

REPORT TO: Executive Board

DATE: 21st September 2006

REPORTING OFFICER: Strategic Director – Environment

SUBJECT: Joint Merseyside Waste Development Plan Document (to be known as the Halton Borough Council, Liverpool City Council, Knowsley Metropolitan Borough Council, Sefton Metropolitan Borough Council, St Helens Borough Council and Wirral Borough Council Joint Waste Development Plan Document)

WARDS: Borough Wide

1.0 PURPOSE OF THE REPORT

1.1 The report seeks a recommendation that Council approve Halton's inclusion in the preparation of a Joint Merseyside Waste Development Plan Document (DPD) in collaboration with the other Merseyside Authorities of Liverpool, St Helens, Wirral, Sefton & Knowsley. The Waste DPD would allocate sites for waste related development as well as providing detailed policies. The report also seeks a recommendation that the Council agrees Halton's contribution to the funding of future stages of the preparation of the Waste DPD for a three year period and that delegated authority be granted to the Operational Director ERS to determine certain stages of the DPD's production.

2.0 RECOMMENDATION: That the Council be recommended that subject to the prior adoption of the revised Halton Local Development Scheme 2006/07

- i) **Halton's formal inclusion in the preparation of the Joint Merseyside Waste Development Plan Document (to be known as the Halton Borough Council, Liverpool City Council, Knowsley Metropolitan Borough Council, Sefton Metropolitan Borough Council, St Helens Borough Council and Wirral Borough Council Joint Waste Development Plan Document) be approved;**
- ii) **the necessary financial arrangements be put in place to fund Halton's contribution to the Joint Merseyside Waste DPD for the next three financial years, commencing with the current financial year 2006/07;**
- iii) **the Operational Director – Environmental and Regulatory Services (OD – ERS) be given delegated authority to determine all matters as indicated in column 1 of the table below in accordance with column 2 of the same table (other than those matters indicated to be determined by Full Council).**

1	Decision maker
Agreement to join, fund and progress joint Waste DPD	2 Full Council
SEA Scoping Report	OD - ERS
Interim SEA	OD - ERS
Approval Issues and Options for public consultation	OD - ERS
SEA Report to accompany Preferred Options	OD - ERS
Approval of Preferred Options for public consultation	Full Council
Submission of Waste DPD	Full Council
Final adoption of Waste DPD	Full Council

3.0 SUPPORTING INFORMATION

- 3.1 It is a statutory requirement for local authorities to include policies for waste management within their new Local Development Frameworks (LDF). Planning Policy Statement 10 'Planning for Sustainable Waste Management' states that as part of their Local Development Documents, planning authorities should set out policies and proposals for waste management in line with the Regional Spatial Strategy and ensure sufficient opportunities for the provision of waste management facilities in appropriate locations, including for waste disposal.
- 3.2 As a consequence of the European Landfill Directive, the Government requires diversion of a significant amount of waste from landfill and development of an integrated and sustainable waste management system. New waste treatment facilities must be built in order to manage the increasing quantities of waste diverted. The Landfill Allowance Trading Scheme (LATS) acts as a mechanism for achieving the diversion of biodegradable municipal waste from landfill, however there is also a need to manage other wastes in more sustainable ways. Authorities face significant fines if they fail to divert the biodegradable municipal waste away from landfill.
- 3.3 The Merseyside authorities (Liverpool City Council, Knowsley Council, Sefton Council, St. Helens Council and Wirral Council) have agreed to prepare a Joint Merseyside Waste Local Development Document, for adoption by 2010. It will set the planning framework and site specific allocations for waste management facilities for the 10 to 15 years from its anticipated adoption date.
- 3.4 A dedicated team has been established within Merseyside Environmental Advisory Service (EAS) which will deliver the Waste DPD on behalf of the each of the Districts. Consultants will be engaged to deliver key tasks and will be managed by Merseyside EAS. A site selection procedure involving each Merseyside local authority and the Merseyside Waste Disposal Authority (MWDA) has already been delivered by consultants.
- 3.5 It is a priority to meet Government targets for managing waste in a more sustainable manner. In particular, Merseyside needs to reduce its reliance on

landfill by providing alternative facilities for recycling, reprocessing, treatment and disposal. The Regional Waste Strategy sets objectives, targets and appropriate timescales for these changes, which are reinforced by draft Regional Spatial Strategy (RSS) policy.

- 3.6 The preparation of a joint Merseyside Waste DPD provides economies of scale in the collection of data and development of consistent policies across the sub-region to enable the effective determination of planning applications for new waste facilities and the identification of potential sites.
- 3.7 Recently Officers of Halton Borough Council advised the other Merseyside authorities that they would like to participate in the preparation of the Joint Waste DPD. It would be beneficial for Halton to become involved in this joint process because it would facilitate co-ordinated sub-regional working that is encouraged by regional planning. Additionally, specialist skills, knowledge and advice required to produce a Waste DPD does not exist 'in house' within the Council and would therefore need to be provided by consultants. It would entail a significant financial cost to prepare the DPD on our own, but the preparation of a joint DPD would result in a comparative financial saving (see section 5.0 below).
- 3.8 Whilst Officers have given an informal expression of interest to join the Joint Merseyside Waste DPD, this remains to be formally confirmed by resolution of Halton Council. Under Council Standing Orders, such a resolution needs to be approved by Full Council due to the joint working arrangements needed. It would also require an amendment to the Council's Local Development Scheme (LDS) which is the work programme for the Halton Local Development Framework. That matter is therefore subject to a separate report to this Executive Board.
- 3.9 The Merseyside Environmental Advisory Service (EAS) supported by consultants has been charged with the task of delivering the Waste DPD on behalf of the Merseyside Districts. Halton currently employ EAS to provide advice regarding selected local and sub-regional environmental matters. The Joint Waste DPD work is progressing in close co-operation with the Merseyside Waste Disposal Authority's (MWDA) own programme for the Joint Municipal Waste Management Strategy (JMWMS). These timescales do not fit comfortably with the Waste DPD programme set out below at section 4, but delay is not an option due to the financial exposure and risks associated with LATS penalties and increased costs of municipal solid waste disposal. Inevitably there will be tensions between the Waste DPD and the JMWMS as a consequence of the timing of the two processes.
- 3.10 A major issue during preparatory work on the Waste DPD has therefore been the need to establish as close a relationship as possible between the Waste DPD and the implementation by the MWDA of the Joint Municipal Waste Disposal Strategy. However it is very important to make a clear distinction between the objectives of the two processes:

- The objective of the Waste DPD is to put in place a sub-regional statutory policy framework within which each of the Districts can make decisions over planning applications for all types of waste in Merseyside. This policy framework will cover the period 2010 to 2020 or 2025 and will contain site-specific allocations, sustainable waste management principles and criteria-based policies for all waste streams including municipal solid waste.
- The objective of the JMWMS is to put in place a strategy whereby the MWDA can procure and build facilities to treat the municipal solid waste generated by the people of Merseyside and meet the needs of the Waste Hierarchy – in particular the challenging requirements for an increase in recycling and reduction in residual waste sent to landfill.

3.11 The matter of partnership working between Halton Borough Council and MWDA was subject to a separate Executive Board report on 7 September 2006 entitled 'Waste Management – the Next Steps' and a further report to this Executive Board.

4.0 POLICY IMPLICATIONS

4.1 The Waste DPD aims to provide a statutory policy framework within which planning decisions can be taken by each of the Merseyside Districts and Halton for waste management proposals for all waste streams. It can provide:

- a co-ordinated approach to waste planning in the Merseyside sub-region;
- a joint and consistent approach to determining the range of facilities needed;
- the opportunity to identify facilities that can be used at the sub-regional level; and
- a level of certainty to the waste industry to assist them in bringing forward development proposals in the right place at the right time.

4.2 In taking a long-term approach the Joint Waste DPD will have substantial benefits for the private sector in reducing planning risk and uncertainty. It will facilitate the delivery of sustainable waste management across Merseyside (and Halton) thereby helping to reduce the financial costs and penalties of non compliance with European and Government targets. It will also ensure that waste facilities are located in the most appropriate places by taking full account of the social, human, environmental and economic constraints during the plan preparation process.

4.3 Due to the strategic nature and scale of the waste challenge in Merseyside, planning for the required modern facilities must therefore be undertaken at the sub-regional level thereby giving rise to significant benefits and economies of joint working. As it is a statutory planning document, there are no shortcuts in the planning process, which must be compliant with both the Planning and Compulsory Purchase Act 2004 and the Strategic Environmental Assessment Directive.

- 4.4 Waste planning is a specialist area and the approach taken uses external consultants and the Environmental Advisory Service, working with the Local Authorities to prepare policies that can then be used across Merseyside, and Halton. The resulting DPD will be adopted by each Local Authority and incorporated into each Authority's Local Development Framework (LDF). Decisions on individual planning applications for new facilities will be made by each Local Authority, using the common criteria established through the joint DPD.
- 4.5 The current governance arrangements for the joint planning work are based on existing Merseyside member and officer structures. St. Helens Council acts as accountable body and lead Chief Executive on waste management and is responsible for taking reports from the Waste DPD Steering Group of senior officers to Merseyside Chief Executives and Leaders on key issues and providing feedback. The Merseyside Co-ordinating Committee is the key member level body. These arrangements may be subject to review in the light of further Government guidance on the joint planning process.
- 4.6 The statutory regulations reserve decisions in relation to the preparation of joint planning documents to the Full Council. In order to meet some of the milestones in the programme, particularly in relation to approval of the Sustainability Appraisal Scoping Report and Interim SA, it will be necessary to seek delegated authority for the Operational Director, Environmental and Regulatory Services (OD - ERS) to approve several steps outlined below. Consultation on the Sustainability Appraisal Scoping Report would begin in October and following stages in the Joint DPD process would include the production of an Interim Sustainability Appraisal and public consultation on Issues and Options Papers. It is anticipated that Issues and Options public consultation would take place during January/ February 2007 with further stages to follow accordingly. The stages in DPD production, with the required decision maker, and associated timescales, are:

Key Milestone	Expected Timetable	Council Decision Making Level
Agreement to join, fund and progress joint Waste DPD	October 2006	Full Council
SA/SEA Scoping Report	October 2006	OD - ERS
Interim SA Report	December 2006	OD - ERS
Approval of Issues and Options Report for public consultation	December 2006	OD - ERS
Sustainability Appraisal Environment Report to accompany Preferred Options Report	September 2007	OD - ERS
Approval of Preferred Options Report for public consultation	September 2007	Full Council
Submission of Draft Waste DPD/ Sustainability	June 2008	Full Council

Appraisal Final Report to Full Council		
Adoption and Publication of Waste DPD	April 2010	Full Council

5.0 OTHER IMPLICATIONS

5.1 Full Council agreement is needed to prepare a joint DPD, this is set out in the Local Authorities (Functions and responsibilities)(Amendment)(No2) Regs 2005, which state that "In connection with the discharge of functions under any of sections 28-31 (joint local development documents and joint committees) of the 2004 act, the actions designated by para 4c (the para 4c actions) shall not be the responsibility of an executive of the authority." Para 4c states: "the actions designated by this paragraph are - (a) the making of and agreement to prepare one or more joint development plan documents."

5.2 Halton's financial contribution to the costs of preparing the joint Waste DPD has been shown as £117,807 for the first three years of the project. This includes a payment for the last financial year 2005/06 which would be paid during the current financial year (2006/07). This is a reflection of preparatory works that have already commenced. Payments would be divided up as follows:

2005/06	£23,101 (to be paid in year 2006/07)
2006/07	£60,190
2007/08	£34,516
2008/09	to be arranged

5.3 As mentioned in section 3, these figures would compare favourably with the cost of Halton undertaking the DPD on its own. Funding for 2005/06, 2006/07 and 2007/08 payments would be sourced from the Council's latest award of Planning Delivery Grant (PDG). Additional funding would then need to be sourced for 2008/09 and beyond from mainstream Council budgets.

5.4 Whilst much of the work for the Joint Waste DPD would be undertaken by Consultants, with co-ordination by the EAS, a certain amount of administration and co-ordination would also be required to be undertaken by Halton Council Officers in Planning and Policy.

6.0 RISK ANALYSIS

6.1 The major risk to the Council is the financial penalty that would be incurred if the authority fails to meet landfill reduction targets. Minimising planning delays in delivering the necessary infrastructure is an essential risk minimisation measure.

6.2 There should be no legal risks to the Council from the production of these documents, so long as the statutory procedures for their preparation are met. Environmental risks will be considered as part of the Sustainability Appraisal. These evaluate the impact of the policies and proposals on social, economic

and environmental factors according to European Union and Government regulations.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 There are no Equality and Diversity implications arising from this report.

8.0 REASONS FOR DECISION

8.1 These are set out in sections 3, 4, 5, and 6.

9.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

9.1 These are set out by virtue of sections 3, 4, 5 and 6.

10.0 IMPLEMENTATION DATE

10.1 The agreement to joint working on the Waste DPD would be effective from the date of Full Council approval. The inclusion of the Joint Waste DPD in the revised Local Development Scheme (see separate Executive Board report) would come into effect from 15/11/06 or from the date on which the Council receive notification from the Secretary of State in accordance with Regulation 11 (2) of The Town and Country Planning (Local Development) (England) Regulations 2004, whichever is earlier.

11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Planning Policy Statement 10 'Planning for Sustainable Waste Management'	Planning & Policy Division Rutland House	Neil Macfarlane
Planning Policy Statement 10 Companion Guide - 'Planning for Sustainable Waste Management'	Planning & Policy Division Rutland House	Neil Macfarlane
Regional Spatial Strategy for the North West	Planning & Policy Division Rutland House	Neil Macfarlane
Local Authorities (Functions and responsibilities)(Amendment)(No2) Regs 2005	Planning & Policy Division Rutland House	Neil Macfarlane
Regional Waste Strategy for the North West (NWRA 2004)	Planning & Policy Division Rutland House	Neil Macfarlane