making risk. Whilst this debate will in the first instance concern the existing functional bodies, the direction of the debate may inform Authority views in the future when it becomes clear what sort of functional body the Mayor generally favours, and what balance he seeks between strong, single leadership, control and accountability for timely outcomes, as opposed to a more consensual, balanced, collectively accountable approach.

## 5. **RECOMMENDATIONS**

- 5.1. It is recommended that the Authority formally approves the initial response to the Draft Alterations to the London Plan at Appendix 1.
- 5.2. The London Mayor is currently seeking initial views on the scoping paper from London waste authorities and other interested parties, so the Authority is recommended to consider and approve or amend the table in section 4 of this report and to express initial views so that these can be written up into an Authority response by the Head of Waste Strategy & Contracts, in consultation with the Chair.

## 6. **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. **COMMENTS OF THE LEGAL ADVISER**

- 7.1. The Legal Adviser has no comments to add.

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

Documents used: -

The London Mayor's "Scoping paper on proposal for a London single waste authority and enhanced Mayoral waste planning powers" and supporting reports, September 2005

Report to the Authority on the London Mayor's Draft Municipal Waste Management Strategy, December 2002

"Rethinking Rubbish", The London Mayor's Municipal Waste Management Strategy, September 2003

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## APPENDIX 1

Ken Livingstone  
Mayor of London  
(Waste & Minerals Alteration)  
Greater London Authority  
Freepost 15799  
London SE1 2BR

8<sup>th</sup> September 2005

Dear Mayor Livingstone,

### **Draft Alterations to the London Plan**

The North London Waste Authority is aware that you are consulting with the London Assembly on Draft Alterations to the London Plan concerning planning for waste and minerals.

I attach draft comments of the North London Waste Authority on the above document, but have to point out that these comments are subject to the formal ratification of the North London Waste Authority at its next meeting on 19<sup>th</sup> October 2005.

The attached comments are mostly at a relatively high and generic level because we appreciate that at this moment in time you are consulting primarily with the London Assembly.

The North London Waste Authority intends to submit a more detailed response to the subsequent official public consultation, which it expects will happen after you have considered the comments you have received from the London Assembly.

If you require clarification on any of the points raised, please do not hesitate to contact me.

Yours sincerely,

**Andrew Lappage**  
**Head of Waste Strategy & Contracts**

## **Draft London Plan Alterations – Planning for Waste**

**North London Waste Authority Draft Response     8<sup>th</sup> September 2005**

### **1. Introduction**

This response focusses on the general themes of the London Plan Alterations as the North London Waste Authority intends to consider and respond in detail to the public consultation that will follow.

### **2. Existing Policies**

The Authority generally supports the strategic waste policies and targets 4A.1, 4A.2 and 4A.3 set out in the first London Plan document and set out in this Alterations document.

### **3. Site Investigation Survey**

This report represents a very useful document as a starting point. It is recognised however that the consultants were restricted by sub-optimal data supplied by the Environment Agency. The NLWA is in the implementation phase of its joint waste management strategy and this is a timely study to assist with the identification of new sites for the infrastructure required. NLWA is seeking strategic large facilities but recognises that other, smaller facilities may be needed, in particular for non-municipal wastes. The broad locations identified within the report are useful, however mainly clustered along the Lea Valley which goes against PPS10 guidance regarding the effect on local communities of clusters of waste facilities and places an operational burden on our boroughs further away from this area. Provision of the individual locations for the sites identified within the NLWA area would be helpful for planning purposes.

### **4. New Waste Policies**

#### **New Waste Policy 1:**

The Authority challenges the principle that where waste facilities are lost, they can only be replaced with an equivalent piece of land as the reason for them ceasing may well be that they are too small for the needs of wastes management.

The NLWA would like to raise for consideration that a 'compensation fund' be set up to 'bank' the proceeds from the sale of existing waste land. This fund should be ring-fenced for the provision of new waste facilities with the option that funds could be parcelled together to allow a larger more strategic facility to replace a number of smaller facilities rather than 'like for like', if this is the best option for the sub-region. The Authority would suggest that this fund is administered at a borough of waste disposal authority level.

**Paragraph 4.10d** suggests that the 'same site size' should be provided, however different forms of waste treatment may require different site sizes for same waste throughput, as noted above.

**Paragraph 4.10e** requiring boroughs to achieve the maximum self-sufficiency will also result in a preference for a large number of small facilities and presume against larger strategic sites that could be the best option for the sub-region.

### **New Waste Policy 2:**

The Authority challenges the use of the sub-regional boundaries set out in the document. These sub-regions are not equal and do not match the waste disposal authority boundaries. In order for NLWA to implement its Joint Municipal Waste Strategy, we must operate within a planning framework agreed at the same level, ie following NLWA boundaries. The constituent boroughs' planners are already advanced in preparing to produce a Joint Waste Development Plan Document for the WDA area.

**Table 4A4** – it would be helpful to have a geographical size of each sub-region to be able to compare the equality of the spread of new facilities.

### **New Waste Policy 4:**

The Authority suggests a rewording of this policy by inserting the words in **bold** below:

*'.....for the scale of waste use **they have identified**'.*

The Authority is concerned that this policy implicitly binds all boroughs to the Mayoral London Plan sub-regional allocations which is contrary to the work already being carried out to produce a Joint Waste Development Plan Document boundary assessment of need.

**Map 4A1** alone is too simplistic and is not sufficiently detailed for this Alterations Document. Additional maps from the consultants report would be beneficial.

### **New Waste Policy 5:**

This policy should be expanded to encourage the use of all types of secondary aggregates that are exempt from the aggregates levy within construction projects and the use of recycled low-grade compost and soil conditioners within landscaping projects in order to 'close the loop'.

## **5. Other General Comments**

The draft alterations do not deal with sites for reprocessing within London. Although it is recognised that London could not provide sites to reprocess 85% of its waste, there is scope for further reprocessing sites within London, eg a glass aggregates reprocessing facility or a plastic flaking plant. This adheres even more strongly to the proximity principle. The Authority suggests that the London Plan should create a framework that actively encourages the provision of reprocessing plants in London unless it is uneconomic to do so.

The Authority believes the London Plan should give consideration to hazardous wastes.

It is our belief that the Mayor is currently carrying out a consultation on housing needs and land requirements. The NLWA seeks assurance that this is co-ordinated with this waste and minerals consultation document, particularly so that the waste generation implications of new housing are considered and to continue ensuring that there is no overlap in the designation of housing and waste sites.

Special consideration should be made for the waste facilities required to deal with the 2012 Olympics construction and games phases. The Olympic Delivery Authority should seek to use recycled products, eg soil conditioners from London composting plants for landscaping projects and all types of secondary aggregates in buildings, thereby closing the recycling loop. If a new waste facility is required to deal with the Olympic programme, the ODA should aim to provide that site using the proximity principle and alternative transport methods, such as the 'Waste by Water' project in the Lea Valley.

## **6. Planning for Minerals**

The Authority is not in a position to comment but reiterates the need to promote use of all secondary aggregates exempt from the aggregates levy.