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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

Summary of responses

May 2006

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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 Greater London Authority (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). In parallel to this consultation, the Government has also commissioned further detailed research to identify costs and benefits of different waste management and waste planning arrangements for London².

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 document sets out the results of the analysis of the responses relating to waste management and waste planning i.e. Questions 16 to 24 of The Paper. The analysis of the responses 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 Authority
- Other

The analysis of responses utilised an Excel database which is available as a stand alone appendix to this report (Appendix B)

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.

² KPMG and Atkins have been commissioned by ODPM, DEFRA and Government Office for London to undertake a study ('Delivering Sustainable Waste Management in London') that examines that evidence base, options for change and options appraisal. Additionally, KPMG has also been contracted to research and analyse issues around contracts and assets of waste authorities in London.

2.0 BACKGROUND

The potential widening of the GLA's powers has occurred at a time of major changes to the planning system. The Planning and Compulsory Purchase Act 2004 introduces major reforms to the planning regime within England. In particular, Local Planning Authorities (LPAs) throughout England, including those within London, are required to prepare Development Plan Documents (DPDs) that will eventually replace existing Development Plans (including Unitary Development Plans, Minerals and Waste Local Plans). Thirty-three London Boroughs have already indicated the intention to review their waste policies through Waste DPDs, joint Waste DPDs or their core strategies.

The proposal to widen the GLA's powers has also occurred against the background of new waste legislation including the Waste and Emissions Trading Act (WET) Act 2003, which implements Articles 5(1) and 5(2) of the EC Landfill Directive in the UK. The WET Act brings in a new landfill trading scheme (LATS) which became operational on 1 April 2005. With this, WDAs are allocated landfill allowances up to the year 2020. They are able to 'bank' unused allowance for use in later years, or use a portion of their future allowance in advance ('borrow'). Significantly, authorities will be fined for every tonne they landfill beyond the limit set by the allowances they hold. LATS aims to provide some flexibility to local authorities to trade landfill space whilst meeting the overall UK landfill targets under the EU Directive.

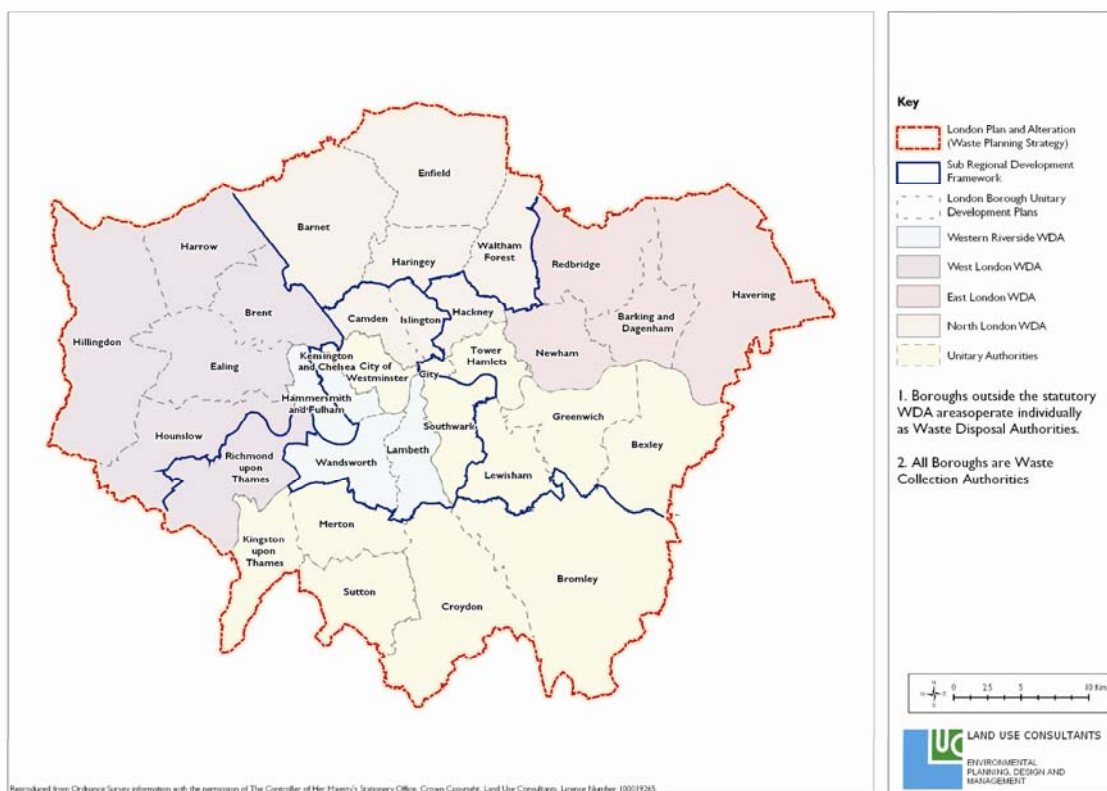
The current structure of waste planning and waste management across London is complex, with a combination of 11 single tier authorities (responsible for waste collection, disposal and planning) and other areas where the remaining 21 London Boroughs (responsible for waste collection and planning) are arranged into 4 statutory joint waste disposal authorities (JWDAs). The geographical split of the waste planning and waste management functions across London is shown in Figure 1. It should be noted that the London Borough of Newham chose not to respond individually.

The position of the Mayor of London, as stated in the Municipal Waste Management Strategy for London, and the consideration for a single waste authority for London³ has been further clarified in a recent (September 2005) Scoping Paper⁴ on the proposal for a London single waste authority and enhanced Mayoral waste planning powers.

³ Policy Drivers for a Single Waste Authority for London. Mott MacDonald/GLA, May 2005.

⁴ The Mayor of London: Scoping paper on proposal for a London single waste authority and enhanced Mayoral waste planning powers. Greater London Authority, September 2005.

Figure 1: Waste Collection Authorities and Waste Disposal Authorities across London



London currently accounts for some 15% of England's waste. It is a massive challenge that London faces in meeting the statutory targets for diversion of biodegradable waste from landfill, and the aspirational targets set out in the Mayor's strategy. Major improvements have to be achieved in service delivery and infrastructure provision over the next few years if failure to meet targets is to be avoided. Whilst the key focus at present is the management of municipal waste, largely driven by the Landfill Directive targets for 2010 and beyond (2013 and 2020) there are other waste streams (the 'wider waste' streams, or 'business waste' streams) that also have to be managed in a more sustainable manner.

3.0 POSSIBLE WASTE MANAGEMENT AND WASTE PLANNING OPTIONS

The current arrangements for waste management in London are perceived as creating artificial boundaries, and to be a barrier to joint working and delivery. The Paper recognises that some local authorities are operating independently and sometimes in conflict with each other, leading to public confusion and affecting participation. The proposition is that the opportunity now exists to reap the benefits of more efficient use of resources and expertise, through a joint approach to strategic planning, procurement and operations.

Sections 4.4.18 to 4.4.28 of The Paper provide a discussion on the possible waste management and waste planning options. The intention is that any changes will not place unfunded new burdens on local authorities (including the GLA).

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 could include 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 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.

4.0 SUMMARY OF RESPONSES

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.

An objective analysis of the consultation comments has been undertaken utilising quantitative techniques where possible. In addition, a consistency check has also been performed by an independent member of the consultant team throughout the interpretation of findings, in order to seek to ensure uniformity in approach.

However, 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.

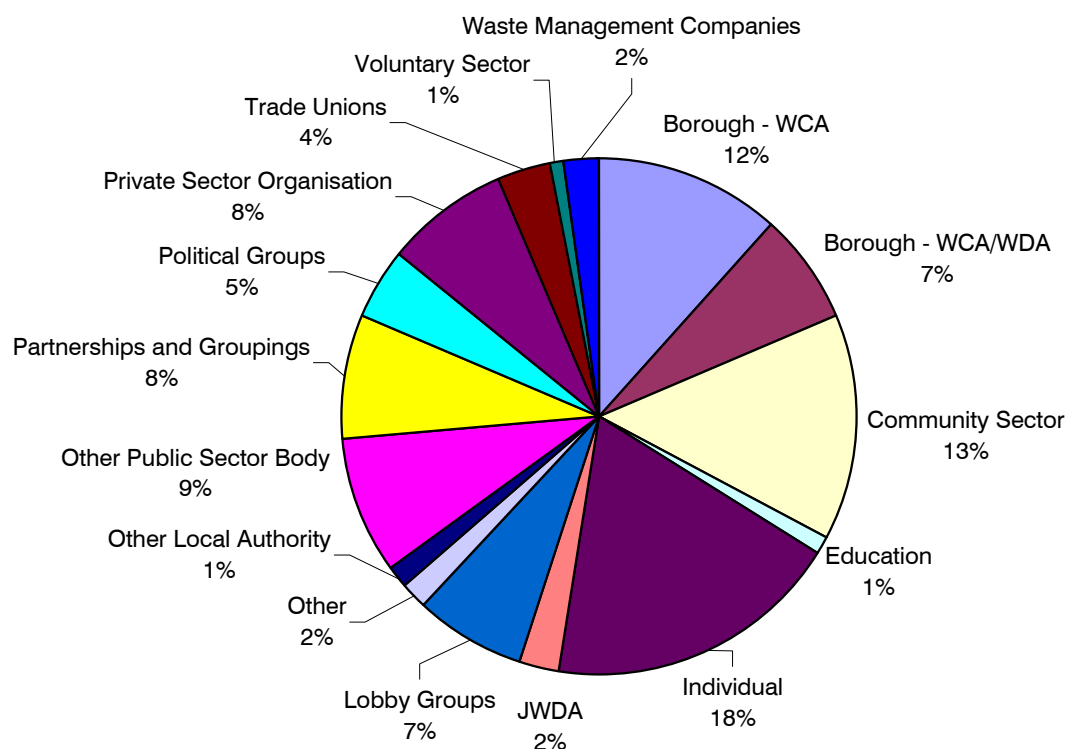
The following is an overview of the consultation responses received:

- A total of 171 respondents commented on (or were deemed to refer to) waste management and waste planning issues specifically or in general, and their comments have been considered in the analysis. A list of the respondents under the category headings is provided in Appendix A.
- The majority of the respondents submitted their comments on waste management and waste planning issues within the consultation period (i.e. on or before 22 February 2006). However, a significant number of the comments were received after 22 February; these 'late' responses have also where possible been included in the analysis.
- A breakdown of the comments on waste management and waste planning issues (i.e. Questions 16 to 24 of The Paper) has revealed the following profile⁵ of respondents:
 - 20 – Borough Waste Collection Authorities (WCAs)
 - 12 – Borough Waste Collection Authorities/Waste Disposal Authorities (WCAs/WDAs)
 - 24 – Community Sector
 - 2 – Education
 - 32 – Individuals
 - 4 – Joint Waste Disposal Authorities (JWDAs)
 - 12 – Lobby Groups
 - 15 – Other Public Sector Bodies
 - 13 – Partnerships and Groupings
 - 8 – Political Groups
 - 4 – Waste Management Companies
 - 13 – Private Sector Organisations
 - 6 – Trade Unions
 - 1 – Voluntary Sector
 - 2 – Other local authority
 - 3 – Other

⁵ The respondent types were initially provided by the GOL, in order to provide some consistency with the analysis of the comments received on other non-waste related issues raised in The Paper.

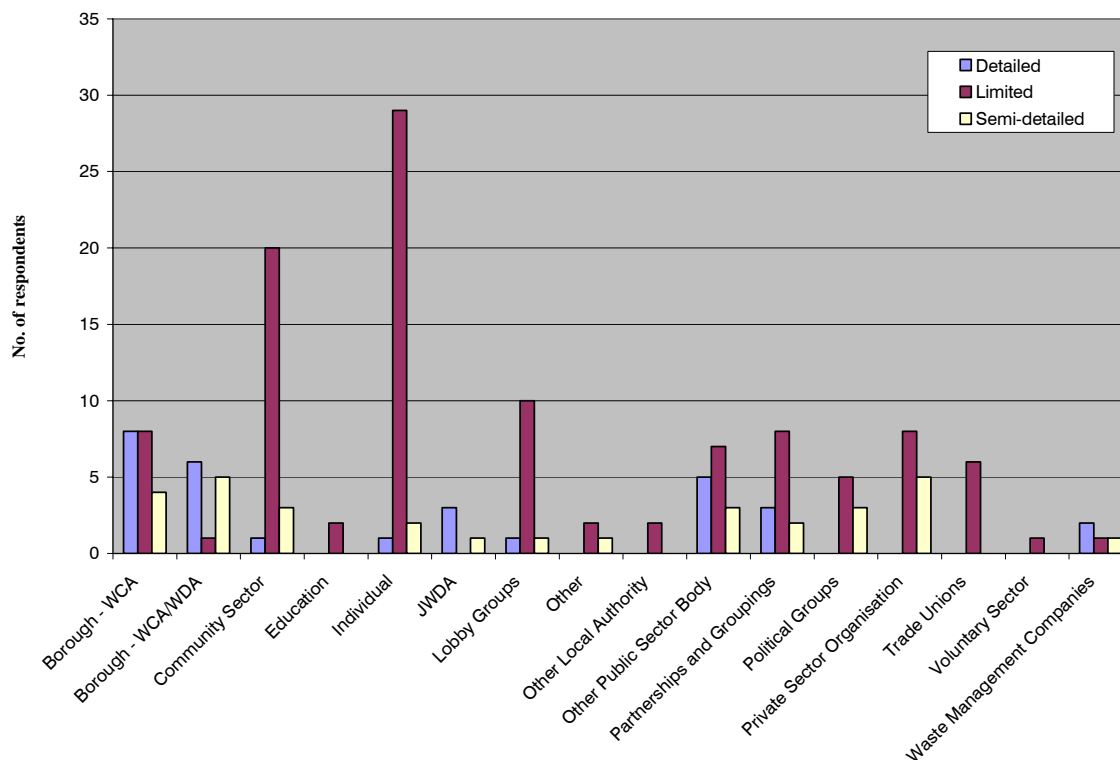
Figure 2 provides a breakdown of the respondents to Questions 16 to 24 by respondent category.

Figure 2: Breakdown of respondents to Questions 16 to 24 by respondent category



Comments on Questions 16 to 24 have been analysed. The extent of the responses varied from a general statement/observation on principles with no specific reference to individual questions to very precise and detailed answers to specific issues raised under each question, as shown in Figure 3.

Figure 3: Extent of response* by respondent category



• **Extent of Response**

Detailed: Response to most questions with supporting text

Semi-detailed: Either response to most questions with limited supporting text
 Or
 General response covering most questions

Limited: Either 'one line' responses to questions
 Or
 General response covering only some questions
 Or
 Single sentence/paragraph relating to essentially only Question 16
 and/or Question 18

The rest of this Section (Section 4) provides a summary of the key issues raised under individual questions together with a brief summary of relevant extracts from the responses, where applicable.

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?***

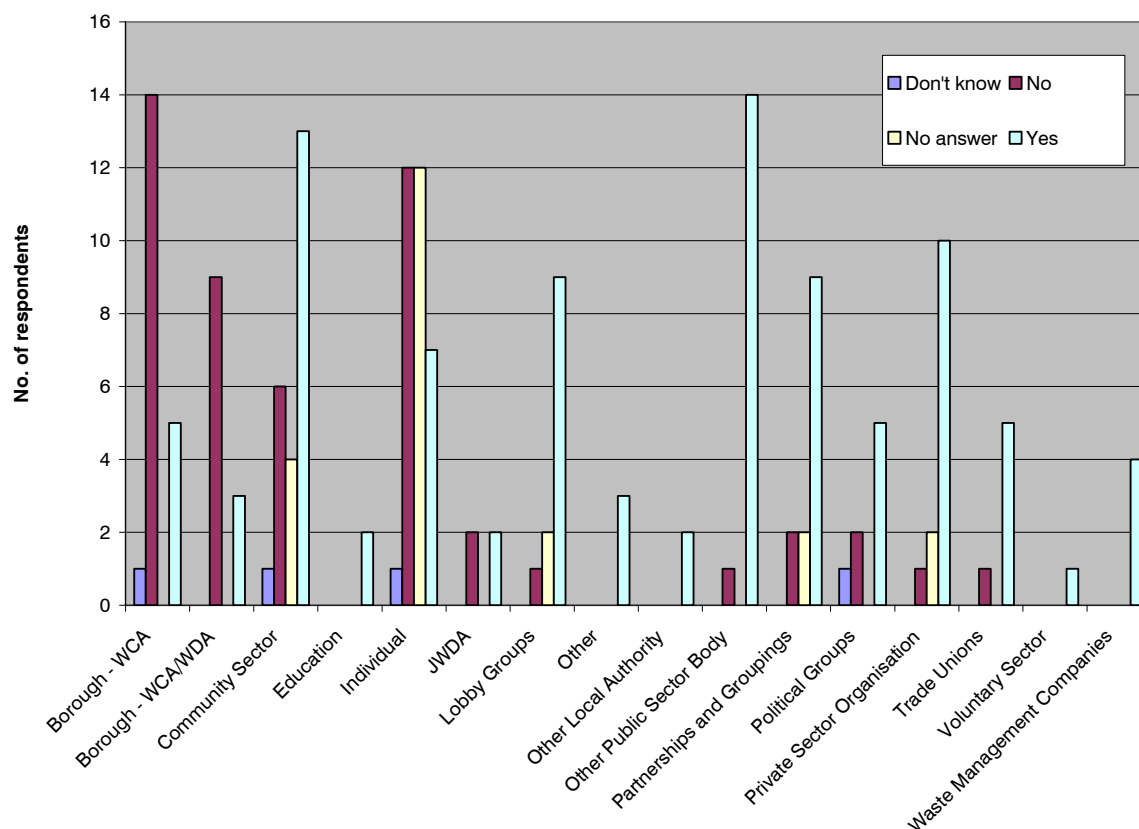
Of the 171 respondents, the overall consensus (55% or 94 respondents) to Question 16 was 'Yes' with 30% (51 respondents) saying 'No', and the remainder 15% (26 respondents) offering 'don't know' or no answer.

The analysis of responses to Question 16 also indicates:

- 72% of the Boroughs (or 23) responded 'No'.
- There were 8 Boroughs who responded 'Yes', namely: Enfield, Brent, Camden, Croydon, Harrow, Bexley, Hounslow, and Tower Hamlets.
- 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.
- The JWDAs were equally split (North London Waste Authority (NLWA) and West London Waste Authority (WLWA) – 'Yes').

Figure 4 provides a summary of the responses to Question 16.

Figure 4: Summary of responses to Question 16



The key themes or issues raised by the respondents are summarised below:

- Whilst a majority of the respondents suggested change is required, there was much less of a consensus as to the degree of change. The justifications for change put forward by respondents varied from 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.
- 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), to judge to what extent further reform was required if at all. (JWDAs, Environmental Services Association - ESA)
- 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. (Chartered Institute of Waste Management - CIWM, Association of London Government - ALG)

Private sector respondents, including waste management companies (Biffa Waste, Grosvenor Waste (Leyton) Ltd, and Cleanaway), were heavily in favour of change citing – lack of clarity in the present structure with multiple and conflicting levels.

“Operating in the present system is time consuming and costly and therefore a discouragement to investment, research and development”.

“The GLA are considered to have an effective and practical understanding of Waste Management.”

(Cleanaway and Biffa)

Borough 'No' respondents suggested the system works, but is hampered by a lack of resources and the Planning System (e.g. Wandsworth). The Borough's record of investment and delivery was cited as evidence of the system working (e.g. Southwark). 'Yes' respondents suggested, there is a need to achieve greater co-ordination and strategic focus but not that this is a justification for increasing the Mayor's powers (Croydon).

Lobby Groups (e.g. Friends of the Earth) 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.

SUMMARY OF SELECTED RESPONDENTS COMMENTS TO QUESTION 16

ALG – 'Yes' – The case for change is not based on the performance of London. Better strategic planning and co-ordination across the City is needed but that does not mean the Mayor should take over the disposal function.

London Assembly – 'Yes' – change (any 'London-wide arrangements') should be based on a 'broad and settled consensus'

ESA – 'No' – Recent measures (including PPS10) should 'drive change in waste management'

CIWM – Support change but dispute the statistics used to support the argument. They also are of the view that the recent measures (e.g. PPS10) need more time to have effect.

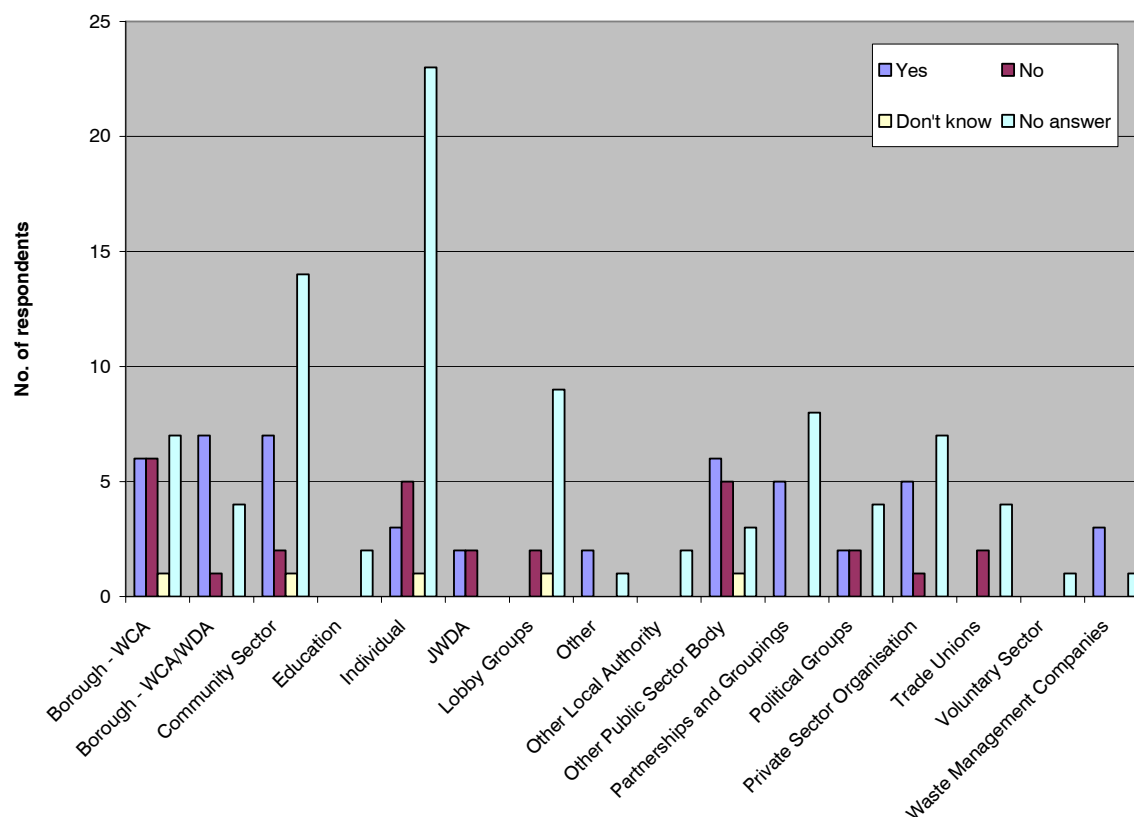
JWDAs – The response is 2 'Yes' and 2 'No'. The responses are similar with all stating to different degrees that change would be premature due to the risks of delay and the EU targets; and the need for the planning reform agenda to deliver.

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?

Of the 171 respondents, 28% (or 48 respondents) said 'Yes' to Question 17, and 16% (or 28 respondents) said 'No'. The remainder (95 respondents) offered 'don't know' or no answer (Figure 5).

Figure 5: Summary of responses to Question 17 by respondent category



The key themes or issues raised by the respondents include:

- There were a large proportion of respondents who either did not answer this question (Question 17) or offered a 'don't know' in the response, a pattern that was reflected to a greater or lesser extent in all sectors.
- Some respondents also commented on the issue of the review being premature at this juncture. However the majority of responses were 'Yes', implying that change is perceived to be necessary, rather than just preserving the status quo with 'increased' powers at some level.
- 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 be dealt with beyond the Borough level. (See also Question 18 below.)

- 'Yes' respondents in many cases 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.
- Examples of the few suggestions that were made include:
 - Canary Wharf Group: GLA should be able to *"determine strategic infrastructure, identify future sites and apply consistent strategies"*
 - ALCO: *"The GLA and the waste authorities should be required to agree a joint waste management strategy as required by the WET Act 2003"*
 - Borough of Croydon: *"GLA to have power to make waste disposal and waste collection authorities work more closely on the following issues:*
 - *Ultimate power of direction.*
 - *Extension of powers to influence procurement of contract post OJEC notice, but pre-award.*
 - *Sign-off of final business cases for PFI projects.*
 - *Default powers to safeguard existing waste sites from development control.*
 - *Endorse enforcement policies with respect to trade waste, etc"*The latter were qualified by a need for greater consultation and a statement that existing powers need to be applied more rigorously.

SUMMARY OF SELECTED RESPONDENTS COMMENTS TO QUESTION 17

ALG – *"Considers it unlikely that there is a need for additional powers to make the existing system works better."*

London Assembly – Does not support *"extraction of powers from Local Authorities upwards"* However, *'exceptions could arise in cases of strategic need such as Waste Management and Waste Planning'*.

ESA – 'No' – *'Existing bodies must properly implement existing national policy and ensure provision of additional capacity'..... 'The main impediments are funding, regulation and planning policy'*.

CIWM – 'Yes' – A truly joint Municipal Waste Management Strategy taking into account WET targets. Increased influence on procurement and financial responsibility where a Mayoral Direction results in additional expenditure.

JWDAs – 'No' – Generally the JWDAs responded negatively suggesting the current structure was *'adequate'* or *'worked well'*.

South London Waste Disposal Group (SLWDG) – felt there might be a need for change but existing powers needed to be applied properly first.

There was also a feeling amongst JWDAs and SLWDG that there needed to be better consultation between GLA and the Boroughs.

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:

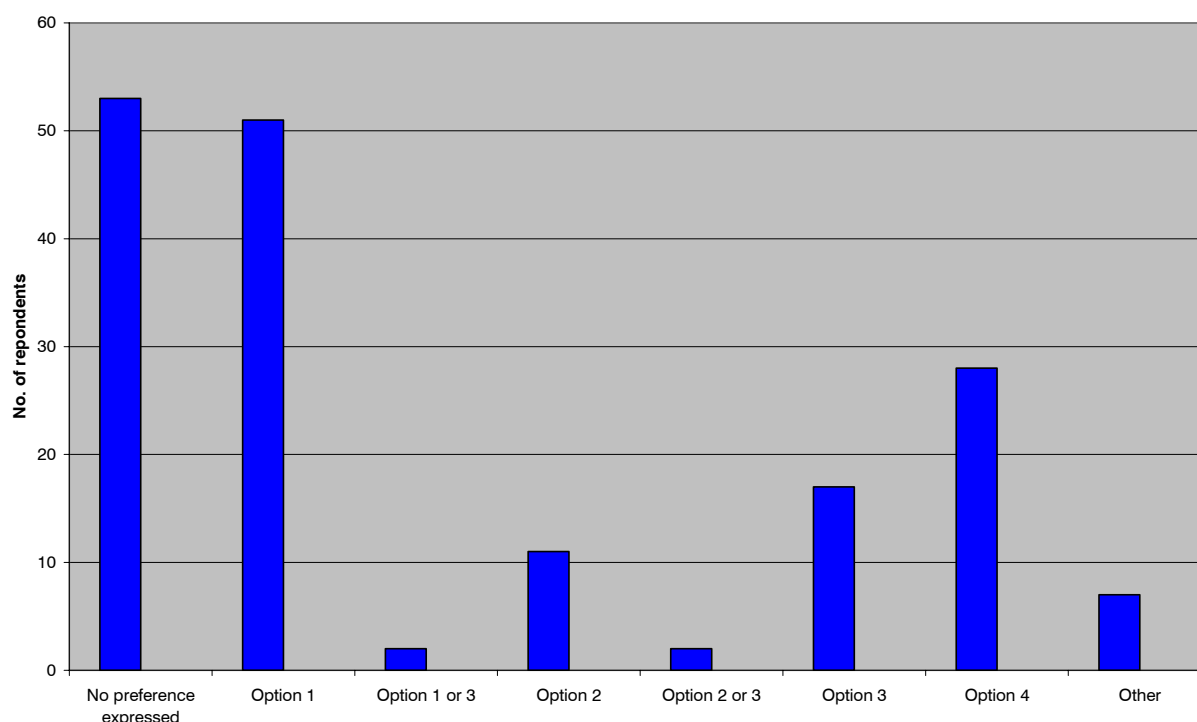
- a) the range of options outlined above***
- b) specifically, the Mayor's proposal.***

Responses to **waste management** and **waste planning** issues are described separately below. It was noted that some respondents who did not consider a need for change (under Question 17) still responded to Question 18.

Waste Management (Figures 6, 7, and 8)

118 respondents commented on the waste management options (Figure 6). 53 respondents either failed to respond or commented but expressed no specific (or inferable) preference (including 9 Boroughs).

Figure 6: Selection of Waste Management Options

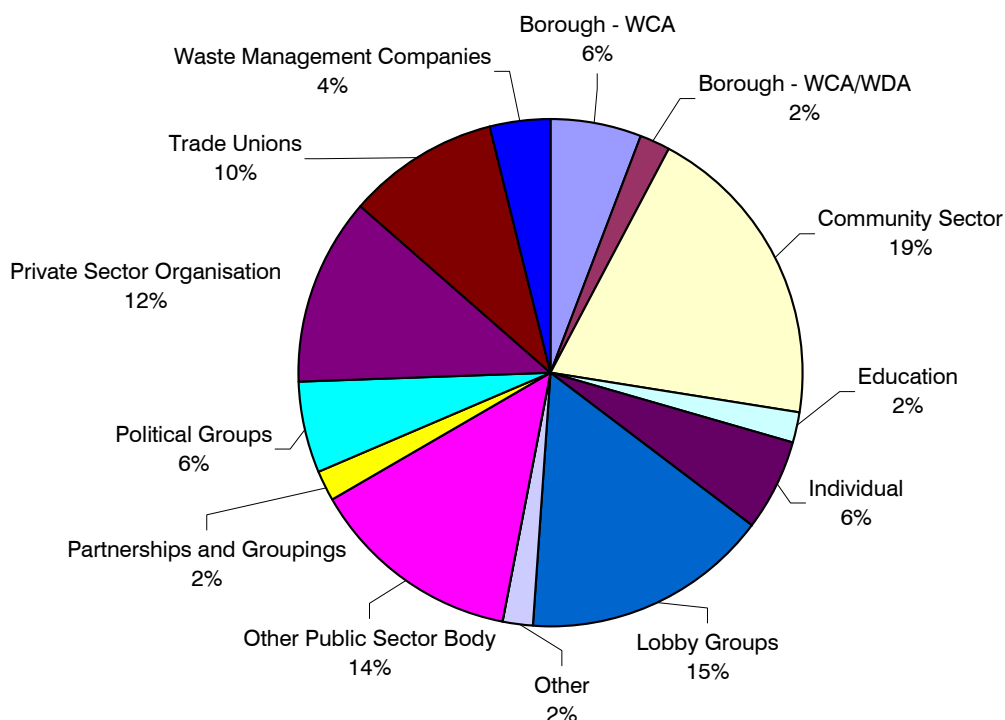


Examining the selection of the Waste Management options the following key issues are identified:

- Of the options selected for Waste Management, Option 1 attracted the most support (51 respondents or 43%) but with by no means a majority of the respondents. (Figure 7)

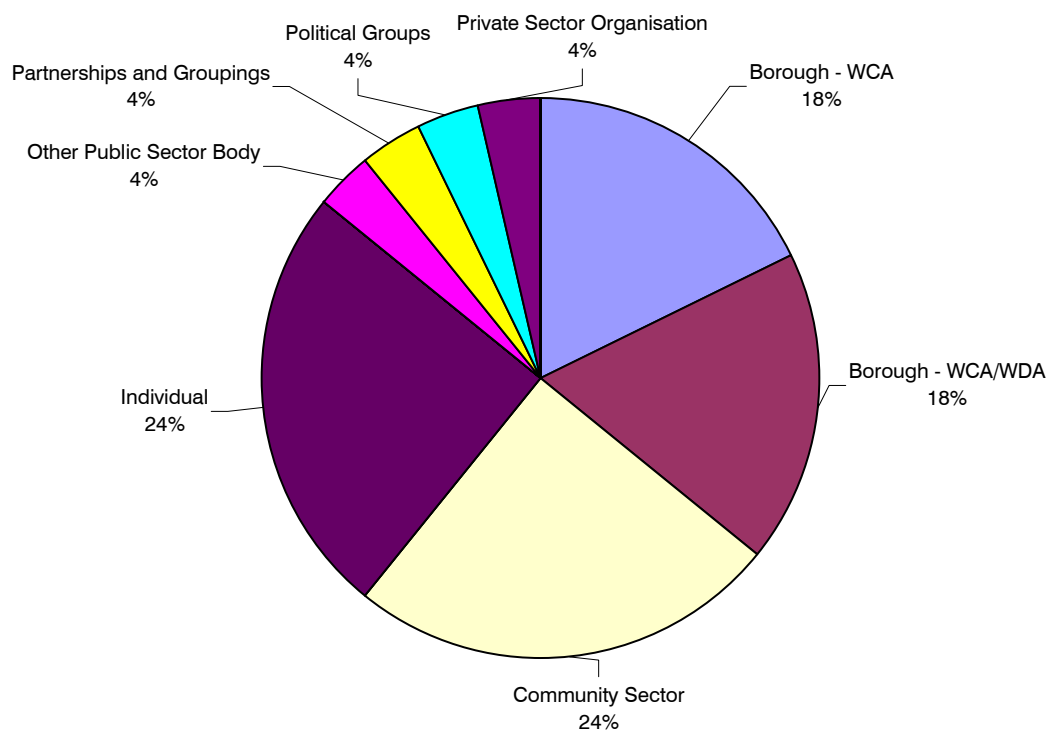
- In many cases, the selection of Option 1 was qualified with the principle of waste collection remaining at Borough level. Hounslow, for example, would support “a *Single (strategic) Waste Authority with the duties of the boroughs as waste collection authorities remaining unchanged.*”
- A further 2 respondents (Cleanaway and London Remade) expressed support for a combination of Option 1 and elements of other options.

Figure 7: Breakdown of respondent category for Waste Management Option 1



- The 4 Boroughs who selected Option 1 were Brent, Hounslow, Tower Hamlets and Barnet.
- WLWA clearly preferred Option 2 in their response.

Figure 8: Breakdown of respondent category for Waste Management Option 4



- Boroughs and Individuals tended to choose Option 3 or more often Option 4.
- 28 respondents (23% of those who selected an option) selected Option 4.

The breakdown of respondent category for this Option is indicated in Figure 8 above.

Waste Planning (Figures 9 and 10)

102 respondents commented on waste planning issues (Figure 9). A further 69 respondents either failed to respond or commented but expressed no specific (or inferable) preference, (including 11 Boroughs and 2 JWDAs).

Figure 9: Selection of Waste Planning Options

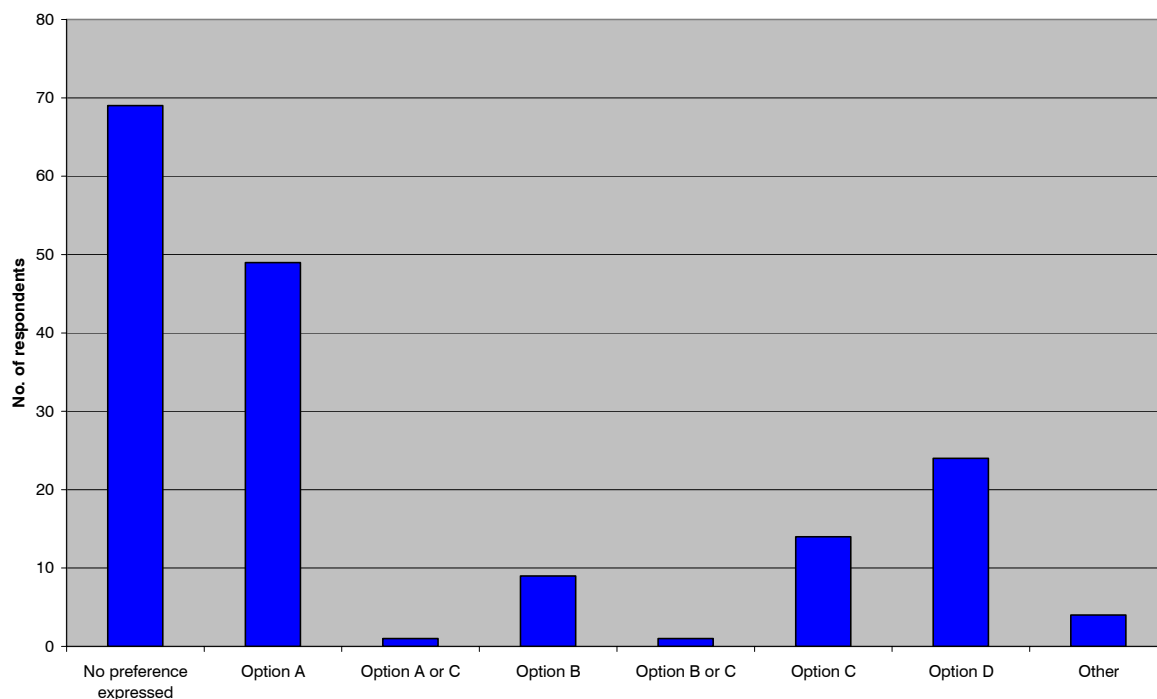
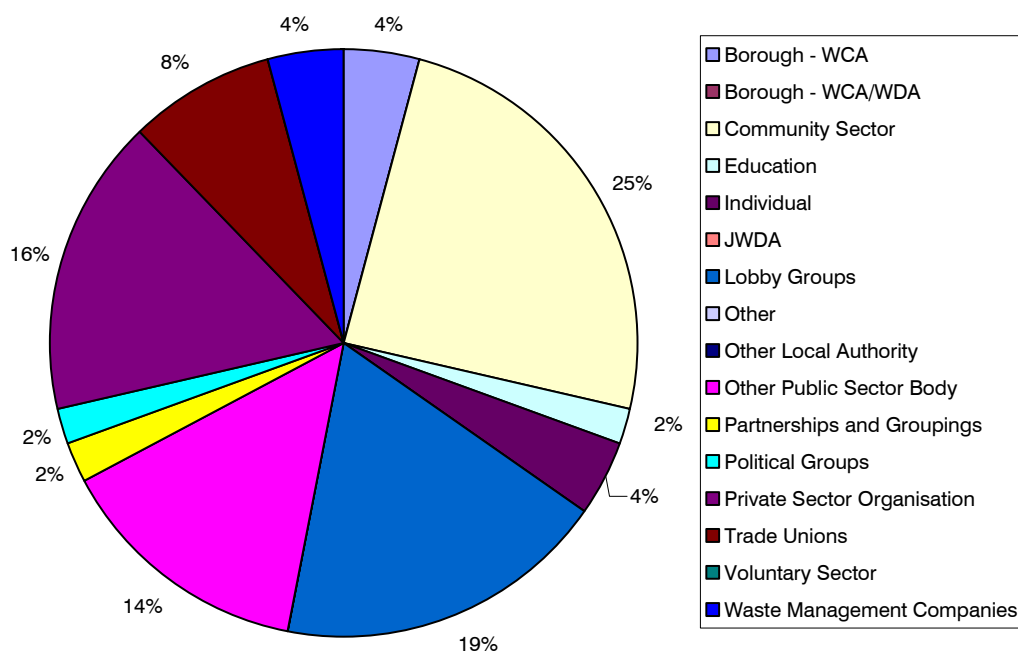


Figure 10: Breakdown of respondent category for Waste Planning Option A



Results of analysis indicate the following:

- The favoured option for Waste Planning was Option A (with 49 respondents distributed as illustrated in Figure 10). This represents almost half of the responses to this question (48%).
- Option D was the second favoured option attracting 24 respondents (24% of those who responded to the question)
- 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.

SUMMARY OF SELECTED RESPONDENTS COMMENTS TO QUESTION 18

ALG – *“Does not support the creation of a Single Waste Authority (SWA)... A move to functional body controlled by the Mayor would create a much greater system of the waste collection and disposal functions compared to a borough-led London-wide solution.”*

London Assembly – Did not select any specific options. The view is that if a SWA was to be formed it should be part of the GLA group. Assembly scrutiny powers would need extending. A governing body (political representatives) is also seen as required. It is recognised that the Mayoral strategy, direction and finances needed to be subject to scrutiny and call-in by the Assembly

ESA – No selection has been made based on the view that there is no overwhelming need for structural change. If there must be change then the JWDA model is suggested as the largest acceptable ‘unit’.

CIWM – Did not specify a favoured option. They suggested some support for Option 3 and for 1. However, in the case of the latter a number of issues are raised; the need for primary legislation (therefore delays and risk to EU targets), loss of local responsibility, tension between mayor and boroughs, bureaucracy, and loss of borough assets.

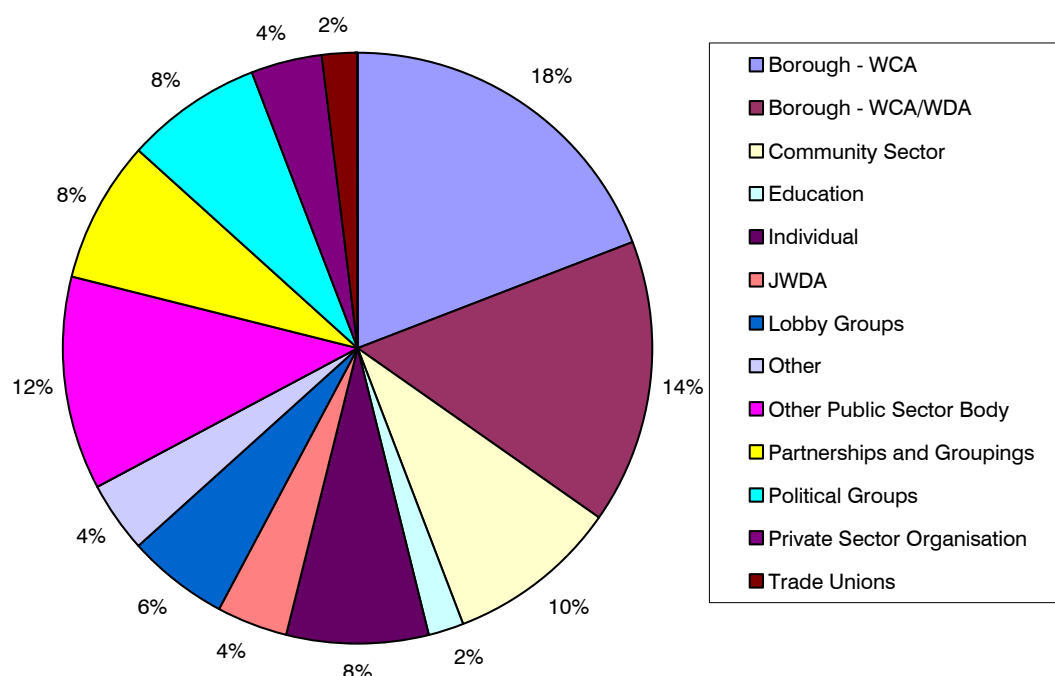
JWDAs – The JWDAs are generally opposed to the Mayor's option and the accuracy of the data on which Option 1 is justified is challenged. All JWDAs essentially opt for Option 3 with reference to Option 4. The principle of control and accountability to local elected members is stated. Only the NLWA specify a Waste Planning Option selecting C or a hybrid B/C limiting the SWA to London wide issues only.

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 ALG Transport and Environment Committee) and why?

There was very low useable response to Question 19. 116 respondents either gave no response (108) or used this as an opportunity to repeat their antipathy to a SWA (8). This would seem to reflect a lack of knowledge of the governance structures suggested.

Figure 11: Responses to Question 19 by respondent category



The key themes or issues raised by the respondents are as follow:

- 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.
- 8 respondents, including 1 Waste Management Company (Cleanaway), suggested that the SWA should be “a functional body within the Mayor’s Office”
- 11 non-Borough respondents, including 2 Waste Management Companies (Biffa and Grosvenor), supported the governance structures suggested in The Paper, including: 7 for the LFEPA (including the GLA), 2 for the TfL, and 2 for the LDA.

- The preferences expressed by the Boroughs include:
 - ALG: 3 Boroughs i.e. Tower Hamlets, Merton and Redbridge
 - Borough-led governance structure: 9 Boroughs i.e. Enfield, Bromley, Harrow, Havering, Kensington and Chelsea, Kingston upon Thames, Barking and Dagenham, Hammersmith and Fulham, and City of London Corporation.
 - TfL: 3 Boroughs i.e. Camden, Hounslow and Richmond.
 - LFEPA: 1 Borough i.e. Barnet

SUMMARY OF SELECTED RESPONDENTS COMMENTS TO QUESTION 19

ALG – Does not support SWA.

London Assembly – Encouraged an approach that would comprise a majority of elected representatives (Boroughs and Assembly) and possibly based on LFEPA model.

CIWM – No specific response. However, 'broad representation of all authorities, joint municipal waste management strategies and transparent funding are noted.

JWDAs – NLWA expanded on its Option B/C hybrid from Question 18. ELWA and WRWA made no reference to existing bodies, but specified Borough representation and stated the importance of the WDA and WCA relationship.

SLWDA – selected an existing model (ALG Transport & Environment) and qualified this by reference to Borough membership with non-voting members of GLA and a Mayor's representative.

QUESTION 20

In respect of waste planning:

- a) *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?*
- b) *Should the Mayor be given powers to allocate sites for new waste facilities and make development control decisions?*
- c) *If so, are safeguards needed (such as an increased role for the Assembly) to ensure accountability, consistency, fairness and propriety? What might these*

Question 20a (Figures 12 and 13)

85 respondents commented on the issues of 'same organisation' and 73 respondents on 'geographic scale'; the breakdown of the responses is shown in Figures 12 and 13 respectively.

Figure 12: Breakdown of responses to Question 20a 'same organisation' by respondent category

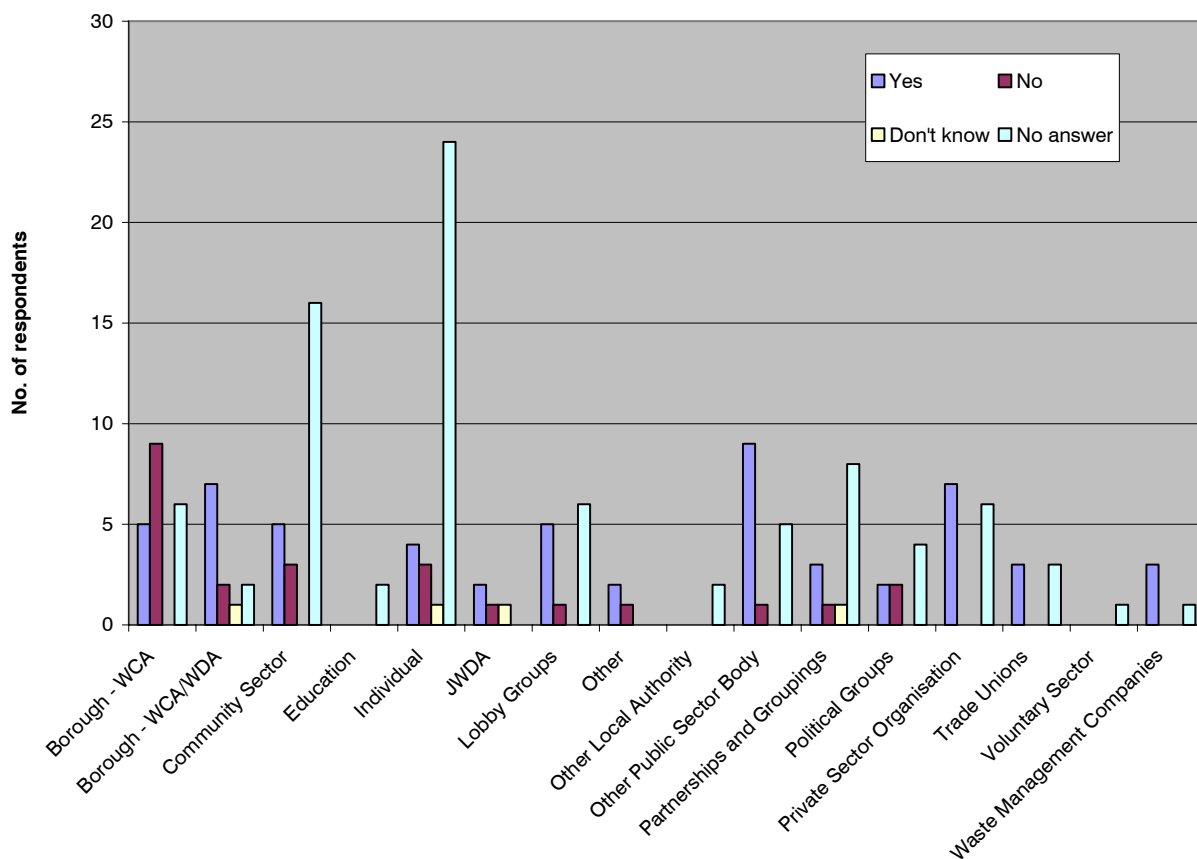
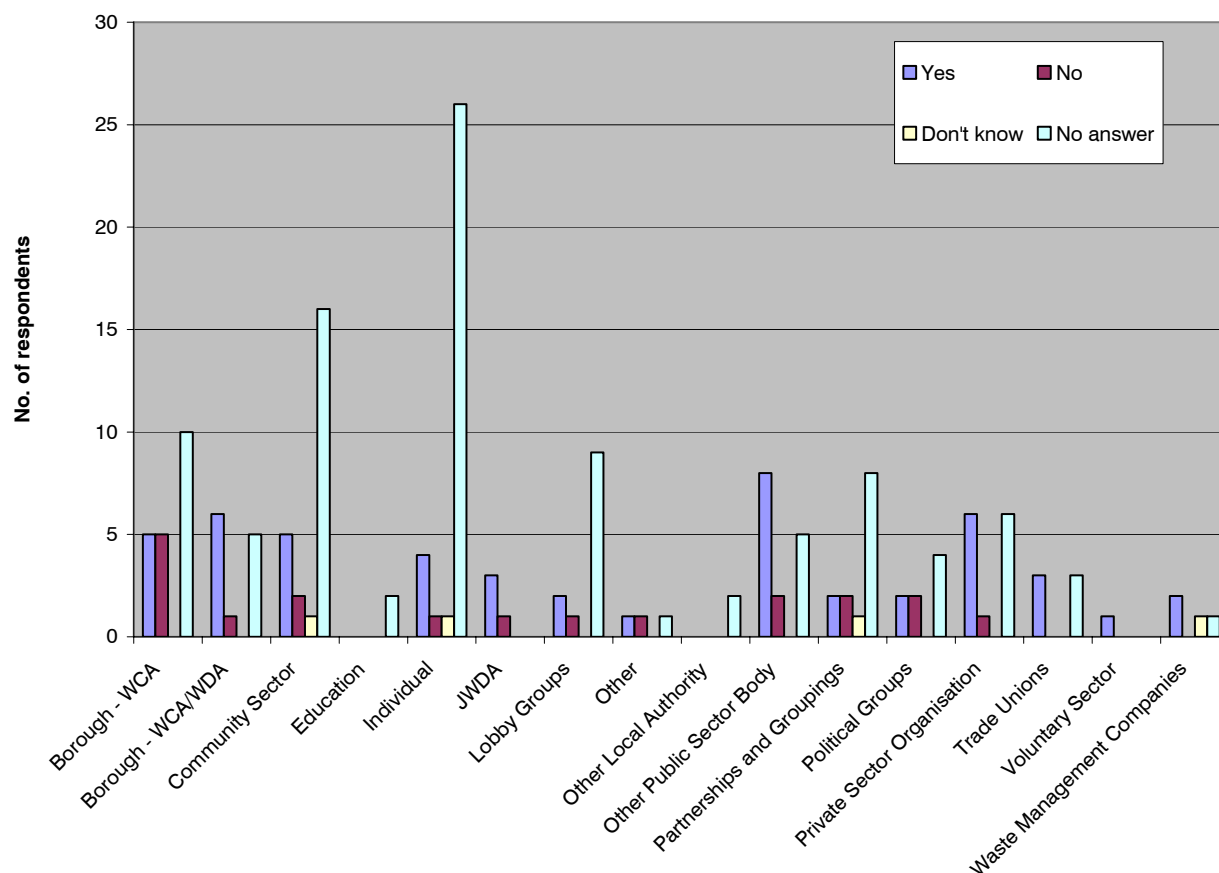


Figure 13: Breakdown of responses to Question 20a 'geographic scale' by respondent category



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

- There was a mixed response from the respondents: approximately 33% saying 'Yes' and less than 15% 'No'. 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. (Harrow and Waltham Forest)

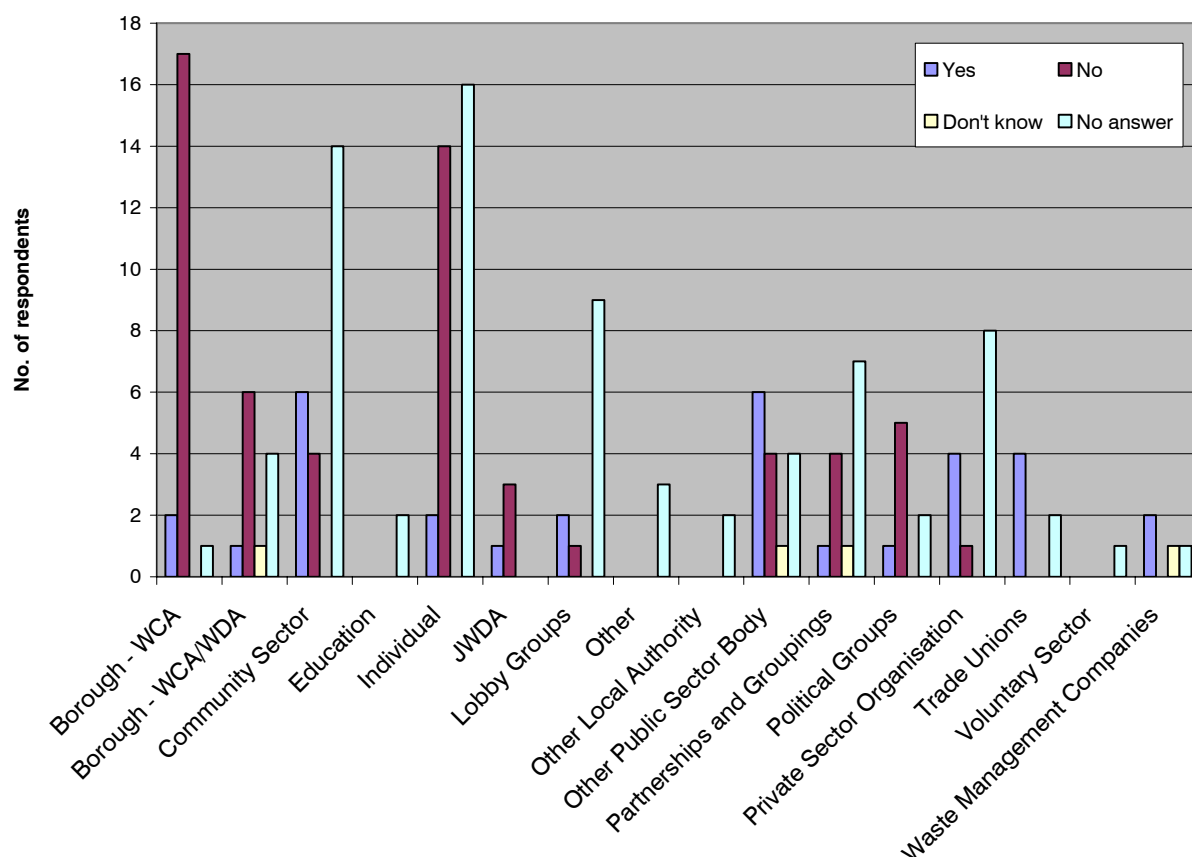
On the question of **'geographic scale'**, results of analysis indicate the following:

- The uncertainty of the respondents continued with the 'geographic scale' question. There are slightly more respondents (60%) who either did not answer this question or offered 'don't know' than those who answered either 'Yes' or 'No' (40%).
- However, 29% of the respondents said 'Yes' while less than 12% said 'No'.
- Approximately 1 in 4 of the Boroughs who responded said 'No' (including Barnet, Enfield, and Kensington and Chelsea).

Question 20b (Figures 14 and 15)

On the issue of whether the Mayor should be given powers for 'sites allocation', 87 respondents commented (Figure 14).

Figure 14: Breakdown of responses to Question 20b 'sites allocation' by respondent category

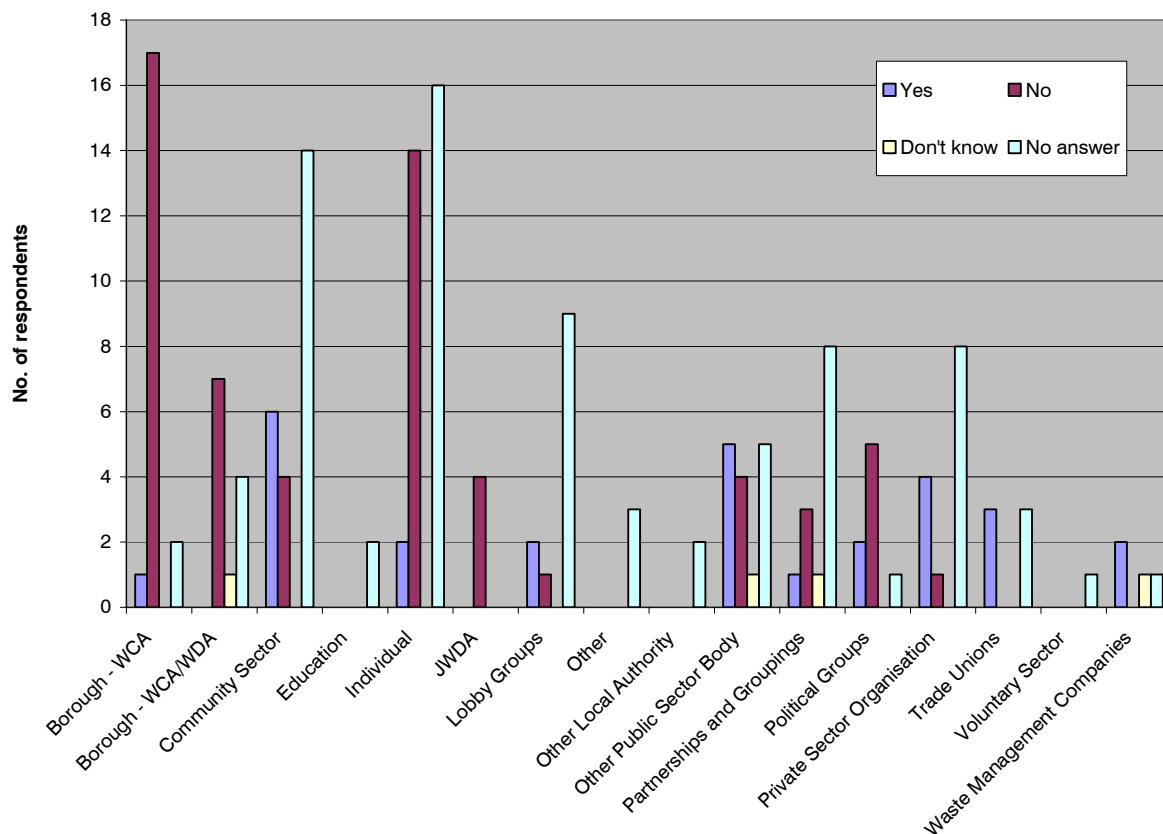


Results of analysis indicate:

- Of the 95 respondents to Question 20b, 34% said 'Yes' while 62% said 'No'.
- 3 Boroughs (Hounslow, Waltham Forest and Tower Hamlets) responded 'Yes'. Hounslow's view is that *"In contrast to the majority of planning topics which are appropriately dealt with at the Borough level consideration of the provision of waste facilities is needed on a strategic basis. It is likely that the necessary additional waste infrastructure will only be provided in a timely manner if decisions are taken based on strategic priorities."*
- The NWLA selected 'Yes' and stated *"In the Authority's view, the Mayor could be given the power to identify sites for strategic waste facilities which might require feedstock from two or more sub-regions, but not the power to make development control decisions"*.
- The Private Sector Organisations were evenly split.
- 2 Waste Management Companies (Biffa and Grosvenor) stated 'Yes'.

92 respondents commented on the issue of whether the Mayor should be given 'development control' powers (Figure 15).

Figure 15: Breakdown of responses to Question 20b 'development control' by respondent category



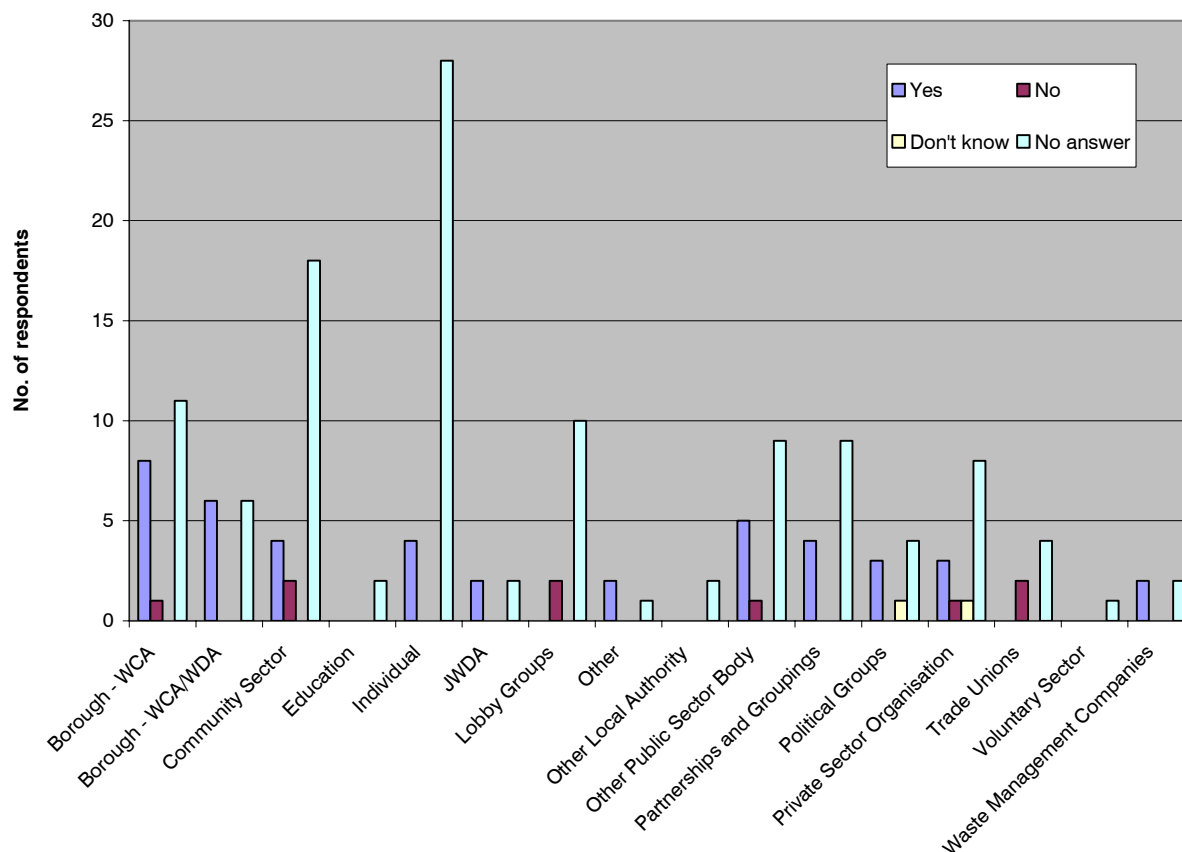
Analysis of results indicates the following:

- On the question of whether the Mayor should be given powers to make development control decisions, only 16% of the respondents indicated 'Yes' while 35% responded 'No'. There are almost as many respondents who either did not provide a specific comment or offered 'don't know' as those who said either 'Yes' or 'No'.
- With the exception of one Private Sector Organisation (Partnerships UK) the respondents said yes.
- The Waste Management Companies (Biffa and Grosvenor) said 'Yes'.

Question 20c

54 respondents commented on the issue of whether there should be any **safeguards** if the Mayor should be given additional powers (Figure 16).

Figure 16: Breakdown of responses to Question 20c 'safeguards' by respondent category



Bearing in mind that the 60 respondents who said 'No' to Question 20b should in theory have ignored the 'safeguards' question (Question 20c), there were almost half as many more respondents to this question with 43 respondents in favour of 'safeguards' and 9 against.

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.

Other issues that could be identified include:

- Only 1 Borough (Hounslow) said 'No' stating *"The planning process should provide the necessary safeguards with recourse to the courts as a last resort."*
- 2 Waste Management Companies (Biffa and Cleanaway) responded 'Yes'.

SUMMARY OF SELECTED RESPONDENTS COMMENTS TO QUESTION 20

ALG – *“would not like the Mayor to be given powers to allocate sites and make development control decisions due to loss of local democratic accountability and lack of opportunity for input of local concerns that would result.”*

London Assembly – Development control power should not rest with the Mayor this should remain with the Boroughs. However the SWA should be empowered to set a statutory pan-London regional framework

ESA – Appear to generally support the status quo (properly implemented) for organisation and geography and offer no specific 'ideal'. They do however indicate that they are 'not opposed in principle' to the mayor determining strategic waste applications, subject to' appropriate safeguards.

CIWM – The response on this is ambiguous, however it is assumed that CIWM on-balance prefer sub-regional to pan-London for waste planning. They also do not express an opinion as to whether the Mayor should be given powers but require safeguards if they are.

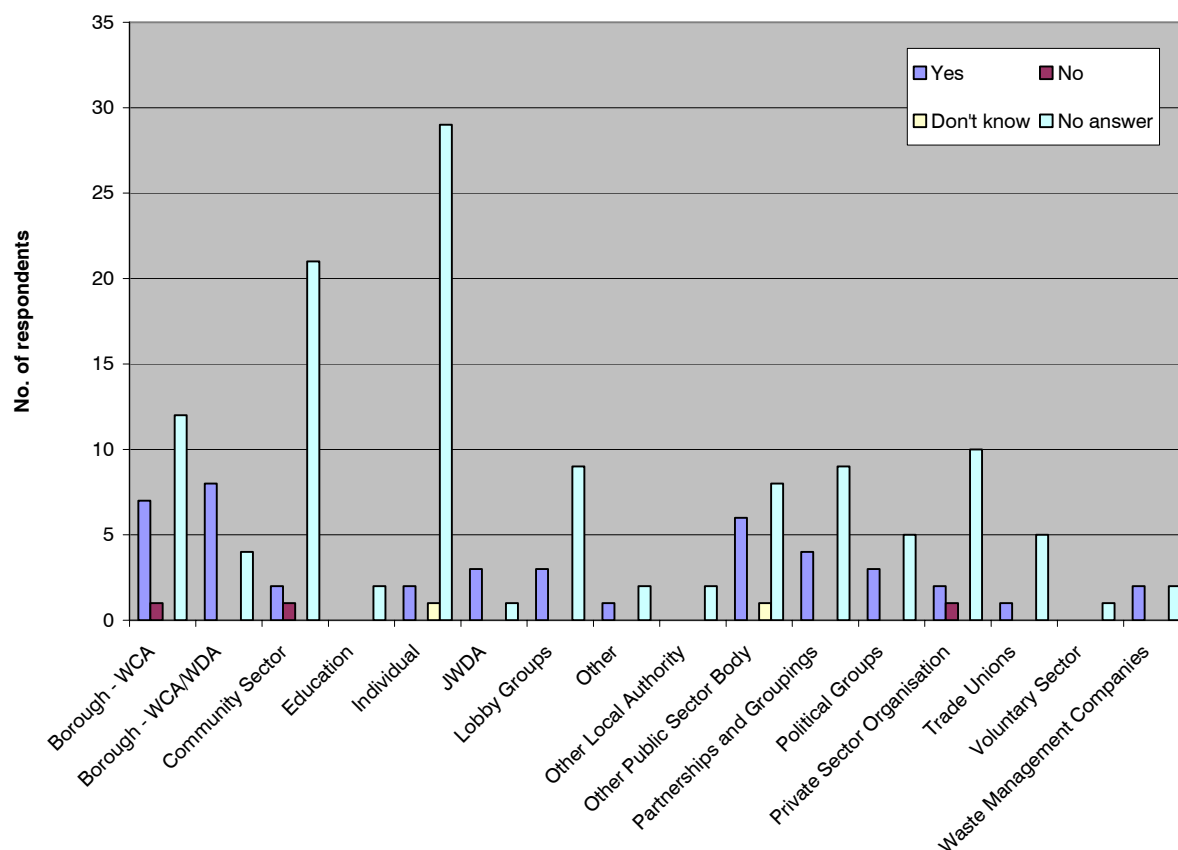
JWDAs – The response here is more or less consistent; same geography and same organisation which should be the Boroughs. Some slight variance on the question of development control powers. The NLWA suggesting that the Mayor could have limited powers in respect of sub-regional facilities; the others state 'No'. On safeguards, reference is made to requirements for consultation, scrutiny, clarity on Compulsory Purchase Orders powers and local member and officer involvement.

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?

49 respondents commented on this question and their responses are shown in Figure 17.

Figure 17: Breakdown of responses to Question 21 by respondent category



Of the 49 respondents to Question 21, an overwhelming majority (i.e. 44 respondents) were of the opinion that transitional arrangements were required. The vast majority of Respondents (72%) offered no answer on this question.

One Borough (Hackney) said 'No', however this was qualified by *“Reflecting our overall response, we do not consider transitional arrangements to be necessary since we do not support any fundamental changes”*.

From the comments received, the following key issues are 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 (e.g. by ALG) 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.

SUMMARY OF SELECTED RESPONDENTS COMMENTS TO QUESTION 21

London Assembly – 'Yes' this would provide a valuable opportunity to review existing contracts. Conversely, acknowledgement and protection of the Boroughs existing investment is required.

CIWM – There is confusion as to where the boundary line would be drawn for JWDAs (if selected) clear guidance for local authorities would be required. Guidance on how local authorities would be compensated for assets already invested in or for lower recycling rates if they loose civic amenity sites (Option 1), would also be required.

JWDAs The NLWA provide a list of requirements that transitional arrangements would need to address, including:

- *"Consultation on new boundaries and modelling on the same*
- *Re-election of committee members and new scopes of working*
- *A phased contract transfer for key disposal and recycling contracts, preceded by extensive communication with the sector to ensure everyone is aware of the impending changes*
- *An agreed scheme for the transfer of property and other assets*
- *A detailed assessment of the implications of current contractual arrangements and joint venture partnerships, such as our own*
- *A detailed assessment of the impact on current procurement activity aimed as timely Landfill Directive compliance.*
- *Practical implementation plan, including IT systems, TUPE transfers of staff, financial planning and levying systems"*

Apart from that the only comment from the JWDAs is that speed is of the essence to minimise disruption.

QUESTION 22

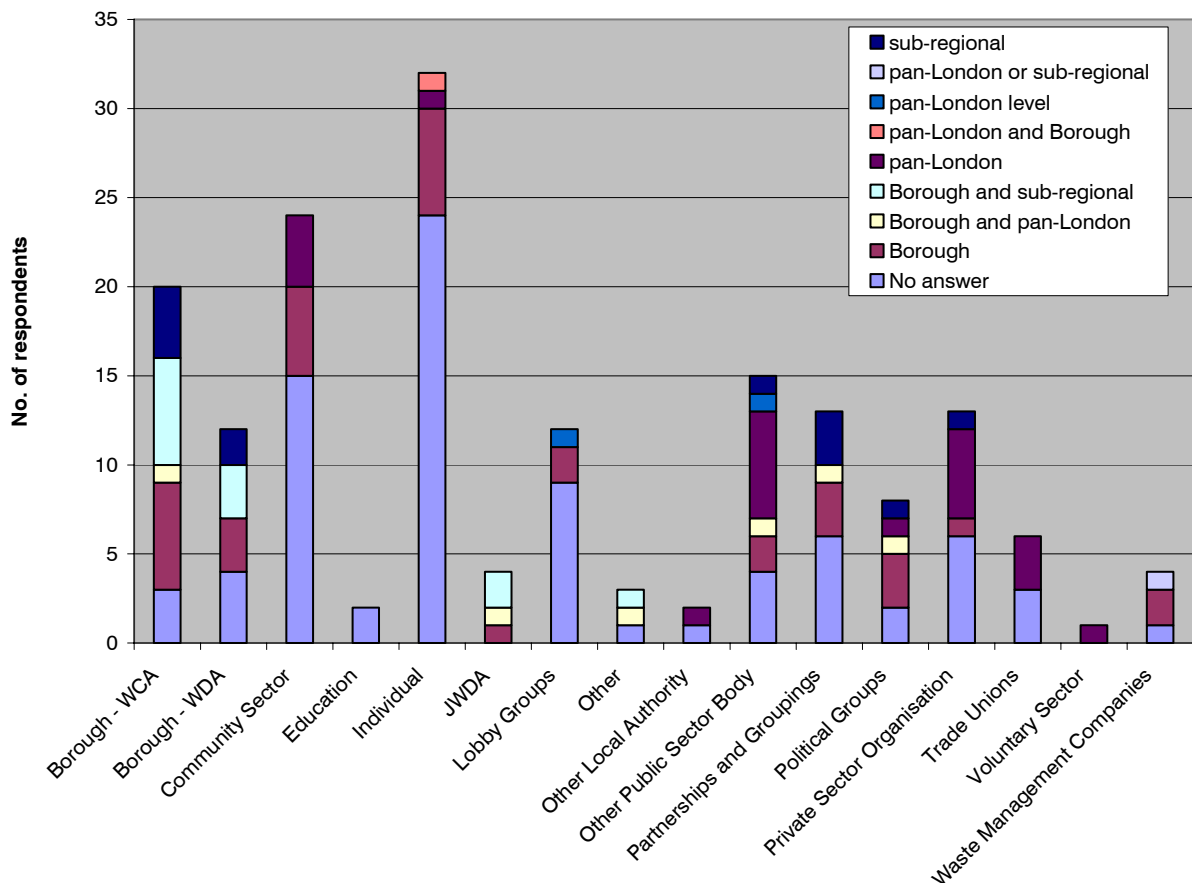
What is the optimal geographic scale (i.e. borough-level; sub-regional level; or pan-London level) for:

- a) **Procurement of collection and disposal infrastructure; and**
- b) **Management of collection and disposal operations?**

Question 22a

On the question of the optimal geographic scale for **procurement** of waste collection and disposal infrastructure, 90 respondents commented (Figure 18).

Figure 18: Breakdown of responses to Question 22a 'optimal scale for procurement'



The analysis of comments on Question 22a has proved the most difficult, with the largest number of unclear responses. However, from the comments received, the following key issues are identified:

- Of those who expressed a clear view (90), there was a consensus (77%) that the procurement of collection and disposal infrastructure should be undertaken at the same

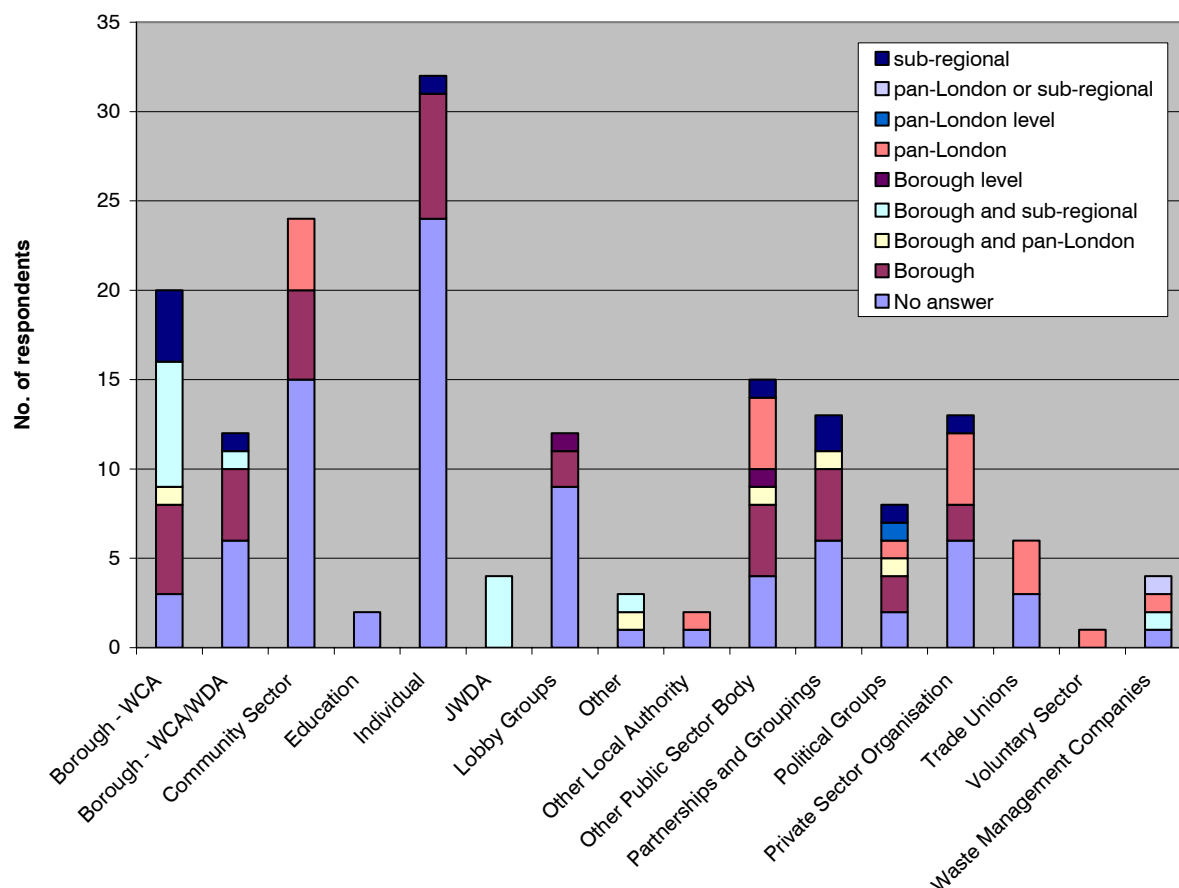
tier: two levels are clear leaders for the procurement of both collection and disposal: 'Borough' (38%) and 'Pan-London' (24%).

- 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' (at just over 13%).
- Of the 19 Boroughs who responded, Hounslow opted for a Borough/Pan-London combination for the procurement of collection and disposal infrastructure. The rest were equally split between 'Borough' (9) or a 'Borough/Sub-regional' combination (9).
- The Waste Management Companies were split with Biffa and Grosvenor opting for 'Borough' and Cleanaway for 'Pan-London' or 'Sub-regional'.

Question 22b

On the issue of optimal scale for the **management** of waste collection and disposal operations, 88 respondents commented (Figure 19).

Figure 19: Breakdown of responses to Question 22b 'optimal scale for management'



There appears no consensus among those who expressed a clear view on this question (Question 22b) as to the optimal geographic scale for the management of operations. However, there appears to be a consensus (40%) that collection and disposal operations should be undertaken at the same tier:

- 'Borough' for the management of both collection and disposal operations is a clear leader attracting support from 20% of the respondents.
- The second most popular is the 'Pan-London', attracting support from 11% of the respondents.
- The third most popular is a hybrid management that splits operational collection and disposal between 'Borough and sub-Regional' (8% of the respondents).
- 'Sub-Regional' for both operational collection and disposal attracted support from 6% of the respondents.

Other issues that can be identified include:

- Hounslow opted for a 'Borough/Pan-London' combination for the management of collection and disposal operations. The rest of the Boroughs were split between 'Borough' (9) or a 'Borough/Sub-regional' combination (8).
- There was no consensus among the 3 Waste Management Companies.

SUMMARY OF SELECTED RESPONDENTS COMMENTS TO QUESTION 22

ALG – Preferred to defer comment on Question 22 until the results of a London Centre of (Procurement) Excellence funded project are available.

London Assembly – Expressed the view that there should only be a division between the strategic body and the service providers. (i.e. Pan-London and Boroughs), however sub regional partnerships between service providers should not be discouraged.

ESA – No specific response is offered in the context of 'no overwhelming argument for change.

CIWM – For procurement - CIWM suggested either Borough or sub-regional work. Sub -regional could deliver economies of scale with respect to infrastructure. For management – collection and recycling at local level, disposal at sub-regional or regional for economy and efficiency.

JWDAs – The responses here very much reflect the status quo of the JWDAs, although

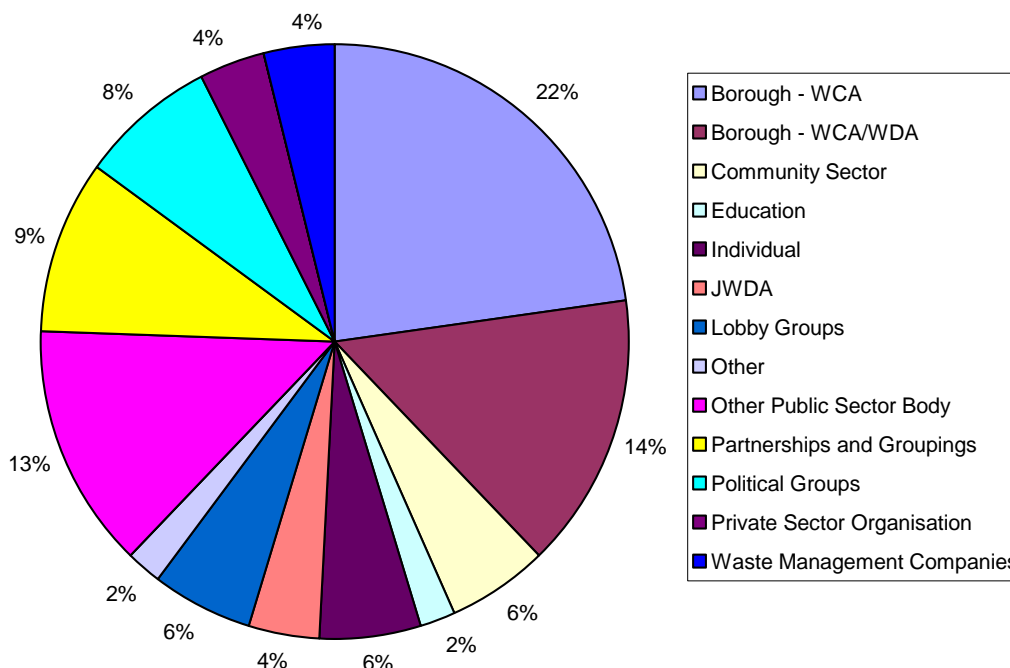
SLWDG suggested that the size and scope of disposal contracts should influence the decision.

QUESTION 23

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

53 respondents commented on this question (Figure 20).

Figure 20: Breakdown of respondents to Question 23 by respondent category



There is a very high non-response rate (about 69%) to this question, and among the 53 respondents, there is little clear consensus.

The strongest response was from the Boroughs (19) and Other Public Sector Bodies (7).

From the comments received, the following key issues are identified:

- The need for strong links is fairly consistent (Boroughs of Kingston upon Thames, Camden, and Greenwich), and there are references to formalised agreement between the responsible bodies and the WET Act requirements (Borough of Harrow).
- 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 to encourage WCAs to minimise landfill. However, such suggestions are few and have little explanation.

SUMMARY OF SELECTED RESPONDENTS COMMENTS TO QUESTION 23

ALG – *“Strongly believes that the waste collection and disposal functions should be the responsibility of the same tier of local government to avoid potential disputes between tiers ... and must remain the responsibility of the boroughs.”*

London Assembly – Pan-London (SWA) strategic framework, Boroughs to show general conformity. All other aspects at Borough level with full operational independence.

ESA – No specific response is offered in the context of ‘no overwhelming argument for change

CIWM – Strong links between collection and disposal, and joint waste management strategies.

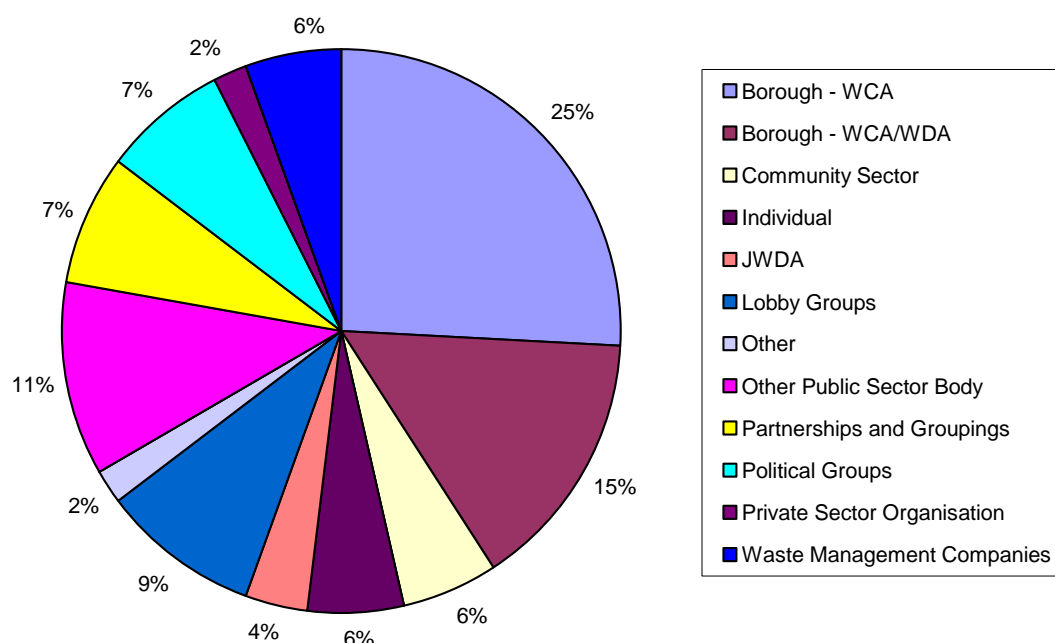
JWDAs – On governance the existing model of WCA members appointed to WDAs is quoted. For operations the possibility of splitting out disposal (without recycling) from with integrated recycling is mentioned, with the latter requiring strong links. Contractual obligations, value for money, certainty, penalties and targets are mentioned as good reasons for strong links

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?

54 respondents commented on this question (Figure 21).

Figure 21: Breakdown of respondents to Question 24 by respondent category



Similarly to Question 23, there is a very high non-response rate to Question 24 (about 68%).

The strongest response was again from the Boroughs (22) and Other Public Sector Bodies (6).

From the comments received, the following key issues are identified:

- 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 (e.g. ALG). The application of LATS to municipal waste and the need for legislative changes are also referred to (but not otherwise specified). (Borough of Kingston upon Thames and SLWDG)

- 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.

SUMMARY OF SELECTED RESPONDENTS COMMENTS TO QUESTION 24

ALG – *“There is a significant opportunity to combine collections of recycled material from households and business in order to get greater volumes of waste. However, this would have to be done by local authorities actively seeking contracts with businesses, unless the legislation were changed to give local authorities a duty to deal with non-municipal waste.”*

London Assembly – Significant opportunities. Local Authorities should ‘engage and contract’ with businesses.

ESA – The ESA stance on this is summed up by the following 3 quotes; ‘Local government should focus its efforts on municipal wastes....’, ‘Whilst there are undoubtedly synergies between the management of municipal waste and commercial and industrial waste, the market is the most efficient mechanism to identify and deliver these’ and ‘National policy sets the framework for the management of non-municipal wastes’.

CIWM – ‘Disposal and treatment contractors may already include some non-municipal waste within municipal waste facilities to take advantage of economies of scale’. ‘The Industry must start thinking of waste as resource management irrespective of its origin’

JWDAs – There is little consistency in the response other than the apparent view that there is limited scope for combining these wastes (beyond existing situations). NLWA suggest there ought to be scope for joint planning, design and operation of reprocessing, recycling and disposal facilities which could accept both. WRWA feel that the status quo is preferable at this time to the uncertain prospects of combining these wastes. ELWA suggest that the Local Authorities should concentrate on municipal as the ‘new planning arrangements’ already include measures for non-municipal waste.

SLWDG were of the view that much more robust and accurate information is required.

The **ELWA** and **SLWDG** both suggested that adjustments to LATS would be required.

5.0 Overview of the Review of Responses

The summary of responses above provides an analysis of each of the questions raised in the ODPM Consultation Paper. 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.

Notwithstanding the above, 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; and
- 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
CIWM	Chartered Institute of Waste Management
DEFRA	Department for Environment, Food and Rural Affairs
DPDs	Development Plan Documents
ELWA	East London Waste Authority
ESA	Environmental Services Association
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
LSWA	London Statutory Waste Authority
NLWA	North London Waste Authority
ODPM	Office of the Deputy Prime Minister
PPS	Planning Policy Statement
SLWDG	South London Waste Disposal Group
SWA	Single Waste Authority
TfL	Transport for London
WCAs	Waste Collection Authorities
WDAs	Waste Disposal Authorities
WET Act	Waste and Emissions Trading Act 2003
WLWA	West London Waste Authority
WRWA	Western Riverside Waste Authority