Committee: Cabinet  
Date: 18 July 2011  
Agenda item: 10  
Wards:  

Subject: South London Waste Plan – Continuing Delegated Authority  
Lead officer: Director for Environment and Regeneration, Chris Lee  
Lead member: Cabinet Member for Environment and Regeneration, Councillor Andrew Judge  
Forward Plan reference number: 1067  
Contact officer: Programme Manager, Strategic Policy – Tara Butler  

Reason for Urgency  
The Chair has approved the submission of this item as a matter of urgency in order to meet the agreed milestones of the South London Waste Plan and to minimise the financial risks associated with not meeting these milestones.

Recommendations:  
A That Cabinet delegate authority to the Director for Environment and Regeneration in consultation with the Cabinet Member for Environmental Sustainability and Regeneration to approve further proposed changes and consequent consultation to the submitted South London Waste Plan and its Sustainability Appraisal which may arise prior to its adoption.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY  
1.1 At its meeting on 24 November 2010, the Council resolved to agree the South London Waste Plan for submission to the Secretary of State preceded by a six-week publication period.  
1.2 At the same meeting, the Council resolved that:  
   (i) powers be delegated to the senior officers to make minor amendments; and,  
   (ii) a schedule of minor amendments be agreed by the Director for Environment and Regeneration in consultation with the Cabinet Member for Environmental Sustainability and Regeneration prior to submission in co-ordination with the cross-borough Joint Waste DPD Members Group.  
1.3 To ensure the Examination-in-Public of the South London Waste Plan can progress smoothly and decisions on minor changes can be made efficiently, it is recommended that Cabinet delegate authority to the Director of Environment and Regeneration in consultation with the Cabinet Member for Environmental Sustainability and Regeneration to approve further proposed changes and
consequent consultation to the submitted South London Waste Plan and its sustainability appraisal which may arise prior to its adoption.

2 DETAILS

2.1 The hearings for the Examination-in-Public for the South London Waste Plan is taking place between 12th and 19th July 2011 in the Council Chamber at Merton Civic Centre. From the experiences of other DPD examinations it is anticipated that the Inspector may ask the Councils to consider further changes during the Examination in Public to improve the Plan’s soundness.

2.2 Following the Waste Plan’s submission to the Secretary of State on 28 April 2011, the Waste Plan Planning Officers Group have proposed further minor changes, relating mainly to factual updates and minor changes to improve clarity.

2.3 Under Merton’s Environment and Regeneration scheme of management 2011, authority is delegated to the Head of Sustainable Communities in conjunction with the Head of Planning to undertake editing and minor changes and publish all versions of Merton’s development plan.

2.4 Following the end of the public hearings on 19 July 2011, the Inspector may also advise the four partner boroughs to publish the Waste Plan incorporating all proposed minor changes to give all participants the opportunity to comment directly to him on all amendments incorporated into the Plan. This publication would be expected to start as close to the end of the last day of the public hearings as possible, would run for at least two weeks and would be considered part of the examination.

2.5 To ensure the Examination-in-Public of the South London Waste Plan can progress smoothly and decisions on minor changes can be made efficiently, it is recommended that the Director for Environment and Regeneration in consultation with the Cabinet Member for Environment and Regeneration be given delegated authority to approve additional changes which arise as part of the Examination-in-Public and, subject to the Inspector’s advice, the Waste Plan incorporating all minor changes can be published for at least two weeks for public comment to the Inspector.

Next steps

2.6 Once the Examination in Public (including the post-hearing publication period) is over, the Inspector will produce a report saying whether or not he considers the South London Waste Plan sound. The Inspector’s report may also contain any changes he considers must be made to the Waste Plan in order to make it sound. The Inspector’s report is expected in late September 2011.

2.7 If the Waste Plan is considered sound, it can then be adopted as the new planning policies and site allocations for waste management, part of the Local...
Development Framework for each of the four partner boroughs by a resolution of full Council in the October-December committee cycle. For Merton, this would be via the Cabinet meeting on 07 November 2011 and the full council meeting on 23 November 2011.

3 **ALTERNATIVE OPTIONS**

3.1 To ensure that the South London Waste Plan meets its milestones in terms of adoption and that the Examination-in-Public can operate smoothly and efficiently, it isn't considered that there are any reasonable alternative options to this approach.

4 **CONSULTATION UNDERTAKEN OR PROPOSED**

4.1 Four consultations have previously been undertaken in relation to the development of the Plan. These were:

- Stage 1: Consultation on ‘Issues and Options’ (July to September 2008)
- Stage 2: Consultation on ‘Potential Sites and Policies’ (July to October 2009)
- Stage 2a: Consultation on ‘Additional Sites.’ (February to March 2010)
- Stage 3: Pre-submission publication: January-February 2011

4.2 As set out in the body of this report, as part of the Examination in Public the Planning Inspector may advise the four Councils to publish the Waste Plan incorporating all proposed changes for at least a two-week period following the end of the public hearings on 18 July 2011. This is to allow participants the opportunity to review the Waste Plan and make comments directly to the Inspector.

5 **TIMETABLE**

5.1 The proposed timetable is as follows:

- 12-19th July 2011 - Waste Plan public hearings (Merton Civic Centre)
- End July – August 2011: publication of Waste Plan for at least two weeks (subject to Inspector’s advice)
- Late September 2011: Inspector’s binding report
- October-December 2011: if sound, adoption by resolution of full Council.

6 **FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1 There are no direct financial implications from this report. Any consultation costs that may arise will be funded from the respective plan budgets.

6.2 The costs of preparing and approving the Waste Plan are shared equally between the four partner Councils in the South London Waste Plan.

6.3 There are financial risks associated with not progressing the Waste Plan. In a letter on 10 January 2011 to all local planning authorities, the Department of Communities and Local Government stated:

- that it was crucial that LPAs progressed Waste Plans to comply with the EU Waste Framework Directive
that Government have included a power in the Localism Bill to pass on EU fines to any authority which caused the UK to be in breach of its obligations under an EU Directive.

7 LEGAL AND STATUTORY IMPLICATIONS
7.1. The proposals in this report and the process described to progress the Waste Plan are in accordance with the Town and Country Planning (Local Government)(England) Regulations 2004 (as amended) and the requirements set out in those regulations.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS
8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS
9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS
10.1 There are risks associated with not progressing the South London Waste Plan:

- Local planning policies need to be in place early in order to guide development and investment;

- It should be noted that there are currently very few specific planning policies against which waste related proposals can be assessed. The South London Waste Plan contains nine new policies and it is beneficial that these are progressed in a timely fashion;

- European Union fines could be passed on by central government to Local Planning Authorities for non-compliance with the EU Waste Framework Directive; and,

- Partner authorities could be disadvantaged

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- None for the purpose of this report.

12 BACKGROUND PAPERS
12.1. None for the purpose of this report.