

NORTH LONDON WASTE AUTHORITY	
REPORT TITLE: CONSULTATIONS AND POLICY UPDATE	
REPORT OF: HEAD OF OPERATIONS	
FOR SUBMISSION TO: AUTHORITY MEETING	DATE: 25 September 2015
SUMMARY OF REPORT: <p>The report provides Members with the regular update on consultations and policy issues which have the potential to impact on Authority operations or activities.</p>	
RECOMMENDATIONS: <p>The Authority is recommended to:</p> <ul style="list-style-type: none"> i) approve the draft Authority response to Regulation 18 Draft North London Waste Plan as attached as Appendix 1; ii) delegate authority to the Head of Operations in consultation with the Chair and Vice Chair to respond to any forthcoming consultation on the Waste Electrical and Electronic Waste Code of Practice which may be issued prior to the next Authority meeting; and iii) note the final response to the European Commission consultation on waste the functioning of waste markets. 	
<p>SIGNED: _____ Head of Operations</p> <p>DATE: 16 September 2015</p>	

1. Purpose of Report

- 1.1 This report provides an update for Members on consultations and policy issues that are relevant to the Authority such that the proposals have the potential to affect the Authority's operations and/or costs. The report additionally seeks approval for responses where appropriate.

For decision

- Approval of the draft response to the Regulation 18 Draft North London Waste Plan as attached as Appendix 1 (section 2).
- Delegate authority to the Head of Operations in consultation with the Chair and Vice Chairs to respond to any forthcoming consultation on the Waste Electrical and Electronic Waste Code of Practice which may be issued prior to the next Authority meeting (section 3).

For noting

- The Authority response to the European Commission consultation on waste market distortions titled 'The functioning of waste markets'. This response was submitted following delegated authority being approved at the Authority meeting in June (section 4).

2. Regulation 18 Draft North London Waste Plan *(for decision)*

- 2.1 The seven constituent borough councils in north London have been working together as planning authorities to prepare a Joint Waste Development Plan Document (Joint Waste DPD) which will set the framework for waste planning in the area for the period 2017 to 2032. The joint waste DPD is entitled the 'North London Waste Plan' (NLWP).
- 2.2 The NLWP will set out the planning framework for waste management in the north London boroughs for the next 15 years. It will identify sites for waste management use and set out policies for determining waste planning applications. It will also identify how the boroughs will together meet the targets set by the Mayor of London in the London Plan for dealing with the waste generated in the area, rather than sending it to landfill in the counties around the capital. The NLWP accordingly allocates additional land for new waste facilities within the area and identifies the existing waste sites which are protected as a result of the London Plan (the spatial development strategy for the capital) and consequently in the NLWP. The NLWP covers a wider range of wastes than the 'local authority collected waste' (LACW) which is managed by the Authority and its constituent borough councils.
- 2.3 On 30 July the seven north London boroughs in their capacities as local planning authorities launched a nine-week public consultation on the Draft North London Waste Plan. The Authority has previously responded to the launch consultation on the NLWP on 27 June 2013 and has subsequently submitted a response to a Call for Existing Sites in April 2014 i.e. a call for respondents to identify existing waste sites and a Call for Nomination of New Sites (to be included in the Plan) in June 2014. The current consultation on the Plan is the consultation on the 'draft plan' and will be followed by a consultation on the 'proposed submission version' in autumn 2016.

- 2.4 The questions contained in the Draft NLWP cover a range of issues, including requests for comment on the methodology used to identify sites and areas for future waste management development as well as requests for comment on proposed policies and approaches. A draft Authority response is included as Appendix 1 and recommended for approval.
- 2.5 The following aspects of the draft NLWP are particularly noteworthy:
- NLWP's assumptions regarding wastes volumes and management which are outlined in section 4 of the draft response, in particular NLWA's preference that the Plan be based upon a particular set of parameters, namely:
 1. waste growth over the Plan period which means that more land will be required to be set aside for new waste facilities than if a no growth approach is taken
 2. maximised recycling (which will result in more land being required to be set aside for wastes management than in a lower recycling scenario) and
 3. net self-sufficiency in managing local authority collected waste (LACW), commercial and industrial waste (C&I) and construction and demolition waste (C&D) generated in north London (so that there is the maximum amount of land identified for waste uses)
 - NLWP's projections for arisings of local authority collected waste during the plan period and the growth rates assumed for waste/recycling target achievement. The volume of waste will determine the facility and therefore land requirements for new waste management facilities in the area so it is important that the projections are as robust as possible. The NLWP uses information obtained from the NLWA Waste Forecasting Model developed for the Need Assessment to project household waste arisings for the period up to 2031. While the NLWA and NLWP projected arisings are largely in alignment, because the NLWP has adopted a slightly different approach to modelling, based on population rather than gross domestic household income, there are minor differences in the results which is not unexpected. Officers are continuing work with those producing the NLWP to better understand the respective approaches and assumptions applied, and where key differences lie.
 - The factual accuracy of details about individual sites and areas included in the NLWP. This is particularly important because if for example NLWA officers know that an existing waste facility or site is expected to close, then it needs to be removed from the available capacity for waste treatment that is included in the plan.
 - The suitability assessment criteria for new waste sites and areas which are discussed in section 12 of the draft Authority response. In particular the draft response requests that any future reuse and recycling centres (RRCs) are exempt from a proposed requirement for all new waste facilities to be enclosed and that standards of design required for new waste facilities should include some flexibility to allow for the variability of facilities coming forward.

- The policies in the draft Plan which will affect future waste planning applications, in particular section 13 of the draft response which details the Authority's proposed comments on the policy regarding energy recovery and decentralised energy. In particular NLWA is seeking to ensure that any requirements for connections to energy networks are caveated with regard to the practical implementation of such requirements and recognise the need for subsequent agreement of commercial terms.

2.6 Members are recommended to approve the draft response attached as Appendix 1.

3. Any forthcoming consultation on the Waste Electrical and Electronic Waste Code of Practice *(for decision)*

3.1 It is anticipated that the Department for Innovation and Business (BIS) will shortly issue a consultation on a revised version of an existing code of practice for the management of waste electrical and electronic waste or WEEE. The Code of Practice has been in place for a number of years, but there have been calls for the guidance to be more explicit in parts.

3.2 WEEE is a waste stream which is governed by producer responsibility legislation, meaning that the producers of electrical goods have to pay for the costs of managing (and particularly reuse and recycling of) the WEEE resulting from the sale of electrical and electronic goods that they place on the market. Accordingly NLWA contracts on behalf of the seven north London boroughs and has successfully secured a free-of-charge collection service for WEEE in north London, the costs being borne by the producers. As local authorities provide a route for producers to access WEEE, local authorities should all receive a free basic service either direct from an obligated electrical and electronics producer or from a compliance scheme, an organisation that takes over the producers' obligations and collects WEEE on a number of producer members' behalf.

Regulation 34 sets out what a local authority should do, if it finds itself without a collector for its WEEE. The Regulation specifically allows that local authority concerned to ask any of the compliance schemes to collect from their area and then requires any scheme that is faced with such a request to respond to it. It is anticipated that the revised code of practice will provide more information about this regulation.

3.3 In addition it is expected that the guidance will be re-written to comply with updated requirements from central government regarding written guidance.

3.4 The Code of Practice is very much a practitioners' code, but as officers consider that a response may be required to a consultation on a revised code to practice it is recommended that authority is delegated to the Head of Operations in consultation with the Chair and Vice Chair to submit a response.

4. European Commission consultation on the functioning of waste markets *(for noting)*

- 4.1 The goal of this consultation was for the Commission to obtain a better understanding of the nature and the extent of regulatory failures causing undue distortions to EU waste markets for recycling and recovery. In January 2015, the Commission also launched a study to examine obstacles and regulatory failures affecting the functioning of waste markets in the European Union (Tender ENV.A.2/ETU/2014/26, The efficient functioning of waste markets in the European Union - legislative and policy options). The information gathered as a result of this consultation will contribute to the finalisation of the above-mentioned study and will also be taken into consideration in preparation of the new initiative on the 'Circular Economy' for which there is a separate report elsewhere on this agenda.
- 4.2 At the last (June) Authority meeting authority was delegated to the Managing Director in consultation with the Chair and Vice Chairs to respond to European Commission consultations on the 'circular economy' and on waste market distortions. The full response submitted to the market distortions consultation is on the Authority's website at <http://www.nlwa.gov.uk/consultations/our-responses>. The key points of the Authority's response are that different interpretations of the definition of waste are one of the most important barriers/obstacles to the functioning of waste markets. The response also notes that whilst voluntary agreements are useful during transition periods to legislative requirements the Authority's preference is for legislation to be implemented to assist in the development of markets for secondary materials.
- 4.3 The response to the circular economy consultation is included elsewhere on this meeting agenda in a separate report.

5. COMMENTS OF THE LEGAL ADVISER

- 5.1 The Legal Adviser has been consulted in the preparation of this report, and has no comments to add.

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.

Local Government Act 1972 - Access to Information

Documents used:

Draft North London Waste Plan Regulation 18, North
London Waste Plan, July 2015
<http://www.nlwp.net/consultation/consultation.html>

Public Consultation on the Circular Economy, European
Commission, 28 May 2015
http://ec.europa.eu/environment/consultations/closing_the_loop_en.htm

Public Consultation on the Functioning of Waste Markets in
the European Union, 12 June 2015
http://ec.europa.eu/environment/consultations/waste_market_en.htm

Contact Officers:

Andrew Lappage, Head of Operations
Barbara Herridge, External Relations Manager

Unit 1B, Berol House
25 Ashley Road
Tottenham Hale
N17 9LJ

Tel: 020 8489 5730
Fax: 020 8365 0254
E-mail: post@nlwa.gov.uk

APPENDIX 1
Draft Authority response to
Regulation 18 Draft North London Waste Plan

(see next page)