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Consultation on the Government's proposal for additional powers for the Mayor and the London Assembly: waste management and waste planning

Executive summary of consultation responses

May 2006

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List of Abbreviations

1.0 INTRODUCTION

In November 2005, the Government invited comments on a Consultation Paper¹ that sets out the Government's options and proposals for granting additional powers and responsibilities to the GLA – the Mayor of London and the London Assembly, hereafter referred to as The Paper. The Paper focuses on four main areas that could potentially provide additional powers for the Mayor: housing, learning and skills, planning and; waste management and waste planning (i.e. the subject of this Report), with a view to improving strategic planning and delivery in London.

Formal consultation on The Paper started on 30 November 2005 and ended on 22 February 2006. Invitations to comment were sent out to over 400 groups and organisations, including Government Departments, local authorities, public/business/voluntary organisations, interest groups, and private individuals. Additionally, The Paper is available from the ODPM Publications or on the ODPM website at www.odpm.gov.uk/gla/review.

SLR Consulting Ltd, in association with Land Use Consultants Ltd, has been commissioned by Department for Environment, Food and Rural Affairs (DEFRA) to analyse the consultation responses relating to waste management and waste planning issues in London.

This Executive Summary contains a summary of the results of the analysis relating to the responses to waste management and waste planning questions i.e. Questions 16 to 24 of The Paper. The analysis has been undertaken based on the following list of category headings:

- Borough - Waste Collection Authorities (WCAs).
- Borough - Waste Collection Authorities/Waste Disposal Authorities (WCAs/WDAs).
- Community Sector.
- Education.
- Individuals.
- Joint Waste Disposal Authorities (JWDAs).
- Lobby Groups.
- Other Public Sector Bodies.
- Partnerships and Groupings.
- Political Groups.
- Waste Management Companies.
- Private Sector Organisations.
- Trade Unions.
- Voluntary Sector.
- Other Local Authorities.
- Other.

¹The Greater London Authority: The Government's proposals for additional powers and responsibilities for the Mayor and Assembly. A Consultation Paper. Office of the Deputy Prime Minister (ODPM), November 2005.

As far as changing the structure and responsibilities for **waste management** in London is concerned, four options (**Options 1 to 4**) are proposed in The Paper:

- Option 1** - the Mayor's proposal to establish a single waste authority for London, accountable to him as a functional body of the GLA.
- Option 2** - a single London-wide authority made up of borough representatives and including a representative of the Mayor.

There are a series of variations to Option 1 and 2 based on geographic scale and the functions that the Single Waste Authority (SWA) would have in respect of operational and strategic responsibility for collection and disposal of municipal and non-municipal waste.

- Option 3** - extensions of the current joint arrangements in some parts of London so that all waste disposal arrangements in the capital are sub-regional.
- Option 4** - 'do nothing', where the waste management structure in London would remain the same.

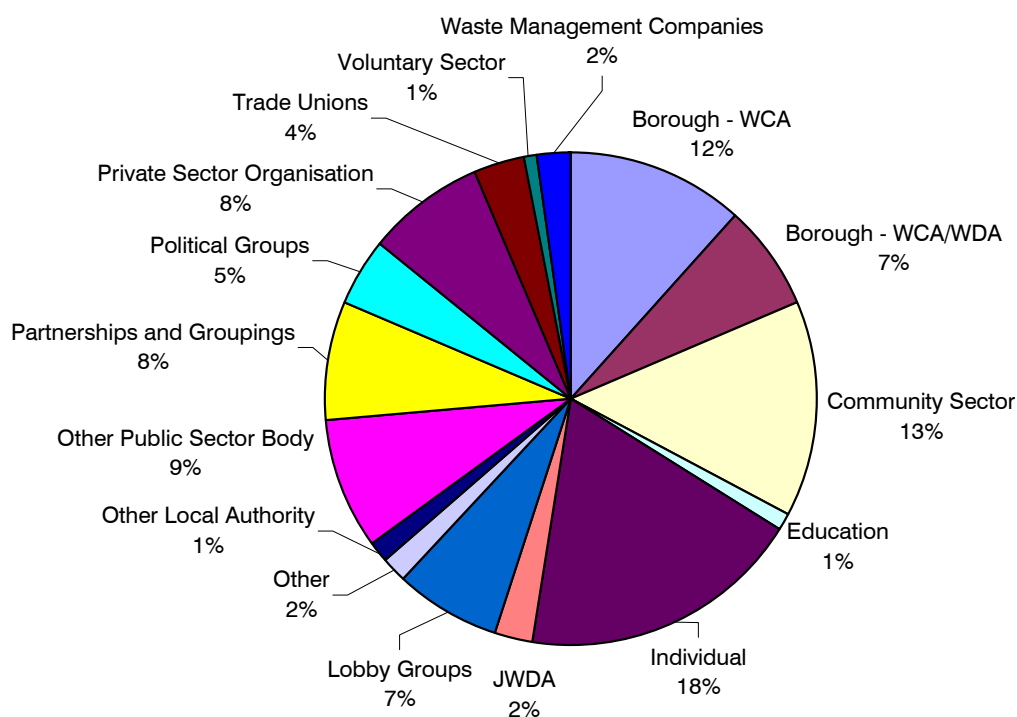
Five options (**Options A to E**) for **waste planning** are also identified in The Paper:

- Option A** - the Mayor would be responsible for planning all waste streams in London, with powers to identify specific sites, undertake development control functions and compulsorily purchase land.
- Option B** - a borough-led single waste authority with the same powers.
- Option C** - sub-regional joint waste planning authorities with the same powers.
- Option D** - 'do nothing'. The boroughs would remain responsible for planning for all waste streams in London, with powers to identify specific sites, undertake development control functions and compulsorily purchase land.
- Option E** - the Mayor's existing planning powers would be enhanced.

2.0 SUMMARY OF RESPONSES

It should be noted that data analysis is inhibited by the quality of the comments, being subjective and qualitative in nature, often lacking in detail. This will inevitably render comparisons with other evidence-based analysis and findings difficult.

A total of 171 respondents commented on (or were deemed to refer to) waste management and waste planning issues specifically or in general. A breakdown of the respondents is summarised in the following diagram:



In summary,

- 21% of the responses were from Local Authorities (including Borough WCA, WCA/WDA, and JWDA).
- 16% were from Lobby Groups, Political Groups and Trade Unions.
- 10% were from Private Sector Organisation and Waste Management Companies.
- 14% were from the Community and Voluntary Sectors.
- 10% were from Education and Other Public Sector Bodies.
- 18% were from Individuals.
- 8% were from Partnerships and Groupings.
- 2% were from Other.
- 1% were from Other Local Authorities.

The extent of their comments varies from 'detailed' (i.e. response to every question with supporting text), 'semi-detailed' (i.e. general response with limited supporting text), to 'limited' (i.e. general or one-line responses to some questions). Most of the respondents provided 'semi-detailed' or 'limited' comments; only 29 respondents provided 'detailed' comments to the waste management and waste planning questions raised in The Paper.

Key issues raised under individual questions are summarised below.

QUESTION 16

What, if any, is the case for change to current waste disposal and waste planning arrangements in London, taking into account:

- a) Experience since the GLA came into being;***
- b) The changes arising from the planning reform agenda and updated planning policy on waste management; and***
- c) Options for enhancing the Mayor's planning powers detailed by options in the planning section?***

Question	Yes	No	Don't Know/No Answer
16	55%	30%	15%

Whilst a majority of the respondents suggested change is required, there was much less of a consensus as to the degree of change.

Other key issues to note include:

- The justifications for change put forward by respondents varied from the perceived failures in the present arrangements, to the need to raise the 'game' to meet the future challenges of recycling and diversion away from landfill (EU targets), and the implications of the 2012 Olympic and Paralympic Games.
- Majority of the Boroughs disagreed that there is a case for change. Many suggested the system works but it is hampered by a lack of resources and the planning system.
- Apart from the Individual respondents, the JWDAs and approximately one-third of the Community Sector, all other sectors were to a greater or lesser extent in favour of change.
- A number of respondents suggested that it was too early in the process of implementing the changes arising from the reform agenda and updated planning policy on waste management (Planning Policy Statement 10: Planning for Sustainable Waste Management - PPS10), and to judge to what extent further reform was required if at all.
- Some respondents suggested that the assumptions made by the Mayor in supporting his proposals were flawed. Specific reference was made to out of date statistics for recycling and diversion away from landfill.
- Private Sector respondents, including Waste Management Companies were heavily in favour of change citing a lack of clarity in the present structure with multiple and conflicting levels.
- Lobby Groups cited a lack of strategic thinking and co-operation/co-ordination as constraining the current system but were not in favour of giving more powers to the Mayor.

QUESTION 17

Are there powers that could be given to the GLA, disposal authorities or planning authorities that would enable the current structure to work better?

Question	Yes	No	Don't Know/No Answer
17	28%	16%	56%

The majority of responses agreed that change was necessary. However, many respondents did not suggest what powers and to whom, but rather referred to the need for co-operation/co-ordination between bodies or stated who should not have additional powers.

Other key comments raised include:

- The need for better co-operation between the various WDAs and waste planning authorities within the existing arrangement was a recurring theme.
- Some respondents suggested that waste planning is a strategic issue that needs to deal with beyond the Borough level. (See also Question 18 below.)

QUESTION 18

If you consider there is a case for change, what is your preferred option for waste management and waste planning (including any options not covered in this section), and what are your views on the risks and benefits of:

- a) *the range of options outlined above*
- b) *specifically, the Mayor's proposal.*

Question	Commented on Waste Management Options	No Specific Preference /No Answer
18 'Waste Management'	69	31%

Key points to note concerning the selection of **waste management** options:

- Waste Management Option 1 attracted the most support (51 respondents). Only 4 Boroughs selected Option 1.
- 2 respondents expressed support for a combination of Option 1 and elements of other options. In many cases, the selection of Option 1 was qualified with the principle of waste collection remaining at Borough level.
- 28 respondents selected Option 4.
- Boroughs and Individuals tended to choose Option 3 or more often Option 4.

Question	Commented on Waste Planning Options	No Specific Preference/ No Answer
18 'Waste Planning'	60%	40%

Key points to note concerning the selection of **waste planning** options:

- The favoured option for Waste Planning was Option A, attracting 49 respondents.
- Option D was the second favoured option attracting 24 respondents.

- Waste Planning is seen by some respondents, notably Private Sector Organisations and Waste Management Companies, as a strategic issue that should be dealt with beyond the Borough level. Significant exceptions to this came from the Boroughs and Individuals; the Community Sector appeared to be split on this issue. In the case of the Individuals, this could be construed as either a lack of understanding about the role of strategic planning or a resistance to changes that place this role within the GLA and more specifically with the Mayor.

QUESTION 19

If a Single Waste Authority of some kind is established, what type of governance structure should it have (e.g. modelled on Transport for London(TfL), the London Development Agency (LDA), London Fire and Emergency Planning Authority (LFEPA) or the Association of London Government (ALG) Transport and Environment Committee) and why?

Question	Commented on structure	Expressed antipathy to SWA	No answer
19	32%	5%	63%

Among the respondents who answered this question, 5 selected TfL, 2 selected LDA, 8 selected LFEPA, 3 selected ALG, and 9 selected some Borough-led governance structure.

Among the respondents who commented on this question, there was a small majority who suggested that there could be governing bodies made up of Borough representatives supported by a mixture of private and public sector organisations.

A smaller number suggested the Mayor with a variety of controls on his activities and powers to direct.

QUESTION 20a

In respect of waste planning, would London be better equipped to achieve more sustainable waste management if disposal and planning responsibilities are met within the same organisation; at the same geographic scale; or both?

Question	Yes	No	Don't Know/No Answer
20a 'Same Organisation'	33%	15%	52%

On the issue of '**same organisation**', the results of analysis indicate the following:

- Among those who responded, the Private Sector Organisations and Trade Union sectors were unanimously in favour of 'same organisation', whilst the Boroughs were almost evenly split into both response areas.
- The 'Yes' respondents are however split between the levels of organisation at which this should be applied.
- The theme of 'too early for PPS10 to have delivered' appears to recur in some comments.

Question	Yes	No	Don't Know/No Answer
20a 'Same Geographic Scale'	29%	11%	60%

Among the respondents who commented on the issue of '**geographic scale**', approximately one in four of the Borough respondents disagreed that disposal and planning responsibilities should be met at the same geographic scale.

QUESTION 20b

In respect of waste planning, should the Mayor be given powers to allocate sites for new waste facilities and make development control decisions?

Question	Yes	No	Don't Know/No Answer
20b 'Site Allocation'	34%	62%	4%

On the issue of whether the Mayor should be given '**site allocation**' powers:

- Only 3 Boroughs and 2 Waste Management Companies agreed that the Mayor should be given powers to allocate sites.
- 1 JWDA agreed that the Mayor could be given the power to identify sites for strategic waste facilities.
- The Private Sector Organisations were evenly split on this issue.

Question	Yes	No	Don't Know/No Answer
20b 'Development Control'	16%	35%	49%

Only a minority of the respondents agreed that the Mayor should be given power to make '**development control**' decisions. The strongest support came from the Community Sector (6), Other Public Sector Bodies (5), Private Sector Organisations (4) and the Trade Unions (2).

QUESTION 20c

In respect of waste planning, (if the Mayor is to be given powers,) are safeguards needed (such as an increased role for the Assembly) to ensure accountability, consistency, fairness and propriety? What might these be?

Question	Yes	No	Don't Know/No Answer
20c 'Safeguards'	25%	5%	70%

Many respondents commented on the issue of whether there should be any **safeguards** if the Mayor was to be given additional powers. However suggestions as to what the safeguards could be are sparse and in some cases ambiguous.

A few respondents suggested Borough representation on a review body. Some also suggested strengthened London Assembly powers to scrutinise and 'call-in' Mayoral decisions.

Among the respondents who disagreed with the need for safeguards, 1 Borough expressed the view that there are already the necessary safeguards within the planning process.

QUESTION 21

Are transitional arrangements required with any of the options set out for waste management and/or waste planning, and if so what are they?

Question	Yes	No	Don't Know/No Answer
21	26%	2%	72%

Majority of the respondents who commented on this question supported the need for **transitional arrangements**.

One respondent felt that there should be no need for fundamental changes and disagreed with the need for any transitional arrangements.

From the comments received, the following key issues could be identified:

- With the exception of a small number of references to Option 1 requiring legislation rather more than Options 2 and 3, there is little or no reference to specific transitional arrangements for specific options for Waste Management or Waste Planning.
- A number of general comments made could translate into transitional arrangements, including: the need for a swift implementation to avoid 'blight', appropriate investment in the process, careful management of contracts to avoid penalties, the need for a transitional or shadow body and incentives for 'high performance' Authorities.

QUESTION 22a

What is the optimal geographic scale (i.e. borough-level; sub-regional level; or pan-London level) for procurement of collection and disposal infrastructure?

Question	Commented	No answer
22a 'Procurement'	53%	47%

Although a number of respondents commented on the question of the optimal scale for the **procurement** of infrastructure, the comments were unclear thus making it difficult for analysis. From the comments received, the following could be identified:

- Of those who expressed a clear view, two levels are clear leaders for the procurement of both collection and disposal: 'Borough' (38%) and 'Pan-London' (24%).
- Less than 14% of the respondents supported the 'Sub-regional' level for the procurement of waste collection and disposal.
- There were 19 respondents who selected hybrids (splitting the procurement of collection and disposal between levels). The most popular hybrid being 'Borough/Sub-regional', attracting just over 13% of the responses.
- Of the Boroughs who responded, 8 opted for 'Borough' while 9 opted for a 'Borough/Sub-regional' combination. Only 1 Borough opted for a 'Borough/Pan-London' combination for the procurement of collection and disposal infrastructure.

- The Waste Management Companies were split between 'Borough' and 'Pan-London' or 'Sub-regional'.

QUESTION 22b

What is the optimal geographic scale (i.e. borough-level; sub-regional level; or pan-London level) for Management of collection and disposal operations?

Question	Commented	No answer
22b 'Management'	51%	49%

On the issue of the optimal scale for the **management** of operations there appears no consensus among those who expressed a clear view.

From the comments received, the main options selected include:

- 'Borough' for the management of both collection and disposal operations, i.e. a clear leader attracting support from 20% of the respondents.
- 'Pan-London', i.e. the second most popular option attracting support from 11% of the respondents.
- A hybrid management that splits operational collection and disposal between 'Borough' and 'Sub-regional', i.e. the third most popular option attracting support from 8% of the respondents.
- 'Sub-regional' for both operational collection and disposal, attracting support from 6% of the respondents.

9 Boroughs opted for the 'Borough' option, 8 Boroughs for the 'Borough/Sub-regional' combination, and 1 Borough for a 'Borough/Pan-London' combination for the management of collection and disposal operations.

There was no consensus among the Waste Management Companies.

QUESTION 23

What governance, operational or procurement links should be made between collection and disposal? Why?

Question	Commented	No answer
23	31%	69%

There is little clear consensus among the respondents and much confusion as to what the question is driving at. However, the strongest response was from 19 Boroughs and 7 Other Public Sector Bodies.

From the comments received, the key issues identified include:

- The need for strong links is fairly consistent, and there are references to formalised agreement between the responsible bodies and the WET Act requirements.

- There is no consensus on the links for governance, operational and procurement between waste collection and disposal. Some respondents considered it appropriate for the SWA to assume a strategic role with the Mayor in control and Assembly in overview. Some considered governance, operational and procurement responsibility should rest with a SWA/Mayoral body and; others with the Boroughs, where there is some consensus that operational responsibility should be vested.
- The Joint Waste Disposal Authorities are cited as an example of how links could be managed and measures such as gate fees are suggested to encourage WCAs to minimise landfill.

QUESTION 24

How can the sustainable management of London's non-municipal waste streams be assured? To what extent could management of municipal and non-municipal wastes be combined? And how could this be achieved?

Question	Commented	No answer
24	32%	68%

The strongest response to Question 24 was from 22 Boroughs and 6 Other Public Sector Bodies.

From the comments received, the key issues identified include:

- The majority of respondents referred to principles and objectives, and offered little in the way of tangible suggestions or information.
- A few specific matters are raised, including the need for '5-10ha sites with 21st Century technology in order to maximise the economies of scale and market forces to influence the process'.
- A relatively common theme is the necessity of allowing/encouraging the combining of commercial and municipal collection/processing. The application of LATS to municipal waste and the need for legislative changes are also referred to (but not otherwise specified).
- A small minority of respondents suggested that municipal and non-municipal wastes should remain separate, that combining them is not feasible or that the subject is too wide to be answered without further research. In the case of the latter reference is made to Borough level studies and the Mayors ongoing surveys into non-municipal waste streams. The need for PPS10 measures to settle down is also referred to.

3.0 OVERVIEW OF THE REVIEW OF RESPONSES

There would appear to be no clear message coming out of the responses and often the views expressed conflict with each other or are not pertinent to the question being asked.

However, there are a number of key themes or issues that can be summarised as follows:

- Lack of consensus on the way forward.
- A clear split between the desire for a SWA and Borough level controls and management.
- Some considerable support for current administrative arrangements. However there is some acceptance of extended Mayoral responsibility but at the strategic level and subject to strict control/scrutiny.
- A feeling that a review now is premature in the light of the introduction of PPS10 and the rolling out of the major reforms to the planning regime within England.
- A concern that the argument for change is based on inaccurate or out of date data.
- The view that there is scope to increase effectiveness/efficiency through better co-ordination between the WDAs and WPAs, and through better communication between both and the GLA.
- If change is to occur, appropriate transitional arrangements are required to minimise disruption and avoid breaking the momentum already established.

List of Abbreviations

ALG	Association of London Government
DEFRA	Department for Environment, Food and Rural Affairs
GLA	Greater London Authority
JWDA	Joint Waste Disposal Authority
LATS	Landfill Allowance Trading Scheme
LDA	London Development Agency
LFEPA	London Fire and Emergency Planning Authority
LPAs	Local Planning Authorities
ODPM	Office of the Deputy Prime Minister
PPS	Planning Policy Statement
SWA	Single Waste Authority
TfL	Transport for London
WCAs	Waste Collection Authorities
WDAs	Waste Disposal Authorities
WET Act	Waste Emissions Trading Act 2003