

## ASSEMBLY

22 FEBRUARY 2012

<b>Title:</b> Adoption of Joint Waste Plan and Local Development Framework Proposals Map	
<b>Report of the Cabinet Member for Regeneration</b>	
Open report	<b>For Decision</b>
<b>Wards Affected:</b> All	<b>Key Decision:</b> Yes
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<b>Accountable Divisional Director:</b> Jeremy Grint, Divisional Director Regeneration and Economic Development	
<b>Accountable Director:</b> Tracie Evans, Corporate Director of Finance and Resources	
<b>Summary:</b> <p>The London Boroughs of Barking and Dagenham, Havering, Newham and Redbridge have prepared a Joint Waste Plan Development Plan Document (DPD) which is part of the Local Development Framework (LDF). The main purpose of the Joint Waste Plan is to ensure there is sufficient waste management capacity across the four boroughs to manage the apportionment set by the London Plan for municipal and commercial and industrial waste. The Joint Waste Plan has been through three main stages of consultation in line with the Town and Country Planning regulations; issues and options, preferred options and pre-submission. The preferred options version was approved by Cabinet on 20 February 2008 (Minute 115 refers). The pre-submission version was approved by Cabinet on 21 April 2009 (Minute 175 refers). The Plan was submitted to the Planning Inspectorate in September 2009 for an independent examination. The Planning Inspectorate has now approved the Joint Waste Plan subject to a number of binding changes being made. Officers consider that these changes do not significantly alter the Plan.</p> <p>The Joint Waste Plan is the final LDF Development Plan Document to be adopted by the Council and therefore the Council can now proceed to adopt the LDF Proposals Map also. The Proposals Map shows the designations and sites referred to in the Core Strategy, Borough Wide Development Policies, Site Specific Allocations and Barking Town Centre Area Action Plan which have all been adopted by Assembly, as well as the sites in the Joint Waste Plan Development Plan Document. It is an important tool in enabling stakeholders in the LDF process to understand and see where the policies of the LDF apply and where the site allocations are located.</p> <p>The Joint Waste Plan DPD has been circulated to all Councillors under separate cover and is available on the Council's website at <a href="http://moderngov.barking-dagenham.gov.uk/documents/s55610/Joint%20Waste%20Plan%20-%20JWDPD%20Appendix.pdf">http://moderngov.barking-dagenham.gov.uk/documents/s55610/Joint%20Waste%20Plan%20-%20JWDPD%20Appendix.pdf</a>. The latest version of the LDF Proposals Map will be available at the meeting.</p> <p>The Cabinet considered the matter at its meeting on 17 January 2012 and recommend the</p>	

<p>Assembly to adopt the Joint Waste Plan Development Plan Document and revised Proposals Map.</p>
<p><b>Recommendation(s)</b></p> <p>Assembly is recommended to adopt the Joint Waste Plan Development Plan Document and revised Proposals Map, as part of the Barking and Dagenham Local Development Framework.</p>
<p><b>Reason(s)</b></p> <p>The Joint Waste Plan will help deliver the Council's Policy House objective of raising households incomes by ensuring that the historical trend of the East London Waste Authority Boroughs being the dumping ground for London's waste is reversed. This will help create a better mix of industries in the borough's designated employment areas and assist the Council's regeneration objectives.</p>

## **1. Introduction and Background**

- 1.1 The London Boroughs of Barking and Dagenham, Havering, Newham and Redbridge have prepared a Joint Waste Plan which is part of the Local Development Framework. The main purpose of the Joint Waste Plan is to ensure there is sufficient waste management capacity across the four boroughs to manage the apportionment set by the London Plan for municipal, commercial and industrial waste.
- 1.2 The Joint Waste Plan has been through three main stages of consultation in line with the town and country planning regulations; issues and options, preferred options and pre-submission. The preferred options version was approved by Cabinet on 20 February 2008 (Minute 115 refers). The pre-submission version was approved by Cabinet on 21 April 2009 (Minute 175 refers). The Plan was submitted to the Planning Inspectorate in September 2009 for an independent examination.

## **2. Proposal and Issues**

- 2.1 The Joint Waste Plan meets the London Plan waste apportionment through a combination of safeguarding existing waste management capacity and allocating sites for new facilities. As previously approved by Cabinet the Plan identifies the need for three new waste management facilities within the Dagenham Dock Sustainable Industries Park by 2021; two medium and one small scale facility. Two of these already have the benefit of planning permission, the TEG Anaerobic Digester and In Vessel Composting Facility and the Thames Gateway Power Gasification Plant.
- 2.2 Following an independent examination the Planning Inspectorate has approved the Joint Waste Plan subject to a number of binding changes being made. Officers consider that these changes do not significantly alter the Plan and therefore this report recommends adoption by the Assembly.
- 2.3 The main changes from the previous version of the Plan approved by Cabinet are as follows:

- In response to a representation from SITA their Materials Recycling Facility on River Road has been added to the list of safeguarded waste facilities. It is important to note that “safeguarded” means that if the use is lost to a non-waste use then its capacity must be compensated for elsewhere.
- The time span of the Plan has been revised from 2010-2020 to 2011-2021
- The revised (lower) London Plan apportionment has been included in the Joint Waste Plan and the Plan makes clear that the need for additional waste management capacity will be monitored against this figure.
- The assumed capacity of the safeguarded material reclamation facilities at Frog Island and Jenkins Lane has been revised to exclude the rejected waste and refuse derived fuel. Whilst this reduces the total capacity of safeguarded waste management facilities it has not altered the number of new waste management facilities needed.

### **3. Options Appraisal**

- 3.1 The Council could choose not to adopt the Joint Waste Plan. However, the Cabinet previously approved the pre-submission version of the Plan and officers consider that the changes recommended by the Inspector do not alter it significantly.
- 3.2 The Council could choose not to adopt the Proposals Map but this would mean there would be no map showing where the policies and allocations of the LDF apply. This would severely hinder the development management process and be very inconvenient to all those with an interest in development in the borough.

### **4. Consultation**

- 4.1 The Joint Waste Plan has been through three main stages of consultation in line with the town and country planning regulations; issues and options, preferred options and pre-submission. The preferred options version was approved by Cabinet on 20 February 2008. The pre-submission version was approved by Cabinet on 21 April 2009. Both Cabinet reports explained the consultation that took place and summarised the responses received. During the independent examination further consultation was undertaken on changes which arose before, during and after the hearings. This consultation involved advertising the changes in the local press and on the Council’s website. Due to the minor nature of these changes only a limited response was received principally from those bodies who had previously submitted representations in particular the GLA.
- 4.2 The proposals map represents the policies and proposals in the LDF which have been consulted on extensively prior to their adoption by the Council.

### **5. Financial Implications**

Implications completed by: David Abbott, Principal Accountant

- 5.1 There are no significant financial implications / commitments as a result of the policies / principles / requirements specified within the Joint Waste Plan. The document is a forward plan that formally states the places within the Borough that waste industries can now go. The stipulations of the plan are essentially already in practice, but this document formalises them under the Local Development

Framework, and provides a stronger tool through which the Authority can control waste industries across the borough.

- 5.2 There are minor costs associated with printing and publishing the Joint Waste Plan, including placing a notice in the News at an average cost of £700. A limited number of Joint Waste Plans will be printed at a cost of £100. The cost of printing and publishing the proposals map will also cost approximately £2,300. These costs have been budgeted for and therefore can be met from within the existing Development Planning budget.

## 6. Legal Implications

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- 6.1 The Planning and Compulsory Purchase Act 2004 (the "Act") required the Council to replace its Unitary Development Plan (UDP) with a LDF. As observed above the Joint Waste Plan DPD and Proposals Map DPD are key LDF documents.
- 6.2 The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 provide that adoption of LDF documents are not an Executive function, so the resolution to adopt LDF documents under section 23 of the Act must be carried out by the Assembly.

## 7. Other Implications

- 7.1 **Customer Impact** - The Joint Waste Plan is subservient to and helps implement the Council's LDF Core Strategy which was adopted by Council on 21 July 2010 (Minute 14 refers). The report clarified that in preparing the Core Strategy officers needed a thorough understanding of the current and forecast population profile of the borough and this was established in preparing the baseline for the Sustainability Appraisal for the Core Strategy and in preparing the Issue and Options documents. The Issues and Options documents included a document profiling the composition of each ward, the issues raised at their community forums and a focus on the major projects and development opportunities available in each as a basis for consultation. Officers are confident that having undertaken comprehensive consultation and undertaken a thorough sustainability appraisal that the Core Strategy policies do and will respond to the needs of the borough's current and future residents.
- 7.2 **Health Issues** - The main impact on health is likely to be emissions produced during processing. However advice from the Health Protection Agency (2009) states that while it is not possible to rule out adverse effects from modern, well regulated waste incinerators with complete certainty, any potential damage to the health of those living close by is likely to be very small if detectable. There is less information available about alternatives to incineration such as gasification or anaerobic digestion; however impacts on health are likely to be similar to those arising from incineration. In any event the Joint Waste Plan specifically rules out incineration and makes clear that planning permission will only be granted for new waste facilities if they avoid any material adverse impact from the release of polluting substances to the atmosphere or land arising from facilities and transport.

## **Background Papers Used in the Preparation of the Report:**

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Development) (England) Regulations 2004.
- The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004
- Executive report, 20 February 2008, Local Development Framework: Joint Waste Development Plan Document Preferred Options (Minute 115 - 20/02/08)
- Executive report, 21 April 2009, Local Development Framework - Core Strategy, Borough-wide Development Policies, Site Specific Allocations and Joint Waste Development Plan Documents (Minute 175 – 21/04/09)
- Assembly report, 21 July 2010, Local Development Framework – adoption of Core Strategy Development Plan Document (Minute 14 – 21/07/10)
- Pre-submission Joint Waste Plan , LBBD, LBR, LBN, LBH, September 2009
- Inspector’s report on the Joint Waste Plan, Development Plan Document, Planning Inspectorate, November 2011
- The impact on health of emissions to air from municipal waste incinerators, Health Protection Agency, September 2009
- “Adoption of Joint Waste Plan and Adoption of Local Development Framework Proposals Map” report and minute, Cabinet 17 January 2012

**List of appendices: None**