



Executive
13 January 2014

**Report from the Director of
Regeneration & Growth**

Wards affected:
All

West London Waste Plan

1.0 Summary

- 1.1 This report presents a revised draft of the proposed submission version of the Joint West London Waste Plan to be agreed for statutory public consultation across west London. It asks Executive to agree the Plan for publication and public consultation in March / April 2014 and, subject to representations made, asks Full Council to agree that it be submitted for Examination.

2.0 Recommendations

That Executive:

- 2.1 Agrees the changes made to the draft West London Waste Plan detailed in this report including the policy wording changes and additional policy, as set out at Appendices 1 and 2, and the changes to safeguarded sites set out at Appendix 3, following the original approval to proceed with consultation in November 2011.
- 2.2 Agrees the Proposed Submission Draft Joint West London Waste Plan for publication and public consultation in March / April 2014 and recommends to Full Council that, subject to representations made, it be submitted for Examination.
- 2.3 Grants delegated authority to the Director of Regeneration and Growth to make minor editing and textual changes to the Proposed Submission Draft of the West London Waste Plan after consultation with the other 5 London Boroughs involved.
- 2.4 Approves the Proposed Submission Draft of the West London Waste Plan as a material consideration for the determination of planning applications.
- 2.5 Agrees the timetable set out in paragraph 3.21 for publication as part of the council's Local Development Scheme.

3.0 Detail

Background

3.1 The 6 London Boroughs which comprise the West London Waste Authority (Brent, Ealing, Harrow, Hillingdon, Hounslow and Richmond upon Thames) agreed to prepare a Joint West London Waste Plan (WLWP). The Plan, when adopted, will form part of Brent's development plan. The purpose of the WLWP is to set out a planning strategy to 2026 for sustainable waste management, deliver national and regional targets for waste recycling, composting and recovery and provide sufficient waste management capacity to manage waste arisings across the six west London boroughs. Planning applications for any new waste management facilities will be considered in the light of the WLWP policies, and they will also be assessed by each council against their local planning policies. The Plan identifies sites in west London which are allocated for waste processing. A list of the sites in west London is included as Appendix 4. There are no additional sites proposed within Brent. The Brent sites proposed for inclusion in the Plan are two existing waste management sites:

Twyford Waste Transfer Station
Veolia Transfer Station, Marsh Road

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

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

3.3 Approval was given by Executive in December 2011 to proceed with consultation on the Proposed Submission Draft West London Waste Plan. However, further redrafting of the Plan has since been required, for the reasons set out below, and it has been necessary to bring the draft Plan back to Executive for approval of the changes.

3.4 Since that original decision was taken further preparation and publication of the Plan for consultation has been delayed for a number of reasons:

- a) The introduction of the Duty to Co-operate which came into effect in November 2011 as part of the Localism Act, 2011 and a subsequent nationally significant decision by an independent Planning Inspector. In his decision on the North London Waste Plan the Inspector advised that, to comply with the "Duty to Co-operate" introduced by the 2011 Localism Act, the boroughs needed to engage in the work of the relevant regional waste bodies and in one-to-one discussions with individual county waste planning authorities (WPAs) with jurisdiction for landfill sites where waste is sent for disposal. As a result of this, the north London boroughs agreed to start work on a new waste plan to comply with the Duty to Co-operate.

- b) The NPPF issued by the Government in March 2012 introduced a general presumption in favour of sustainable development. Legal officers have advised that a policy on this should be introduced into the WLWP, similar to that now included in Part 1 of the Hillingdon Local Plan adopted in November 2012.
- c) A need to resolve policy wording issues to achieve general conformity with the London Plan 2011 waste planning policies.
- d) A need to revise sites in the London Boroughs of Harrow, Ealing and Richmond-Upon-Thames as well as the change in availability of various sites originally identified in the 2011 draft of the WLWP.
- e) The withdrawal of consultants Mouchel in July 2013, due to financial and capacity issues and the subsequent need to procure new consultants, BPP Consulting LLP.

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

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

- a. there was often only a limited period remaining (e.g. 2-3 years) for waste to be sent for landfill to their area. In order to be sound the WLWP will need to demonstrate that alternative provision will be available during the 15 years covered by the Plan;
- b. the WLWP wording should be updated to fully reflect the National Planning Policy Framework, the 2011 review of the UK Waste Strategy 2007 and the latest waste plans covering the counties;
- c. in order to properly reflect the wording of national waste planning guidance in Planning Policy Statement 10, the WLWP should detail all waste arisings in the West London area (especially hazardous waste);
- d. greater detail is required on monitoring and implementation; and
- e. details should be provided in the Plan on the level of engagement that has taken place with other authorities. This is in order to satisfy an Inspector that the Duty to Co-operate has been fulfilled, especially as the Plan makes clear that on-going export of waste is likely to continue well into the plan period.

3.7 Officers have also engaged in discussions with the Greater London Authority, London Councils and the East of England and South East England county regional waste bodies to meet the requirements of the Duty to Co-operate and thus progress the Plan.

Summary of Changes made to the Plan since the Executive approval in December 2011

- 3.8 The Plan has now been extended to 2031 to take into account the delays to the Plan and to align with the London Plan 2011 apportionment target end date. The main changes to the text of the Plan include:
- a. revised wording of policies WLWP 1 and WLWP 2 to ensure that they are in general conformity with the wording of the waste planning policies in the 2011 London Plan (see Appendix 1);
 - b. a policy on the Presumption of Sustainable Development to conform to the NPPF (see Appendix 2);
 - c. updated waste flow data and landfill capacities in the Plan using information from the relevant counties and the latest available Environment Agency data (see sections 3 and 4 of the Proposed Submission Draft of the West London Waste Plan attached at Appendix 4).
 - d. revised Plan text regarding the Duty to Co-operate, implications of the National Planning Policy Framework, further requirements of Planning Policy Statement 10 and the review of the 2007 UK Waste Strategy.
 - e. Preparing further documents required to accompany the Plan at Submission e.g. an accompanying Sustainability Appraisal.

Differences between the approved and revised versions of the policies

- 3.9 Following discussions with the GLA concerning the implications of the waste policies in the 2011 London Plan, and subsequent discussion between the boroughs, officers have proposed revised wording to policies WLWP 1 & WLWP 2. Appendix 1 shows the original wording used for policies WLWP 1 & WLWP 2 approved by Executive in December 2011. The key changes are:
- An amendment to WLWP 1 concerning the safeguarding of both existing and proposed waste sites. Land for waste management uses, waste transfer sites and civic amenity sites are separated out, highlighting that they will be protected from alternative non-waste use in line with 2011 London Plan policy.
 - Amendments to WLWP 2 will mean that local communities will be protected from any adverse cumulative impact of a concentration of waste uses on an area is also to be taken into account when proposals for new waste facilities come forward.
- 3.10 Following an advisory meeting on the draft Plan with a Planning Inspector in May 2013, a new policy WLWP 6 is proposed which will reflect the presumption in favour of sustainable development within the NPPF. The policy is set out in full in Appendix 2.

Changes to Chapter 4: Future Waste Management

- 3.11 Following discussions with officers, the GLA has agreed that a higher figure of 65,000 tonnes per annum per hectare can be used to calculate waste management capacity

needs. (This replaces the previous figure of 54,012 tonnes per annum per hectare). This has resulted in the need to allocate less land to meet the London Plan 2011 apportionment.

- 3.12 In September 2013, BPP Consulting carried out a review of existing waste capacity in the Plan area because the data in the draft Plan was getting out-of-date. This work took into account changes to licensed capacity and throughput in existing and new waste management facilities, as well as waste operations that might have shut down since the original waste capacity assessment was completed in 2010.
- 3.13 Verifying their method and results with the Environment Agency, BPP Consulting found the existing waste capacity in West London to be approximately 1.65 million tonnes per annum (tpa) compared to the previous figure of 900,000 tpa. This means that the West London area has enough existing capacity to meet the London Plan apportionment up to 2017 through existing waste management sites.
- 3.14 From 2018, the apportionment gap and additional land needed to meet key apportionment targets in the London Plan 2011 will be:
- 162,000 tpa by 2021 corresponding to 2.5 hectares
 - 383,000 tpa by 2026 corresponding to 5.9 hectares
 - 614,000 tpa by 2031 corresponding to 9.4 hectares

Changes to sites identified in the Plan

- 3.15 The main changes to the sites in the draft Plan since November 2011 are:
- a) loss of three sites: Victoria Road Transfer Station, Hillingdon; Transport Avenue Waste Transfer Station, Hounslow; and Yeading Brook, Bulls Bridge, Hillingdon
 - b) revised boundaries of Forward Drive, Harrow, Twickenham Depot, Richmond and Greenford Depot and Greenford Reuse & Recycling Site, Ealing
 - c) inclusion of one site: Rigby Lane Waste Transfer Station, Hillingdon

The reasons for these changes are set out in Appendix 4.

HS2 Safeguarding Direction

- 3.16 A further consideration is the HS2 Safeguarding Direction issued by the Secretary of State for Transport on 24 October 2013. The site affected by this, the Quattro Site in Park Royal, Ealing (Site 328), is an existing waste management site.
- 3.17 Following meetings with HS2 Ltd and LB Ealing, it has been agreed that the Quattro site will be allocated in the Plan for future waste uses up to 2017 when construction of HS2 commences. After this, the site will be available only after HS2 has finished using the site, estimated to be at the beginning of 2024. Should the site not be required by HS2, the site will remain allocated as an existing waste site for future re-orientation to processing of waste.

Meeting the apportionment gap up to 2031

- 3.18 With the recalculation of existing capacity within the West London area, the additional amount of land required to meet the apportionment gap up to 2031 has been calculated at 9.4 hectares (to manage 614,000 tonnes pa).
- 3.19 Excluding the HS2 safeguarded site, the amount of additional land available in existing sites allocated for future reorientation is 9.5 hectares, which is just enough to fill the predicted apportionment gap in 2031. Additional land totalling 5.03 hectares is also available through two additional non-waste sites. Inclusion of the HS2 safeguarded Quattro site at 0.94 hectares gives further contingency post 2024. In total, 14.53 hectares will be available without the HS2 safeguarded site, which is sufficient to meet the apportionment target for 2031 and makes some provision for management of waste beyond the apportionment target as is stipulated by national guidance (PPS10).

Sustainability Appraisal

- 3.20 It is a requirement to undertake a sustainability appraisal of all development plans. The Sustainability Appraisal of the Waste Plan has been updated to take account of the changes described above and has not resulted in any significant change to the results. Additionally, an Equalities Impact Assessment has also been undertaken for the proposed policies. Both documents will be published as part of the Proposed Submission consultation.

Next Steps

- 3.21 All 6 West London boroughs are securing formal approval of the Waste Plan for public consultation. Once all six boroughs have approved the draft Proposed Submission Version of the WLWP, the remaining timetable for its preparation will involve:
- a) a statutory six-week period seeking representations on soundness (and legality) to take place across the six boroughs during March – April 2014.
 - b) assessment of representations and any further work to support the Plan prior to its submission to the Secretary of State for formal examination.
 - c) submission of the Plan to the Secretary of State in April or May 2014.
- 3.22 Officers anticipate that an Examination in Public will be held during Summer 2014 and that the WLWP will be adopted by the six boroughs as part of their respective Local Plans in Spring 2015.
- 3.23 The council is required to publish and keep up to date a timetable for the preparation of its development plan in a document called the Local Development Scheme (LDS). Executive is therefore asked to agree the timetable set out above, through to adoption of the Waste Plan, for publication as part of its LDS.

4.0 Financial Implications

4.1 Brent's financial contribution towards the preparation of a joint WLWP is provided from Planning & Regeneration's existing budget. Whilst the actual amount varies from year to year there is an expectation that this will cost in the region of £30,000. Sufficient budget exists within the Planning & Regeneration service base budget to cover the annual cost.

4.2 There is a need for west London boroughs to identify land for processing waste through the development plan so that sites can deal with waste locally rather than it being sent to landfill. In doing so and diverting waste away from landfill, the authority will mitigate the effect of the tariff on landfilled waste which increases year on year.

5.0 Legal Implications

5.1 The Council has power to make joint arrangements with other boroughs for the discharge of its functions. The West London Waste Plan will constitute part of the Borough's development plan. The drafting of the WLWP has taken into account relevant planning legislation.

6.0 Diversity Implications

6.1 Full statutory public consultation has been carried out in preparing the Waste Plan. An Equalities Impact Assessment has also been carried out.

7.0 Staffing/Accommodation Implications

7.1 There are no staffing or accommodation implications arising directly from this report.

8.0 Environmental Implications

8.1 The Waste Plan may potentially give rise to a significant impact upon the local environment, particularly close to waste management sites. However, the identification and use of appropriate sites will mean that the environmental impact is controlled and minimised, particularly upon residential areas, and managing waste locally rather than it being sent to landfill will help mitigate the effects of climate change. A Sustainability Appraisal has been undertaken at all stages of preparing the Waste Plan.

9.0 Background Papers

West London Waste Plan, Proposed Sites and Policies, Feb 2011

Contact Officers

Any person wishing to inspect the above papers should contact Ken Hullock, Planning & Regeneration on 020 8937 5309

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APPENDIX 1:

CHANGES TO WEST LONDON WASTE PLAN POLICIES WLWP 1 AND 2

Previously Approved Version of the Policies

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

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

WLWP Policy 2 – Location of Waste Development

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

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

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

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

Revised Version of the Policies – including suggestions made by Inspector Andrew Mead

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

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

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

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

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

WLWP Policy 2 – Location of Waste Development

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

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

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

ADDITIONAL POLICY: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

The Government expects a policy to be included in all development plan documents to ensure implementation of the presumption in favour of sustainable development contained in the National Planning Policy Framework. WLWP Policy 5 is taken directly from advice provided by PINS.

The new policy reads as follows:

WLWP Policy 6 – National Planning Policy Framework: Presumption in Favour of Sustainable Development

When considering development proposals, boroughs will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this waste plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the borough will grant permission unless material considerations indicate otherwise – taking into account whether:

1. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 2. Specific policies in the NPPF indicate that development should be restricted.
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APPENDIX 3

a) Existing Sites

Existing sites in draft Plan approved by Cabinet in November 2011

Site Number	Site Area (ha)	Borough	Description	Site Type
352	1.46	Brent	Twyford Waste Transfer Station	Existing
1261	2.71	Brent	Veolia Transfer Station, Marsh Road	Existing
309	1.15	Ealing	Greenford Reuse & Recycling Site, Greenford	Existing
310	0.94	Ealing	Greenford Depot, Greenford Road, Greenford	Existing
328	2.10	Ealing	Quattro, Victoria Road, Park Royal	Existing
303	4.25	Hillingdon	Victoria Road Transfer Station	Existing
353	3.11	Hounslow	Transport Avenue Waste Transfer Station	Existing
342	3.67	Richmond	Twickenham Depot	Existing
Total	19.39			

Revised list of sites for draft Submission Version of Plan, January 2014

Site Number	Site Area (ha)	Borough	Description	Site Type
352	1.46	Brent	Twyford Waste Transfer Station	Existing
1261	2.71	Brent	Veolia Transfer Station, Marsh Road	Existing
309*	1.78	Ealing	Greenford Reuse & Recycling Site	Existing
310*		Ealing	Greenford Depot, Greenford Road	Existing
328#	0.94	Ealing	Quattro, Victoria Road, Park Royal	Existing
331	0.88	Hillingdon	Rigby Lane Waste Transfer Station	Existing
342	2.67	Richmond	Twickenham Depot	Existing
Total	10.44			

* These sites are contiguous and for the purposes of this Plan are considered as a single, consolidated site

This site will not be available from 2017 to 2024 following an HS2 Safeguarding Direction

b) Proposed new sites

Proposed New Sites in Plan approved by Cabinet in November 2011

Site Number	Site Area (ha)	Borough	Description	Site Type
222	2.83	Harrow	Council depot, Forward Drive	Proposed
244	3.12	Hillingdon	Yeading Brook, Bulls Bridge	Proposed
2861	3.20	Hounslow	Western International Market	Proposed
Total	9.15			

Revised list of Existing Sites for draft Submission Version Plan, January 2014

Site Number	Site Area (ha)	Borough	Description	Type
222	1.83	Harrow	Council depot, Forward Drive	Proposed
2861	3.20	Hounslow	Western International Market	Proposed
Total	5.03			

Details of changes to identified sites

1. The WLWP Proposed Submission Draft previously approved by the Cabinet included 8 existing sites totalling 19.39 hectares and 3 new sites totalling 9.15 hectares, which amounted to a total of 28.54 hectares. At the time, sufficient land had been identified for waste management facilities to ensure that the London Plan (2011) apportionment could be met up to 2026.
 2. Re-appraisal of the existing and new sites has been undertaken by the boroughs as part of work for the Sustainability Appraisal accompanying the WLWP Proposed Submission Draft. Following discussions between the boroughs, amended designations of the following sites has resulted in a reduced area for each site:
 - Council Depot, Forward Drive site (Site 222) - LB of Harrow from 2.83 ha to 1.83 ha
 - Twickenham Depot (Site 342) - LB of Richmond from 3.67 ha to 2.67 ha
 - Combined Greenford Depot and Greenford Reuse & Recycling sites (Sites 309 & 310) - LB of Ealing from 2.09 ha to 1.78 ha.
 4. LB Ealing suggested that two of their existing safeguarded sites, Greenford Reuse & Recycling Site and Greenford Depot be consolidated as they are located next to each other and form part of a larger site. Previously they were divided because each part has a separate licence from the Environment Agency. Combined, the sites total 1.78 hectares. The above values take account of this consolidated and reduced area.
 5. The three sites that have been 'deleted' since the approved Proposed Submission Draft are:
 - Victoria Road Transfer Station (Site 303) – London Borough of Hillingdon
 - Transport Avenue Waste Transfer Station (Site 353) – London Borough of Hounslow
 - Yeading Brook, Bulls Bridge (Site 244) – London Borough of Hillingdon
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6. Victoria Road and Transport Avenue are both owned by SITA UK. Both sites are now required for waste transfer (rather than treatment) following the decision by the West London Waste Authority to award SITA UK a long term contract to manage West London's residual household waste. Parts of the sites will still be providing recycling and composting facilities which will count toward the London Plan 2011 apportionment.
7. The Bulls Bridge site in Hillingdon has now been granted planning approval for an aggregates processing development.
8. Officers identified Rigby Lane Transfer Station, Hillingdon (Site 331), originally included in the "Proposed Sites and Policies" Consultation document, as an additional site to be allocated for future waste management in light of the loss of three sites discussed above. Rigby Lane is an existing facility which has been used as a waste facility for more than two decades. It is currently owned by SITA UK, who recently submitted a planning application to re-orientate the site following the loss of 0.01 ha to Crossrail safeguarding. The site is 0.88 hectares in size.
9. The number of "existing" sites is now six, totalling 10.44 hectares and there are two "new" sites totalling 5.03 hectares, which amount to a combined total of 15.47 hectares of land available through safeguarding for future waste management. This means that there is a surplus capacity of 6.07 hectares identified for West London when measured against the projected London Plan 2031 apportionment target of 614,000 tonnes per annum. Therefore no further site assessments need to be undertaken prior to the WLWP Proposed Submission Draft being published for consultation
10. In summary the changes to sites are as follows:

Sites with reduced areas:

- Site 222, Council Depot, Forward Drive – LB Harrow – 1.83 hectares
- Site 342, Twickenham Depot – LB Richmond – 2.67 hectares
- Consolidated Site 309 & Site 310, Greenford Depot and Greenford Reuse & Recycling Site – LB Ealing – 1.78 hectares

Existing Sites no longer available for inclusion:

- Site 303, Victoria Road Transfer Station, LB Hillingdon – 4.25 hectares
- Site 353, Transport Avenue Waste Transfer Station, LB Hounslow – 3.11 hectares

New Site no longer available for inclusion:

- Site 244, Bulls Bridge, Yeading Brook, LB Hillingdon – 3.12 hectares

Additional (replacement) site:

- Site 331, Rigby Lane Transfer Station, LB Hillingdon – 0.88 hectares (existing site)
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