

# **Joint Waste Planning in Metropolitan and Unitary Authorities**

**GUIDANCE NOTE**

**MARCH 2008**



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## **1. INTRODUCTION**

### ***Background***

- 1.1 The Government is clear that waste management should make an important contribution to delivering sustainable communities. Following planning reforms under the Planning and Compulsory Purchase Act (PCPA 2004) groupings of Metropolitan and Unitary Authorities have been working together to produce Joint Waste Development Plan Documents (DPDs). Given the complexities associated with joint working there are clear benefits in working closely with other areas producing Joint Waste DPDs on a similar basis.
- 1.2 GMGU (Urban Vision Partnership Ltd) secured Defra funding to explore these issues in more detail and produce practice guidance. There is a multitude of issues that need to be covered but of particular interest is the need to identify progress made to date, what has worked well, what hasn't, what could be improved and why. The study was undertaken in partnership with POS Enterprises Ltd, and has three main outputs, each published as separate reports: firstly a review of national progress on joint waste initiatives; secondly a comparison and contrasting in more detail of the joint working practices in North West England and London – and thirdly this Guidance Note.

### ***The Purpose of this Guidance***

- 1.3 There is a considerable and developing context for the joint preparation of Waste DPDs. Support for joint working is expressed in the PCPA 2004 and in the supporting Government guidance on the preparation of Local Development Frameworks (PPS12 – Local Development Frameworks, 2004); and specifically on waste planning (PPS10 – Planning for Sustainable Waste Management, July 2005). A substantial body of work on appropriate approaches has been produced by the pioneers in the field of joint working, particularly through the preparation by consultants of strategy and project plan documents to guide the work of initiatives in Greater Manchester and London. Many of these initiatives are now well underway, and are documented in the Stage 1 and Stage 2 reports.
- 1.4 Now that experience has developed, and gaps and potential problem areas are beginning to become evident, it is appropriate to take stock, review the conclusions which can be made, and reconsolidate guidance in the form of a note which draws together current thinking in one place. Nationally there are many areas now engaging in joint planning for all issues (not just waste) under the new LDF system, and a body of experience and guidance emerging that relates to these initiatives. Consequently by drawing together the experience of joint waste planning, it may also be possible to make a useful contribution to the development of joint planning work generally.

- 1.5 The analysis of this research project draws on the experience of joint working by other authorities (in particular Counties and constituent Districts) – but the focus is on the activities of metropolitan (including London Boroughs) and unitary authorities. By their nature and manner of coming into being, joint working is not an automatic principle for these authorities, and experiences and propensities for joint activities are very variable nationally. By producing and disseminating the note, it is hoped that further encouragement will be given to those currently engaged in joint working in the metropolitan and unitary authorities – and also by showing the benefits, to give a stimulus to the introduction of joint working by other authorities.
- 1.6 This Guidance is written directly for a technical audience – those directly involved in plan making. However, it is intended to be used by that audience to inform and influence other key partners in the development of Joint Waste DPDs – eg. politicians, senior officers, the commercial sector, and other stakeholders. Throughout the document case studies are identified to provide current evidence of joint planning activities.
- 1.7 In summary, the purpose of this note is therefore to:
- draw together the main and most important elements of guidance;
  - capture good and more problematical practical experiences;
  - attempt to fill gaps and add value to existing guidance;
  - contribute to the development of national guidance on joint planning work under the LDF system – for all issues not just those relating to waste;
  - support a positive relationship with the development of Municipal Waste Management Strategies (MWMS);
  - identify areas where further work and guidance would be worthwhile;
- and fundamentally ...
- to encourage and improve current joint working, and to support and promote new joint working initiatives on waste planning by other metropolitan and unitary authorities.

## ***Structure of the Guidance Note***

- 1.8 The note is structured in four parts:

### **Section 2: Opportunities and Challenges of Joint Working**

This section seeks to capture the primary reasoning for joint working. Knowledge of the opportunities provided by joint working needs to be clearly defined if joint working is to be further supported and indeed extended – and it also provides a context for discussing how those opportunities can be enhanced. But the potential challenges also need to be clearly established – so that they can be addressed and their significance reduced – and potential joint working not deterred.

### **Section 3: How to go about it**

The main component of the Guidance is provided in this section. It contains step-by-step consideration of the processes involved in joint working – divided into two parts: preliminary tasks and production tasks. It draws upon actual experiences in the Stage 2 report of what appears to have worked well, and what has encountered more difficulties – and identifies the alternative approaches which have been adopted. In many cases there is no clearly best approach, and the way forward will need to reflect local circumstances. The guidance seeks to compare the alternatives and suggest relevant factors, to help authorities select the most appropriate local approach.

### **Section 4: Key Themes**

Taking a broader view, this section identifies a number of general cross-cutting issues – and suggests conclusions on general principles.

### **Section 5: Summary and Recommendations**

A number of conclusions are brought together in this section, which includes a consideration of the management of risks, and a checklist of the main points. Finally, recommendations are made for further work, and key messages identified which are relevant to all parties, including those in Government seeking to develop guidance and the planning system in ways which promote joint working.

## ***Aims and Objectives of a Waste DPD***

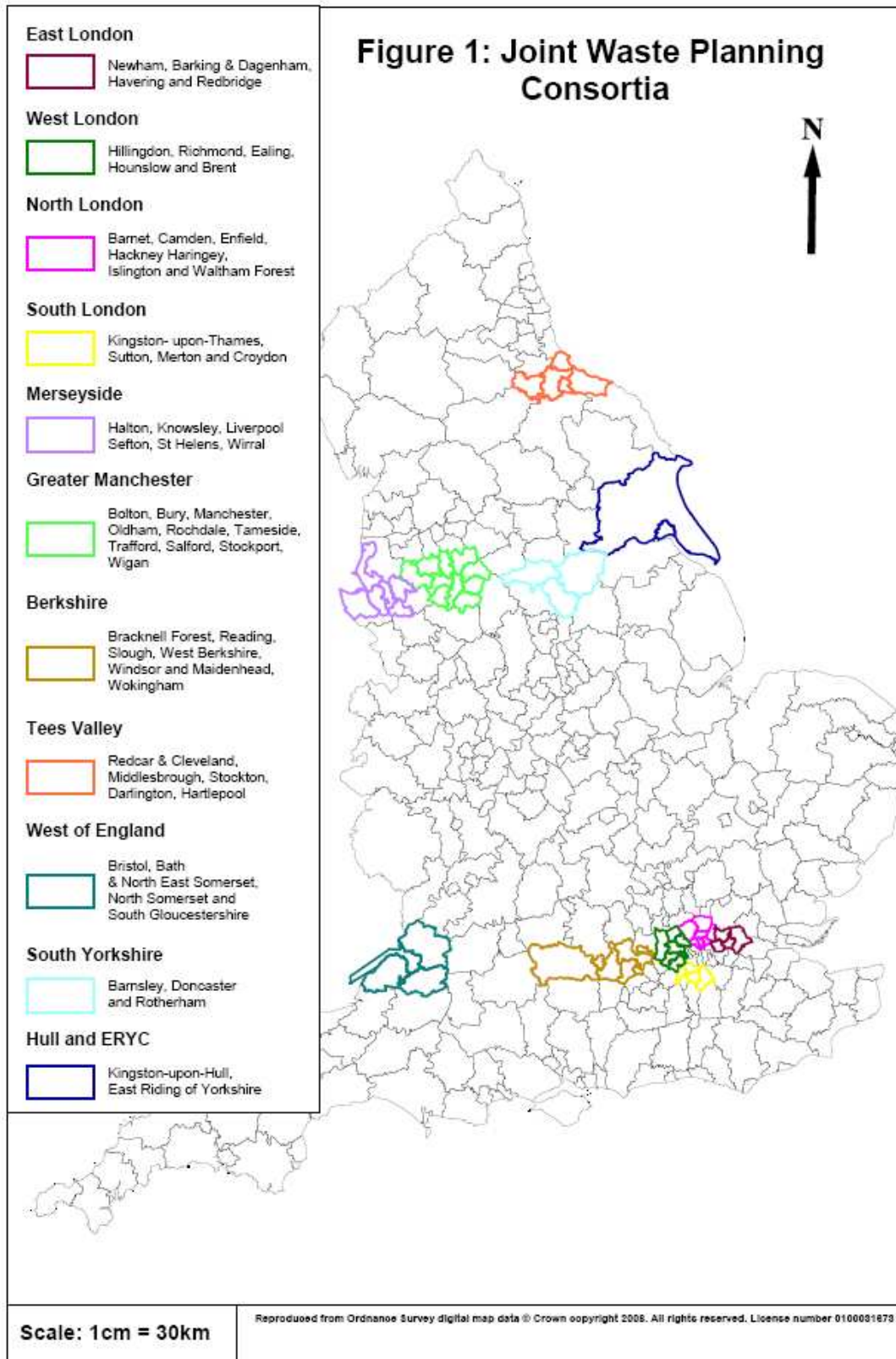
- 1.9 The focus throughout this Note is on how to improve joint working, rather than the preparation of Waste DPDs (or DPDs in general), on which there is already a substantial body of national and other guidance. Therefore it does not seek to supplement existing guidance on waste planning – contained for example in PPS10 and PPS12 (and their Companion Guides), and the Annex to the Planning Inspectorate’s Guide “Lessons Learnt Examining Development Plan Documents” (2007). Relevant planning guidance has also been produced by Defra through the Waste Infrastructure Delivery Programme, to assist both the public and private sectors in developing PFI bids. Together these sources provide a full context for waste planning and the development of DPDs.
- 1.10 However, before embarking on the detailed discussion of joint working initiatives, it is helpful to draw together from national guidance and other sources the main aims and objectives of the planning process in preparing a DPD dealing with waste planning. In large measure these concerns coincide with those aspects that should make the DPD “sound” – and which are thus critical factors if the DPD is to be successful at its Public Examination. In these terms, the primary concerns of a Waste DPD are to:
- raise public awareness of waste management issues (covering all waste streams, ie. not just municipal waste);
  - engage with communities to enable them to take responsibility for their own waste, co-ordinating with the proposals of the local Sustainable Community Strategies;
  - support the development of the municipal waste management strategies, and help deliver those strategies, eg. through providing justification, context and potential delivery solutions for PFI bids;
  - contribute to (and be in conformity with) the objectives of the Regional Spatial Strategy, including help deliver and work within the context provided by its proposals for the sub-region;
  - contribute to (and be in conformity with) the overarching aims and objectives of authorities’ Local Development Frameworks (LDFs), expressed in their Core Strategies – and otherwise be consistent with and help deliver the other components of the LDFs;
  - demonstrate sustainability through the Sustainability Appraisal process, incorporating Strategic Environmental Assessment;
  - be locally specific – dealing with the local context and issues, and adding value at the local level to national and regional guidance;
  - have a spatial vision, looking to sustainable development in the longer term, and adopting an approach which is spatial – reflecting the character of the places which make up the area covered, and respecting their interrelationships;
  - provide a sound framework within which to bring forward appropriate development – including specific allocations and criteria-based policies.

### ***The Research Project***

- 1.11 This Guidance constitutes the main output of a research project, sponsored by the North West Waste Regional Advisory Group (NWWRAG), funded by Defra, and led by GMGU. The national review was undertaken by GMGU, and completed during September – December 2007. Figure 1 overleaf provides an illustration of all the consortia included in the review. The comparative analysis of the North West and London was undertaken from December 2007 to January 2008, and the drafting of the Guidance itself was prepared during January to February 2008. The comparative analysis and drafting of the Guidance itself have been undertaken by Planning Officers' Society Enterprises.
- 1.12 A workshop to discuss the emerging draft Guidance was held in London in January 2008, with participation from joint working consortia operating in England (including Greater Manchester, Merseyside, and the four London consortia – North, East, South and West), together with representatives of CLG, Government Offices, the Planning Inspectorate and Planning Advisory Service. Comments received at that workshop have been taken on board in producing this final Guidance Note, which was published for wider use at a national joint waste conference held in March 2008 at The Lowry, Salford Quays.

### ***Implications of Recent Proposed Changes to the Planning System: "Streamlining the LDF System" (CLG, November 2007)***

- 1.13 During the undertaking of this project, the Government announced its detailed proposals for changes to the LDF system introduced by the PCPA 2004. Consultation on these proposed changes was undertaken up to February 2008, and indications are that it is likely that implementation of the new system could be as early as April 2008. There may be some implications of these changes for the guidance contained in this document, but the guidance as a principle seeks to relate to the generic nature of the waste planning task, rather than the precise details of the procedures. Nevertheless, where significant, the implications of the proposed changes will be identified in the note. It is relevant however that the proposed changes do not in any way diminish the importance of joint working as a principle. Furthermore it is clear from the latest Government proposals relating to the operation of the Housing and Planning Delivery Grant system that joint working from April 2008 is likely to attract additional rewards through grant support.



## 2. OPPORTUNITIES AND CHALLENGES OF JOINT WORKING

- 2.1 This section addresses the fundamental question of **why** joint working should be undertaken in waste planning. It appraises the primary opportunities which joint working should provide, which then serves as a basis for their better understanding, and for considering how such opportunities can be enhanced. It then considers the challenges that are also evident – but suggests ways in which these can be addressed and mitigated. Finally, it recommends that authorities take stock in the light of their conclusions on these issues, and determine whether joint working constitutes the most appropriate way forward.

### **Opportunities**

1. *Working at a spatial scale greater than that of a single authority often leads to the most appropriate spatial solutions*
- 2.2 The necessary and best solutions for waste management are frequently only achieved by working at a sub-regional geographical scale above that of the individual planning authority. A wider scale permits pooling both of problems and of solutions – in terms for example of providing a wider choice of sites to locate facilities, and offering greater scales of waste arisings that can be treated in fewer, more efficient, facilities.
- 2.3 A number of questions need to be addressed in determining the appropriate area to tackle problems and deliver solutions. All those undertaking waste planning need to give detailed consideration to the most appropriate scale of coverage in designing the DPD to be produced (including provision for it in Local Development Schemes). The most appropriate scale of operation may well differ from area to area – and may not always reflect any past history of joint working. Relevant questions to address include:

#### practical or operational issues

- can waste capacity be met within each LPA? What is the best area to strive for self-sufficiency?
- are there specific needs better planned jointly (eg. specific facility type, co-located facility, expanded or strategic facilities, particular types of infrastructure necessary to deliver waste management)?
- would working at the same scale as the Waste Disposal Authority be beneficial in terms of developing solutions to meet municipal waste disposal requirements – eg. producing a Joint Waste DPD where authorities are also producing a joint MWMS?
- since commercial waste disposal activities often do not coincide with administrative boundaries – would a wider perspective better reflect (and enable a more effective response to) market activities?

- do larger capacity sites offer better scope for better technical solutions? Indeed is a larger scale of operation – demanding larger waste arisings – the only feasible solution? Such technical solutions could relate not only to the physical processes involved in waste treatment, but to the transport solutions involved in the movement of waste. It could also relate to greater scope to be more innovative;
- is the scope to realise opportunities higher up the waste hierarchy enhanced?
- would a wider perspective lead to more environmentally acceptable or beneficial solutions, eg. reducing waste miles to treatment or disposal?

policy or plan-making issues:

- does the RSS (including any sub-regional RSS policy context) support joint working?
- does the RSS contain any lead about the appropriate scale to achieve self-sufficiency – or at least an appropriate balance of movements of waste?
- are there any specific geographical areas of change or need that warrant a joint approach?
- are there any major opportunities or constraints within or in close proximity to the LPA, eg. sustainable transport routes or Green Belt?
- will a wider scale permit the achievement of the most sustainable solution, as demonstrated by Sustainability Appraisal? To the extent that the former concept of the “proximity principle” (ie. achieving solutions for dealing with waste arisings as close as possible to their origins) is embraced within the Sustainability Appraisal, will solutions at a wider scale lead to reduced movements to treat waste?

2.4 Addressing all these issues should give a lead to the benefits in the local situation. Clearly in those areas where there is an established sub-regional structure or history of joint working (including on matters other than waste), there could be a propensity to work together again on joint waste planning. However this may not always be the case – and it may require the assistance of a developing RSS context, and a pro-active role from key regional bodies (such as the Government Offices), to ensure that these questions are addressed, and the potential benefits clearly recognised.

2.5 In terms of progressing the DPD through to adoption, demonstrating that a Joint Waste DPD is “sound” will require that all reasonable options have been considered, and that a consistent approach between authorities has been achieved. Thus taking a broader (beyond single local authority) view may well be an important ingredient in achieving a sound plan. Conversely, if a

single authority perspective on waste is adopted, it may render it more difficult, particularly for smaller authorities, to demonstrate at Public Examination that the solution advanced is the most appropriate.

2. *Economies of scale in plan production should result from joint planning*

- 2.6 There is much evidence that working in partnership with other authorities in the preparation of joint plans leads to major efficiencies in operation and savings in costs. Such benefits derive from a number of opportunities, including:
- the ability to make best use of limited resources in terms of specialist knowledge and advice, and sharing expertise;
  - sharing survey and research: ensuring that it is current and consistent across a wide area, and sharing the costs;
  - sharing specific assessments such as Sustainability Appraisals/Strategic Environment Assessments (SA/SEA), Habitat Regulations, Appropriate Assessments, Strategic Flood Risk Assessments (SFRA), and needs assessments of waste capacity, including the benefits of joint commissioning;
  - reducing overall individual authority staff time and resource costs (depending on the approach taken – but bearing in mind the need to take full account of all time which could be devoted if undertaken individually in each authority);
  - reducing the number (and cost) of individual Public Examinations down to a single Examination (a benefit not only for local authorities and other stakeholders (including community interests), but also for Government and the Planning Inspectorate);
  - benefits in terms of linking with and helping to deliver MWMS, if these are produced on similar spatial scale (which potentially could have the end result of helping to avoid penalties on local authorities for failing to achieve recycling rates or reductions in landfill);
  - possible future achievement of rewards in the form of an element of the Government's support for plan-making grant (Housing and Planning Delivery Grant) devoted to joint working.

3. *A simpler and stronger plan is achieved by combining efforts*

2.7 The likely product of joint working has the potential to be a simpler and clearer expression of the proposed solution for waste, and a stronger plan as a result.

2.8 Until the final products of current joint working are achieved, this benefit may not be fully tested. However, there is a strong likelihood that a single plan will be simpler and more powerful than a number of individual plans, for the following reasons:

- it offers the opportunity to establish a single but comprehensive statement of issues and solutions – which is potentially more likely to raise the profile of waste issues generally than by the publication of several individual documents with only local application;
- it should enable a consistent approach to be taken across a wider area – through the production of a single, coherent, plan, rather than through several plans over smaller areas, each with their own solutions, and with potential scope for inconsistencies and cross-boundary issues;
- it is not as likely as a single plan to be constrained by the limited horizons of one authority – and thus is better able to adopt a strategic and spatial approach appropriate to the nature of the issues.

4. *A stronger process results from working with local authority partners*

2.9 The process of preparing DPDs is now widely recognised as being complex. It is hoped that the Government's proposals to streamline the system in 2008 will help to respond to these complexities. Nevertheless, working jointly with other authorities offers a number of possible further benefits in terms of strengthening the process:

- raising the profile of waste issues throughout the area – pushing the issue of finding waste management solutions up the public's agenda;
- providing an easier opportunity for industry and communities to engage from the start in a single, focused, process: co-ordinating and making more efficient consultation – reducing the number (and improving the timing) of contacts with key consultees. This is likely to be particularly important in terms of its accessibility to commercial operations which do not relate at all to administrative boundaries;
- conversely, providing a more powerful single focal point for waste planning authorities' dealing with consultees, industry and Government (at all levels, including regional, and London-wide);
- offering a better vehicle to engage in the regional debate, and the resolution of local (and sub-regional) apportionment of responsibilities and targets;

- providing a framework and governance mechanism for discussing and resolving strategic issues;
- giving more ownership and recognition of shared responsibilities about problems and solutions from the outset – with potentially less risk of being derailed politically at crucial later stages;
- offering scope to use existing working relationships, particularly in joint Waste Disposal Authorities, to assist development and implementation of a combined MWMS.

## **Challenges**

2.10 Whilst inertia may well be a significant factor, the lack of joint working that is evident between many metropolitan and unitary authorities is undoubtedly influenced by a view on the potential, or *perceived*, challenges or difficulties of joint working. The most common of these challenges are considered below, but in each case a brief response is suggested which should mitigate, if not remove, the concern. The response to each concern is considered in more detail in Section 3.

1. Difficulty in establishing the initial relationship: problems in achieving consensus between local authorities on the need to work together - and the time taken to achieve that consensus, and develop appropriate structures to manage joint working;

*Response:*

*Ensure that the wider picture is fully understood – and recognise that the benefits may only fully be achieved in the longer term, and through more sustainable solutions. Much initial ground work may need to be devoted to building a dialogue, developing an understanding of waste matters and the issues surrounding joint working, and ensuring that there is a full consideration of options for managing a joint process;*

2. Difficulty of getting (and maintaining) political, and public, support for contentious issues during the process. Depending on the nature of the area, this could represent the most significant problem. There could well be greater adverse reactions if the solutions (based on the rationality of the plan) are not evenly spread across the plan area or result in more contentious larger schemes in limited locations – perceived as dealing locally with other people’s waste. However, whilst achieving consensus might be easier within a single authority – the potential solutions might not actually be identifiable or deliverable within its area;

*Response:*

*It will be essential to raise the level of debate, achieve common ownership of the problems and full understanding of the range of solutions – and thus*

*develop consensus on the most sustainable solutions with the widest benefits;*

3. Producing a joint plan may take longer to complete. Certainly joint working is likely to be longer if significant time is needed to build the partnership;

Response:

*Stress the view that achievement of the best outcome is the more compelling justification – even if this takes longer. But also, give full consideration to the view that short-term benefits (in terms of rapid production of an individual authority DPD) may be counter-productive in the longer term if that plan cannot be demonstrated to be sound at its Public Examination. Indeed speed in producing individual plans may only have been achieved because they have ducked issues or not achieved the most sustainable solutions;*

4. The implications of authorities pulling out during or at the end of the process may be significant, in terms of how (and whether) the process may be able to continue to reach a conclusion. This may result not only in difficulty in reaching overall solutions, but in significant budgetary problems (both for the remaining authorities, and for any authorities that leave the partnership and determine to proceed alone);

Response:

*Build (and keep under review) a clear Memorandum of Understanding. Adopt a risk management approach that enables the full consequences of any joint agreement collapsing to be fully assessed;*

5. The size of the project is likely to be considerably larger, and thus potentially harder to handle. Although there will be economies of scale (and a wider range of expertise is likely to be available), the volumes of information, range of solutions (eg. sites) and increased numbers of participants to be managed in the process will inevitably mean that the task is greater than if a plan were to be prepared solely for one authority. Other difficulties could result from the larger size – such as relative remoteness of joint management structures (leading to communication difficulties), and more complex and vulnerable funding arrangements, prone to greater unreliability in funding streams;

Response:

*Give a high priority to project management, linked to the development of strong support networks between authorities (and to the cost effective utilisation of consultancy support), accompanied by clear and structured communication between all parties;*

6. Some increased costs of maintaining joint working, in terms of supporting joint mechanisms, are likely. Whilst joint units may already be in existence, creating new joint units of officers to undertake the work would inevitably generate additional costs. These however will need to be balanced against the savings to be gained by not having to undertake waste planning tasks within each authority. Similarly there are likely to be additional costs in maintaining and servicing new steering arrangements (of elected Members and/or officers);

Response:

*Ensure that the full comparative costs can be assessed of individual as well as joint working, and that savings from not undertaking work within each authority can be captured to support joint working initiatives;*

7. Often the regional or sub-regional planning context does not fit the area proposed for joint working (or has not yet developed to provide the necessary context). Linked to this, there has often been a lack of clarity in guidance about appropriate scales for consideration – national, regional, sub-regional and local;

Response:

*Continue to contribute to the development of RSS and sub-regional working, and lobby for the logic of considering appropriate sub areas in the guidance which is developed;*

8. Difficulty of achieving conformity with LDF Core Strategies (preparation of which is usually running in parallel);

Response:

*Give full consideration to the merits of joint working in developing Local Development Schemes (LDSs), and determine early the necessary waste-related components in the Core Strategies;*

9. The scope and complexity of some assessment (eg. Sustainability Appraisal, Habitat Regulations Appropriate Assessment) increases with the scale of the area of concern;

Response:

*A necessary complexity, requiring effort to address at any scale. Early engagement with statutory consultees is essential. Make effort commensurate with the scale of the issue and the risk to the environment. There are evident savings (eg. in surveys and statutory consultation) in one larger assessment rather than several small ones;*

10. Potential for public confusion exists between Joint Waste DPDs and MWMS (and the procurement processes for the latter);

Response:

*Devote effort to explaining the relationship and the differences – and co-ordinate programmes of preparation and consultation.*

- 2.11 Each of these potential challenges (or the perception of them) is clearly capable of being addressed. Guidance in Section 3 will consider a number of ways in which these difficulties can be minimised. However, rather than determine that all challenges can be overcome, it is potentially more powerful in selecting appropriate responses if they can be viewed in terms of risks to the process. Risk management strategies can then be developed, and an approach instigated which monitors the existence of potential issues, provides for contingencies, and can initiate appropriate courses of action to respond. Section 5 concludes this note by drawing together these main concerns, and recommends the development of a risk management framework.

### ***Reaching a Conclusion: Developing a Business Case***

- 2.12 A complex range of issues has been identified in this Section. To a large extent many of the benefits or costs of joint working will be difficult to identify on a comparable basis – not least in terms of their differing timescales and likely recipients. For example it is likely that the economies of scale of joint plan preparation might be relatively insignificant when compared with possible real benefits associated with delivering waste up the hierarchy. There is nonetheless a need to weigh all these considerations carefully – and to consider the scope to build a business case for joint working, to show financial benefits as well as the ability to build better plans. Such an analysis must be both clear and comprehensive: it needs to encompass all the implications of the opportunities and challenges set out here (and any others, including local factors), and the scope to manage risks. It may well be that to overcome reluctance based on inertia and commitment to previous practices a strong justification for joint working has to be developed in the form of a business case.
- 2.13 The proof of the worth of joint working will only finally be established at end of the plan-making process. Only then will it be possible to conclude whether it has brokered better solutions. As a first step, this will be measured by whether joint plans are found sound at Public Examination – and whether, conversely, plans prepared separately can be seen to be deficient (and thus unsound) as a result.

### **3. HOW TO GO ABOUT JOINT WORKING: GOOD PRACTICE POINTERS**

- 3.1 This section addresses the fundamental question of **how** joint working should be undertaken. It considers the various activities involved in joint working, offering step-by-step conclusions on developing a sound Joint Waste DPD. It draws extensively on the current experience of joint working by the consortia in the North West and London, documented in the Stage 2 report.
- 3.2 For convenience, the steps involved are divided into two parts: preliminary tasks and plan production tasks, covering the following:

#### *A. Preliminary Tasks*

1. Deciding the appropriate scale
2. Establishing the governance arrangements
3. The LDS: formalising the preparation process
4. The SCI: setting out the approach to consultation
5. Establishing the context and developing the evidence base

#### *B. Plan Production Tasks*

1. Project management
2. Arrangements for delivering the work
3. Undertaking consultation
4. Establishing the content and strategic component
5. Developing the options
6. Working with the MWMS

#### **A. Preliminary Tasks**

##### **1. Deciding the Appropriate Scale**

- 3.3 The discussion in Section 2 (paras. 2.2 – 9) about the opportunities provided by joint working stressed the potential benefits of working at a spatial scale greater than that of a single authority. The first major task therefore is to give consideration to the appropriate area for which joint planning should be undertaken. The choice of this area may be heavily conditioned by a past history of joint working (including on waste disposal), existing joint structures, and guidance from RSS (including sub-regional strategies). However, a more rigorous appraisal is appropriate at the start – particularly for those authorities not currently engaged in joint working.
- 3.4 Establishing the optimum working area could involve debating a number of issues. It could include consideration of the appropriate area to provide the most efficient operational or technological solutions for waste disposal against the pattern of arisings from the various waste streams – which may need therefore to anticipate some of the conclusions of the Sustainability Appraisal. More pragmatically, it could involve identifying those authorities likely to be

capable of agreeing shared objectives. It may also require a consideration of wider authority groupings, to determine the best way of contributing to the development of the regional or sub-regional agenda. Developing an appropriate network of working relationships (whether within a group preparing a joint DPD or in a wider geographical area) will be important in demonstrating that the final Joint Waste DPD is sound in terms of its consistency with the plans prepared of neighbouring authorities and at different levels.

## **2. Establishing the Governance Arrangements**

- 3.5 Perhaps the hardest part of joint working has proved to be developing the form of structure to oversee the process, that meets the needs of each of the constituent parties – and which is appropriate in the local context. Differences in working arrangements provided the most evident (and most profound) variations between the 6 consortia of the North West and London which were studied in Part 2 of this project. Although the subject matter and its considerable complexities are very similar (despite the geographical differences in the areas covered), the governance arrangements have evolved in quite different ways. There are several aspects of this variation – particularly concerning the involvement of elected Members, and the nature of officer steering arrangements. The risk of political disunity is probably the greatest concern in joint working – and thus addressing and minimising this through selecting the best type of governance structure to reflect local circumstances will be probably the most critical of all tasks.
- 3.6 In terms of the range of approaches adopted, a number of areas (eg. Greater Manchester, Tees Valley and Berkshire) have opted for an established Joint Committee of elected Members (with delegated powers) with responsibility for progressing the plan.

### ***Case Study 1 – Joint Committee***

#### **Greater Manchester**

- a strong history of joint working under the lead of the Association of Manchester Authorities (AGMA) pre-existed, together with joint strategic units set up covering the whole former Metropolitan County area;
- the Joint Committee was established in July 2006, under Section 101(5) of the Local Government Act 1972;
- the Joint Committee comprises one elected Member (plus a nominated deputy) per constituent authority;
- it meets normally every two months;
- powers delegated to the Joint Committee are to progress the preparation of the Joint Waste DPD, up to the point of submission – agreement to submit and finally adopt will be responsibilities retained by each of the constituent 10 local authorities.

- 3.7 Other consortia have opted to engage with elected Members in a more informal, but still structured way – some seeking to build in (and allow much time for) Member engagement only at key stages. Officer steering structures vary according to frequency of meetings, and seniority (and continuity) of attendance. All these aspects of Member and officer arrangements are clearly derived from what is appropriate and possible in the local circumstances – but equally clearly have significant implications for successfully achieving individual local authority buy-in to the process, and the prospects of success in achieving a jointly agreed solution.
- 3.8 Another key area of difference is the time that has been devoted to establishing the working structures. The more formal structures (eg. Greater Manchester) have required the investment of considerable time (and resources generally) at the start of the process, in the hope of achieving a better long term solution that, even if not a quicker one, is more likely to successfully broker acceptance by all parties. There is a significant distinction between those who have invested heavily in planning and in structures – and those more intent in getting on and working out solutions by actually developing the Plan. Whether the early investment of time receives a payback relative to those who have plunged into the work remains to be seen: the ultimate measure of success of any of the approaches assessed here will only be seen when (and if) agreement can be reached by all parties, the plans progress to be judged sound at Public Examination, and beyond the right solutions are delivered.
- 3.9 It is clear from these experiences, that there is no single “right” solution – it needs to fit the local context. There are two particular ingredients in the governance arrangements that need to be discussed. Firstly, the governing structure needs to be established: this could be undertaken with more or less formality, and with or without the involvement of elected Members. It could also have different levels, for example with a Member steering group supported by officer co-ordinating mechanisms. Secondly, the method of operation of this structure (and all its components) needs to be defined – preferably, in the interests of clarity, comprehension and openness, through such means as a Memorandum of Understanding or Terms of Reference (or both).
- 3.10 Taking firstly issues of the overall structure, to assist in determining (or refining) the approach, the following simple comparison of *relative* advantages and disadvantages can be set out, to compare the broad ends of the spectrum of formality:

*Joint Committee – the most formal structure*

- probably longer to set up initially – particularly since it requires legal arrangements (and legal advice), and full resolutions of each Council to establish. The legal context is that authorities have the power under the Local Government Act 1972 to set up a Joint Committee to act as the Executive of the Local Planning Authorities, with responsibility for all documents except those prepared for submission and adoption, which must be agreed by each full Council – alternatively this could be achieved through a statutory instrument (but this would take time to broker with DCLG and secure approval by Parliament);
- potentially more powerful at the end of the process – probably more likely to bind in authorities to the shared solution;
- potentially a speedier control mechanism during preparation of the plan, since approval is needed from one body alone (until the final stages of submission and adoption, when individual Council approval is necessary);
- it can set its own timescales (rather than having to work to the timetables of individual authorities);
- as a stronger structure, it is possible that should it founder (through disagreement), the resultant situation could be more difficult. Conversely, the formal structure may provide a more powerful protocol for securing a way forward through disunity;
- becomes potentially more necessary for greater numbers of LPAs – since the larger the numbers of authorities, the greater the scope for political disagreement and the harder to co-ordinate through informal means (although this approach could give strength to the relationships of smaller numbers also);

*Working parties (of elected Members and/or Officers)*

- could be easier and faster to set up, if formalities are not required;
- discussion is potentially less constrained by a formal decision making context: the group is used for discussion and debate, rather than formal decision making (which is retained by each constituent's formal processes). This may mean that wider involvement is possible (eg. greater scope for cross-party or non Member involvement);
- more flexible - eg. meeting dates could be more movable to meet key dates, rather than on fixed formal timetable;
- can be used to inform the debate, and raise the level of understanding, at the parent authorities;
- the more informal the process, potentially the less credibility and stature any agreements reached may have – which might then need to be re-debated within each constituent authority. It may also make more difficult the task of integrating work on waste with the wider (and more formal) LDF processes of each Council;
- may be most appropriate where small numbers of authorities, with a relatively common point of view, can work flexibly and rapidly together.

3.11 A number of practical issues need to be taken into account in determining the appropriate way forward. These include:

- timescales: should time be invested at the start of the process to determine and establish the appropriate arrangements – even if these mean delaying formal start to the work? How will this relate to the imperatives of LDS deadlines and external pressures, eg. from EU Directives on waste? Clearly a lengthy establishment timescale will need to be factored into the LDS;
- responsibility: what is the best structure if unpalatable solutions are likely to need to be considered (eg. strongly controversial proposals, perhaps unevenly located between constituent parties);
- ensuring legal compliance is achieved with whatever structure is adopted – at the least achieving full Council resolutions for joint working, or for any necessary Local Agreement;
- defining the steps which need to be put in place to achieve a particular approach.

3.12 Giving any sort of firm recommendation between the two broad approaches is clearly not possible, in view of the many local factors that will need to be taken into account. However, as a generality it seems likely that where significantly difficult and contentious issues might be anticipated, the use of a stronger structure (such as a Joint Committee) might be more appropriate for reconciling conflicts and resolving the way forward. Similarly, the more complex the interrelationships – eg. the greater the number of authorities – the more likely that a formal rather than informal structure would be appropriate.

3.13 Consideration of how the structure adopted might operate in practice reaches the second main sets of issues – defining the process through a Local Agreement, Memorandum of Understanding or Terms of Reference (or combinations of these). A number of model examples are now available (and collated through this research project). The fundamentals required in setting out a local agreement were documented in the strategy study for Greater Manchester.

## **Case Study 2 – Local Agreements**

### **Greater Manchester**

Initial consultancy work (ERM, Dec. 2005) developed guidance with the following conclusions:

#### **the appropriate subject matter of a local agreement**

The Local Agreement should reflect the existing constitution of working relationships between authorities, and include details such as:

- membership of the Joint Committee (ie. elected representatives from each District);
- meeting arrangements;
- structure for reporting to the Joint Committee;
- means of maintaining dialogue with each District's relevant committees and Full Councils;
- examination arrangements;
- methods for ensuring commitment to the Joint Waste DPD throughout its development;

#### **the operation of the officer Steering Group**

The Steering Group should adopt the following principles:

- attendance should be by officers with a level of seniority to make decisions on behalf of their authority;
- replacement officers should be identified in the event that one cannot attend;
- the process should be established for taking information to Full Councils, to keep them involved during Joint Waste DPD production;
- representatives from the mainstream planning teams should provide the essential connections with the full LDF process - ensuring that waste management issues are incorporated within the other DPDs (particularly the Core Strategies).

3.14 A range of practical issues need to be resolved within the working arrangements defined in these agreements, and in using them in practice. These include:

- establishing clarity in the approval responsibilities at different stages – eg. establishing when must full Councils be involved;
- how to minimise the risk of delay;
- working to align the timetables of different Council committees – and providing for special Council meetings to be called if necessary;

- clarification of responsibilities between Joint Waste DPDs and Joint MWMS;
- developing clarity of working relationships between elected Members, and between elected Members and Officers, and between Officers through an appropriate Memorandum of Understanding and/or Terms of Reference;
- establishing the means of sharing information;
- developing an approach which will keep everybody up to speed, and ensure continuity;
- how to achieve consensus, deal with conflict;
- establishing the response if any LPAs leave the agreement.

### 3. The LDS: Formalising the Preparation Process

3.15 Having established the scope and mechanisms for joint working, it is important to resolve the relationship and role of the Joint Waste DPD within the wider LDFs being prepared by each authority. This needs to be achieved within each authority's Local Development Scheme (LDS), and should take account of the following concerns:

- agreeing common wording within each parent authority's LDS – including the document title, and responsible authorities;
- determining the different roles of the Joint Waste DPD and the Core Strategy – establishing (in brief) the role of the latter in providing the strategic authority-level context for the Joint Waste DPD;
- factoring in the timescale to establish the working arrangements;
- setting the broad work programme for the Joint Waste DPD (and showing its relationship with the other DPDs, in particular the Core Strategy).

#### **Case Study 3 – Standard Wording in each LDS**

##### **Merseyside:**

- prepared for agreement at the start of the process;
- standard content provided, covering: overview (purpose, coverage, document type, conformity); timetable for each stage up to adoption; arrangements for production (organisational lead, political management, internal and external resources, stakeholder resources and community and stakeholder involvement);
- universally adopted by each of the 6 constituent authorities, in their LDS approved to operate from 2007.

- 3.16 In practice early consideration needs to be given to how the parallel progression of LDF documents will be achieved – in particular how the timing of preparation of each District’s Core Strategy will relate to the programme for the Joint Waste DPD, and how the latter can take account of the waste implications of the wider LDF proposals. It may also require consideration of how development control guidance may be necessary in the interim – and whether for example existing guidance (eg. from a UDP) will be adequate, or whether some form of interim informal guidance (or at least approach) on waste management might need to be developed, outside the formal LDF process.
- 3.17 The locus for the strategic component of the waste strategy within the LDF will need to be considered (and is addressed in more detail below in considering the content of the plan). The Government’s preference is clearly for waste management to be tackled as an issue within LDF Core Strategies, given its importance in securing sustainable communities. In certain circumstances it may be appropriate to allow the preparation of two Core Strategies (one mainstream LDF and one covering waste matters), which has been the case in Tees Valley and Berkshire. In these situations it will be important that Test of Soundness vi) is fully addressed to ensure that DPDs are coherent and consistent. Production of two separate Core Strategies might make it substantially easier to locate the strategic component of the waste strategy within a separate, joint waste Core Strategy. Whatever the approach, resolution of where (and how) the strategy for waste management is to be located between Core Strategies and Joint Waste DPD will need to be an early concern.

#### **4. SCI – Setting out the Approach to Consultation**

- 3.18 The Statement of Community Involvement (SCI) needs to be prepared as a component of all LDFs, to define the process of engagement that will be followed in preparing the LDF. Most local authorities will now have approved SCIs in place – although the proposed changes to the LDF system (see para. 1.12) is likely to require a relatively early revision to each SCI. Developing a consultation strategy when each authority has already established an SCI has proved to be one of the major practical difficulties encountered by the current joint waste initiatives. Developing an appropriate consultation strategy for a Joint Waste DPD is considered in more detail below. However, when establishing an SCI, or more likely now revising an existing one, a couple of overarching points are relevant:
- the SCI should anticipate the prospect and needs of joint working, and provide for a common process which is workable across all authorities;
  - provision should be made for appropriate forms of engagement to address the types of issues likely to be encountered in waste planning, for example relating to the provision of major strategic facilities.

## **5. Establishing the Context, and Developing the Evidence Base**

- 3.19 Much preparatory (or “pre-production”) work needs to be undertaken to establish the ground for preparing a Joint Waste DPD. This needs to define the context and the factors that should influence the development of the waste strategy. It should also begin (if not conclude) the development of the evidence base that will be used to identify the waste issues which need to be addressed, the range of choices of solution which could be taken to address those issues, and the information needed to compare and evaluate those solutions.
- 3.20 In terms of the context, issues that will need to be established include:
- what range of existing regional, sub-regional arrangements and procedures exist?
  - what is the RSS regional and sub-regional context?
  - what is the extent of current waste policy for the whole area?
  - what stage have previous plans reached?
- 3.21 In relation to the development of the evidence base, relevant concerns will include:
- establishing a structure for holding all the data sources collected, including which plan-making IT tools should be adopted;
  - developing the means of sharing the burden of evidence gathering;
  - keeping the information base up to date, and making the arrangements for annual monitoring (linking to the authorities’ Annual Monitoring Reports (AMRs));
  - co-ordinating data (eg. technical issues of making GIS data consistent and keeping it up to date), and ensuring compliance with Data Protection Act requirements;
  - developing mechanisms to obtain information by joint working with all partners, including the commercial sector (eg. through establishment of a technical advisory group, with wide membership);
  - ensuring that the local, sub-regional and regional data sources are all consistent;
  - building a long term competence and expertise, especially relating to implementing the DPD, and enforcement;
  - developing the arrangements (including scoping) for the Sustainability Appraisal and any Habitat Regulations Appropriate Assessment, and for the Needs Assessment;
  - establishing sources of assistance and guidance;
  - developing an understanding of the components of the Sustainable Community Strategies (SCS) covering the area (ensuring that regard is paid to the SCSs, ie. that its delivery is supported, is an important component of achieving a sound plan – which will be tested at the joint plan’s Examination);
  - considering the benefits of external facilitation.

## **B. Plan Production**

### **1. Project Management**

- 3.22 Having established the approach (in terms of governance arrangements, and scope of the plan) through the preparatory tasks, managing the undertaking of the work itself provides the next major challenge. A variety of different approaches to project management are being taken in the current joint working initiatives that have been examined in this study. What is common however is the recognition that since the undertaking of a joint planning exercise inevitably is going to be complex (even more so than in the case of the preparation of a DPD by a single authority), project management assumes a critical importance.
- 3.23 A range of project management arrangements have been adopted by the North West and London consortia covered by this study. As with governance arrangements, no single process can be recommended, since the approach must reflect what is possible in the local context. The following comparison suggests some of the relative differences, and comparative advantages and disadvantages:

*project management options utilised by the North West and London consortia*

project management within a discrete support unit (eg. Greater Manchester)

- dedicated and specialist;
- takes time to set up, and needs separate funding;
- ensuring that the constituent authorities are fully involved, and can achieve eventual ownership of the joint DPD, needs to be a major concern;

part time project officer within one Local Planning Authority (eg. East London)

- the cheapest and easiest to set up;
- the project officer is likely to be extremely stretched, and will need flexibility of operation (and backup or an understudy if unable to see the project through for any reason);
- needs exceptional communications and support from others (including management support to ensure that individual authority resources are made available at the right time);

dedicated project officer within one LPA (eg. North London)

- provides a clear dedicated remit;
- will possibly take time to recruit;

contracted project officer (not yet adopted in practice)

- potentially cost effective, if the arrangements work satisfactorily;
- the most flexible;
- depends on the quality of the recruited consultancy: would need pro-active consultants able to push the process along;

- risks becoming over-dependent on an individual supplied from outside the consortium;
- needs good communications with and support from LPA officers – including steering to ensure quality control and deadlines are achieved.

3.24 Whatever the approach adopted, some conclusions are clear, including:

- clear lines of responsibility need to be established, but flexibility needs to be available to respond to the complexities of the situation;
- the structure needs to provide a focus for prioritising and driving forward work, and a single point of reference for communications. Ultimately, at the Public Examination, the combined authorities need to be able to speak with one voice, with responsibilities clearly assigned;
- a clear project plan is essential, kept under review to reflect progress;
- backup/understudy arrangements are essential if the project substantially depends on the availability on a single key officer throughout its life;
- an effective steering mechanism will be essential, not least when fully outsourcing work to consultants;
- a key priority will be to ensure the integration of the timescales of the different documents.

## **2. Arrangements for Delivering the Work**

3.25 Who will actually do the work? Again, a range of possible approaches is evident from the survey of North West and London authorities. Some of the relative differences and comparative advantages and disadvantages are as follows:

### virtually all in-house (eg. Merseyside)

- good control and ownership;
- internal project planning, able to respond to flexibilities as experience develops;
- unlikely to have full skills, or need an independent view, and may still need to seek selective specialist consultancy support (eg. with research or preparation of the SA/SEA);

### fully out-sourced to consultants (eg. proposed in West London and being undertaken in North London)

- control may be difficult;
- need for very clear brief plus ongoing over-sight;
- needs exceptional communications and support from others;
- use of consultancy could vary between giving the whole task to a consultancy (ie. progressing documents through the successive

consultation stage) – eg. West London; or using different consultancies at different points and for different tasks – with all the work co-ordinated (but not undertaken) by a local authority project manager – eg. North London;

mixed team of support unit with consultancy support  
(eg. Greater Manchester)

- could be the best compromise: pick and mix of tasks to suit skills and resources available – from support in project planning and designing the scope of the strategy to later specialist research;
- needs clear budget for consultancy support – could be expensive;
- needs exceptional strong project management (to handle mixed control arrangements).

3.26 A common issue in all these alternatives is the degree of involvement of consultants. Given the particularly specialist and potentially technical nature of waste planning, it is unlikely that local authority staff will have all the necessary skills and knowledge. Some specialist external support is likely to be necessary in any case. However, beyond this, clearly there are circumstances where availability (or lack) of local knowledge, staff and financial resources dictate greater use of consultants than in-house staff. Some pointers based on the experience of use of consultants would include the following suggestions – which are not absolute recommendations, but indications of relative preferences:

- consultancy support is particularly appropriate for tasks which are:
  - discrete and unconnected;
  - where time can be saved – eg. where work can proceed in parallel;
  - where specialist skills are lacking;
  - where an external view is beneficial, including experience of waste planning for other authorities, and in affording an overall “health check” of plan progress and soundness;
- consultancy support is potentially less appropriate for tasks which:
  - require close management supervision;
  - require long-term continuity of involvement and knowledge (eg. collecting and maintaining data sets);
  - need ownership by local authorities, for example those where decisions need to be made which require local knowledge;
- in any case involving consultancy support, good quality “consultant management skills” are required by the project manager and any supporting in-house team;
- consultants cannot remove the need for local authorities to understand the evidence base and the issues themselves, and own the solutions proposed, and for senior officers to manage the

interface between plan-making and the political process in their Councils.

### **3. Undertaking Consultation**

3.27 Undertaking consultation during the preparation of a joint document is likely to be one of the most difficult, complex and time-consuming parts of developing the plan. This is particularly the case given the wider geographical scale involved, the different consultation methods commonly utilised in each area, with which stakeholders may be familiar – and the need to be consistent with the individual authority SCIs (which is a fundamental requirement if a sound plan is to be achieved, and demonstrated to be sound at Public Examination). A number of principles are evident, and lessons can be learned, from the substantial efforts devoted to consultation in the North West and London authorities:

- a single joint plan communication strategy should be prepared. This needs to ensure that the approach in each area is consistent with the respective SCIs – and provides an appropriate degree of engagement, which is capable of being resourced;
- added value can be achieved through early engagement events;
- priority should be given at each stage to securing engagement of the private sector. This often proves to be difficult until the end of the process: private sector commercial operators are likely to sit back and wait for proposals, and often are reluctant to provide commercially sensitive information. It will be critically important to emphasise what the DPD can do for industry, involve operators in developing solutions, and show the means of delivering what commercial interests require – if workable solutions to waste management are to be developed;
- early political involvement is important if greater political engagement (and ultimately ownership) is to be delivered;
- establishing early training exercises for in-house staff and elected Members pays dividends later;
- seek to establish “waste champions” (senior elected Members and/or senior officers) capable of raising the profile of the exercise throughout the authorities and their partners;
- develop communication networks, and utilise all opportunities to disseminate information (eg. including preparation of factsheets, and use of websites);
- develop practical solutions to common joint working issues:
  - prepare standard joint notices, indicating where consultation responses should be returned to (and if possible to a single point);
  - ensure that the public know who is responsible for producing the plan – and that accountability can be demonstrated;
  - produce a single database of consultees, merging and removing duplication from individual authority databases;

- determine the appropriate administrative process for receiving, recording and acknowledging responses within an efficient database;
  - evaluate potential IT systems support for maintaining this database.
- 3.28 The greatest difficulty experienced in developing joint working consultation strategies relates to the need to be consistent with each authority's SCI. The importance – if the opportunity permits – to consider and anticipate the techniques to be used in joint working when formulating each SCI has already been mentioned. In the case of the North West and London consortia, the situation has not been so fortunate. Essentially there have been two approaches to resolve the problems:
- i. what might be termed a **“highest common factor”** approach has formed the basis of the joint working consultation strategy. In this case the most stringent requirements in each of the SCIs (including all the different techniques promised to stakeholders) are adopted and applied consistently to the whole area. This is most easily applied when the SCIs are fundamentally similar (and often when they do not proceed much beyond the statutory minimum requirements). This approach could be resource (and time) intensive;
  - ii. a **differential approach** has been adopted, which is specifically tailored to each area (and may thus be different in each area), to reflect the local requirements of each SCI. This approach has been necessary where SCIs differ substantially, and where time and resources do not permit a highest common factor approach to be taken. This approach, whilst quicker and cheaper (and thus more feasible), clearly does come at a cost in terms of the complexity of the consultation strategy that needs to be produced.

#### **Case Study 4 – Approaches to Consultation**

##### **i. South London Consortium: highest common factor**

- review of all SCIs indicated few differences (and reflected the norm set by the Regulations);
- a combined consultation strategy has been prepared which ensures the same approach to consultation across all 4 boroughs.

**ii. Merseyside: Differential Approach**

- the review of individual SCIs indicated significant variations in approach, and inclusion of approaches unlikely to be adequate to address the nature of waste issues (and conversely failure to provide for approaches specifically meeting the needs of the Waste DPD);
- a combined consultation strategy has been prepared which provides for a manageable approach, which is differential between authorities to ensure compliance with each SCI;
- thus additional techniques have been added to cater for waste issues, and some approaches which are unduly onerous (eg. consultation with each parish council) are not proposed to be undertaken in every authority area, unless required by the SCI.

**4. Establishing the Content and Strategic Component**

3.29 The roles and purposes of each of the documents in the LDF are established in each authority's LDS. Given that a Core Strategy will be prepared for each authority as the key component of its LDF, a number of issues relating to waste need to be resolved (and need early consideration in advancing the joint document):

- what strategic component relating to waste should be included in each parent authority Core Strategy?
- what strategic component should be developed within the Joint Waste DPD itself?
- what components (if any) relating to waste should be included in other DPDs – in particular in a Development Control Policies DPD (or wherever development policies are located in the LDF).

3.30 It may be appropriate early in the process to establish a response to these issues, and to develop a more complete view of the content, in the form of an initial appraisal or “**scope of policies**” document, resolving which new policies need to be developed jointly, and in which DPDs. This document might also be the appropriate place to consider whether existing development plan policies should be saved (or otherwise incorporated).

3.31 The approach that has commonly been adopted so far in the joint waste DPD projects with regard to the waste component of the Core Strategy seeks to establish little more than a standard marker (or “peg”) within the parent authorities' Core Strategies, showing the relationship with the Joint Waste DPD. Preparation of a model policy has proved to be useful – commonly expressing the importance of supporting the sustainable treatment of waste, indicating commitment to dealing with the volume of waste arisings in ways consistent with RSS apportionment (and national guidance), and potentially also identifying simple sustainable criteria for use in determining proposals in the interim (before the Joint Waste DPD is approved) – but then indicating that

the waste management strategy will be developed in the Joint Waste DPD. If however progression of individual Core Strategies' content on waste seeks to go beyond this level of detail, and strategic guidance, there may well be difficulties for the development of a consistent Joint Waste DPD. A simple and commonly agreed Core Strategy policy is thus recommended, as a basis ultimately for demonstrating that the Joint Waste DPD is consistent with the Core Strategy (and thus that the approach is sound, in terms of the test at Public Examination).

### **Case Study 5 –Standard Core Strategy Policy**

#### **East London Consortium**

- a general policy has been discussed and is being included in each of the emerging borough Core Strategies;
- this covers essentially:
  - support for the general waste hierarchy approach;
  - a commitment to meet apportionment responsibilities;
  - criteria for determining proposals in advance of site allocations;
- Havering Core Strategy, including this policy, was found to be sound following its Public Examination (Inspector's Interim report, October 2007). Minor amendments (on details, not fundamentals) were required by the Inspector to this policy.

3.32 Within the Joint Waste DPD, there is a need to consider the extent to which a central strategic component is necessary to develop an appropriate response to waste management. It is unlikely that a Joint Waste DPD will be found to be a sound and coherent document if the fundamental reasoning of the approach is not explained – and indeed if that approach (and alternative approaches) are not explored during the preparation of the plan. It will also be important for the Joint Waste DPD to be consistent with the content of each of the authorities' LDFs, responding to their proposals for the location of development. These are likely to have clear implications concerning the location of waste arisings, and also in terms of the range of locational options available for waste management, together with (or as alternatives to) other land use proposals.

3.33 Without inclusion of a higher-level approach, the document could well resemble an old-style land use development plan, with a primary (or even sole) focus on site allocations. The new system demands that a spatial approach is taken, which recognises the nature of the different places that are subject of the plan, and the way in which the actions of all the partners interrelate throughout those places. There is thus likely to be a need for an

overall spatial concept to be developed to underpin the approach adopted. This is likely to require the development of a spatial vision, and strategic spatial objectives and principles relating to the waste strategy. Explanation of these principles may well be facilitated by development of a Key Diagram, which can be a very helpful device to describe and achieve understanding of spatial concepts. Clearly this overall strategic approach to waste management will need to be consistent with the overall spatial strategy developed in the Core Strategy (and the Key Diagram) of each of the District's LDFs.

- 3.34 A scope of policies document is also a possible vehicle to determine the range and nature of general policies which might need to be included in the Joint Waste DPD – including establishing whether criteria-based policies (eg. relating to windfall proposals, or specific types of development) may be necessary. Subject to the adoption of a consistent approach across the joint planning area, individual Development Control Policies DPDs within each LDF might be an appropriate location for policies on certain types of development. Examples might include site-level policies on dealing with the implications of developments, such as access, traffic, visual impact, odour, noise and vibration. In adopting this approach however, authorities should be mindful of the Government's advice that the previous approach of including large numbers of development control policies in development plans should be rejected in favour of the possible inclusion of a small number of policies covering generic issues.

### ***Case Study 6 – Scope of Policies Document***

#### **North London Consortium**

- to assist in the planning of joint working, consultants (LUC and SLR) prepared guidance and a draft specification for the joint plan (May 2005);
- following the recommendations of this first guidance, a “scope of policies” document was prepared by the same consultants in June 2006;
- this covered:
  - how waste management policies should be integrated with other policy areas in the LDFs of the constituent boroughs;
  - the range of LDF policies required to address waste management;
  - the range of development control policies and measures needed to mitigate the effects of new waste management facilities.

- 3.35 Throughout the preparation of the Joint Waste DPD it will be important to ensure that integration with the rest of the LDF's components is achieved. This will particularly need to be the case in relation to the development of Allocations DPDs and the District's Proposals Map. Clearly the site

allocations or area designations developed within the Joint Waste DPD will need to be shown on each District's Proposals Map. There will be a fundamental need to ensure consistency in policy delivery, avoiding conflicting or dual allocations of sites between DPDs.

## **5. Developing the Options**

- 3.36 The crux of the spatial planning process concerns the identification of all reasonable options, and through their comparison, the selection of the best options (or package of options), demonstrating their superiority over the alternatives. Achieving this is fundamental to achieving a sound plan, and is likely to be one of the most critical elements of the soundness assessment at Public Examination. This is dealt with under the heading of "justification" under the proposed changes to the LDF system. It is perhaps the hardest part of the whole process, and whilst there is some scope for guidance, there is no real alternative but to develop practical experience. A number of alternative approaches are being developed, which range from the heavily quantified (involving detailed measurements, scores and weightings) to the more general, utilising softer data and based on comparing the broad attributes of different thematic approaches. Some processes are seeking to blend aspects of both general approaches.
- 3.37 A number of issues need to be addressed, and principles considered:
- where possible, engagement with stakeholders should be about real solutions – where the implications of individual site or package of site proposals can be understood (and the evidence base is fully used to inform the choices), and not shrouded in theoretical language;
  - early and continuous engagement with the private sector will be essential to develop practical solutions;
  - a logical process should be followed which is transparent in the way in which it compares options, and which is thus more likely to be successful in the way it brokers solutions;
  - as appropriate the approach will need to consider the extent to which the identification of "broad locations" can provide robust solutions, or whether more specific allocations will be necessary;
  - flexible working approaches should be considered, including the use of sub groups with officers and possibly elected Members;
  - the assistance of the Sustainability Appraisal process should be sought throughout the development and appraisal of options;
  - close consideration should be given to the relationship between other LDF proposals and emerging Joint Waste DPD proposals (eg. the availability of employment allocations);
  - the approach should seek to achieve the appropriate site and waste management type: meeting PPS10's requirements on not being overly prescriptive, whilst also dealing realistically and effectively with the scale and nature of all waste expected to arise;

- the development of the strategy needs to engage with industry to balance plan-led and commercial market led opportunities.

## 6. Working with the MWMS

3.38 In developing the joint waste document, in line with the requirements of PPS10 (and the supporting advice in its Companion Guide) advice, particular attention should be given to the relationship with the MWMS. In areas of joint working there is often joint working on waste disposal also – indeed such joint working often pre-dates planning co-operation and is itself a spur to the preparation of a Joint Waste DPD. A number of issues are evident which should be addressed in developing and supporting the relationship between the Joint Waste DPD and the MWMS:

- consideration should be given to establishing effective working relationships between waste planners and waste managers – for example through cross representation on working parties;
- preparation timescales should if possible be integrated – or at least there should be awareness of the significance of the differences and the drivers of each process;
- consideration should be given to how support can be provided to the MWMS process (eg. in procuring a waste management supplier and delivering a PFI initiative) in advance of the adoption of the Joint Waste DPD – perhaps through interim assistance to the MWMS process, and contingency planning about how key decisions may be made early (eg. about the waste management services provider);
- the Joint Waste DPD will need to give express consideration to how MWMS proposals can be delivered through suitable sites (recognising that the Joint Waste DPD will need to address all waste streams, not just municipal waste);
- identification of any early conflict of interest issues.

### **Case Study 7 – Interim Guidance for MWMS**

#### **Greater Manchester**

In 2007 GMGU prepared a series of guidance notes for the preparation and determination of waste planning applications submitted in advance of the JWDPD. The guidance notes include:

- a detailed checklist of mandatory and additional information;
- required content of supporting statements;
- a position statement which provides an informal statement of fact on the planning policy framework in place for the determination of applications;
- a statement of progress and joint working principles for the JWDPD.

## 4. KEY THEMES

- 4.1 The preceding sections of this Note have drawn out a wide range of detailed points of guidance. This short section seeks to draw together some general conclusions in the form of comments on several broad general cross-cutting issues – and suggests conclusions on general principles.

### ***Gaining Political Support***

- 4.2 The purpose of engaging in joint working is to address waste management issues on a wider than local basis, in order to achieve the best solutions – which are likely not to be achieved within the limits of one authority. Ultimately the success of the process will depend on achieving commitment to a joint solution, and specifically, a political buy-in to the proposals being advanced to submission – proposals which in the public eye, the local press and hence for Members will often quickly resolve round specific sites which may become contentious, and indeed election, issues. Waste facilities are already one of the most contested forms of development. Joint working therefore requires an additional level of political commitment. Political support, in the form of commitment to defend the joint plan during its preparation and support its submission for Examination, is thus potentially the ultimate critical factor.
- 4.3 Achievement of a political consensus will require substantial effort from the very start. It will need strong mechanisms to be in place throughout the process either to directly involve elected Members (eg. through a joint Committee) or through clear reporting arrangements to senior Members (eg. to Leaders' groups or cabinet members). It may also require development of clear protocols for reaching political consensus – and dealing with contingencies should agreement not be reached, including authorities deciding to leave the joint solution.
- 4.4 The promotion of the significance of waste issues (and the need for commitment and engagement) can be enhanced by the adoption of targeted measures such as the identification of champions – key senior individuals (senior elected Members or officers) who can stress the importance of the process. Similarly, early work with elected Members to develop a wide understanding of waste issues and potential solutions, involving training initiatives, workshops and site visits, will be very worthwhile.

### ***Identifying and Securing Necessary Resources***

- 4.5 Preparation of a Joint Waste DPD is a complex process, far more complex than the preparation of a single plan by reason of the need for greater co-ordination, and the greater potential difficulties of achieving consensus from a wider range of participants. The need for strong project management is fundamental – not least because the process is inevitably resource hungry,

requiring careful management and husbandry of resources: financial, staffing, and time.

- 4.6 It is clear however that the preparation of a joint document should lead to substantial economies of scale. Savings over the cost of production of each document separately should be significant, returned from a number of sources (see Section 2, para. 2.6). It will however be essential to capture these savings, if the central costs of joint working are to be achieved. This will require terms of reference that include a cost sharing arrangement – on some suitably equitable negotiated basis. This agreement is likely to need to cover the costs of the project manager and any joint unit, and the operational expenses relating to planning activities such as consultation (including publicity costs, such as for notices). The savings from joint sponsorship of consultancy work (in particular for research) should be substantial, but will need to be apportioned fairly between constituent authorities if this benefit is to be recognised.
- 4.7 It is likely that joint working will shortly receive Government reward, in the form of the proposed element of the 2008/9 new Housing and Planning Delivery Grant. This source of income whilst not very substantial in relation to total costs should nevertheless provide a significant boost to the profile of joint working, and may assist in achieving greater corporate recognition and buy-in within authorities.

### ***Developing Necessary Expertise***

- 4.8 Planning for waste in the terms promoted by Government guidance demonstrated by PPS10, within the spatial planning system introduced by PPS12, is inherently considerably more complex, and requires knowledge in substantially more specialist and technical areas than was involved with previous waste plans, which moved little beyond the allocation of sites. Most UDPs prepared by metropolitan and unitary authorities did not begin to grapple with the issues of sustainable waste management, the full range of waste streams and technical solutions that now need to be considered. It is inevitable as a result that there is little expertise within current planning departments to support the more technical aspects of the current work. This means that many planners will be on steep learning curves – both in terms of the new spatial planning system (which is also proving difficult for mainstream planners) and the new specialist subject matter.
- 4.9 The need for additional and early training of project managers and planning teams is a clear implication – as is the need to develop, recruit and retain scarce planning staff with the necessary knowledge. It also means that the involvement of consultants with the particular skills and expertise is likely to be essential – with a cost implication (and a timing one also, since the preparation of many plans in parallel results in pressure on relatively few consultancy firms). The ability to manage consultancy work is thus another critical skill required by local authority project managers and their teams.

## ***Working to Realistic Timescales***

- 4.10 The complexity of the joint working process, and the fundamental need for strong project management, has been a constant theme throughout this Guidance. The timescales adopted will need to be realistic, if the project plan is to be reliable – and if confidence can be achieved in its delivery. Such confidence is essential if engagement is to be sustained. There is nonetheless a strong time imperative to getting waste DPDs that comply with European legislation in place as soon as possible.
- 4.11 In these terms – working towards achievement of the earliest possible adoption date – another key aspect of the project planning for joint working is to consider the implications of effort and preparation applied in the short, medium and long term. The payback for some of the investment in the infrastructure involved in joint working may well not be until the long term. The primary benefit of joint working – the achievement of better solutions by working at a wider scale – requires substantial effort, and that takes time. Time needs to be devoted to research to better understand the opportunities available by the larger scale, and by raising the consciousness of all concerned to these benefits. Thus as mentioned elsewhere, substantial preparation is necessary to lay the foundations of the joint DPD solutions.
- 4.12 Perhaps the most significant of the cost implications, where an initial investment of time and effort is necessary in order to achieve longer-term benefits, relate to the establishment of the joint working infrastructure. In terms of establishing the officer and project management and delivery structure, the time taken to set up these mechanisms (unless they are already fortuitously in place) should not be underestimated. The most significant variable is likely to be the development of the governance arrangements involving elected Members (and senior officers). Devoting effort to this early in the process may mean substantial delay in initiating actual work on the joint document – but the medium and long-term results, such as achieving more rapid and durable decisions (or any joint decisions at all) may be considerable. Authorities engaging in joint working will need to consider the form of governance arrangements not only most suitable to their present needs (and which is capable of being achieved) – but also with a view to achieving these longer term benefits.

## 5. SUMMARY AND RECOMMENDATIONS

- 5.1 This note attempts to analyse the issues raised by joint working – and to reach conclusions about how the opportunities likely from it can be delivered – and the perceived challenges can be addressed and difficulties minimised. It seeks to establish and consolidate the principles of good practice that are being developed through current joint working initiatives.
- 5.2 One particular message is very clear. Whilst there are many differences between the initiatives now underway, particularly in terms of working arrangements, it is clear that the particular approach adopted in each case seen so far has been selected as a consequence of and to best fit the local context. In fact throughout the cases studied in this project, a strongly held view has been expressed that the chosen approach was both the only way forward (in that local context) and that it has to-date proved to be satisfactory (and indeed successful) for the task.
- 5.3 This is not to say that current practices cannot be improved or that problems won't arise at later stages of existing joint working projects. Indeed this Guidance seeks to draw some major lessons about how to manage the process to a successful conclusion – not least for the benefit of those authorities that might be starting out, or contemplating, joint working. However, the responses by current joint working participants tends to suggest that there are no simple single solutions that can be recommended, but that it should be stressed – as this Guidance does – that there are likely to be a range of alternative approaches that could be followed. The Guidance should thus help intending joint-working authorities select (and develop) the best approach to fit their particular circumstances.

### ***Risk Management***

- 5.4 The approach developed through this Guidance suggests that authorities should proceed with a clear view of the obstacles that they might encounter, and by adopting clear governance arrangements and using firm project management be equipped and prepared to take appropriate action to resolve problems and determine their way forward.
- 5.5 One of the most powerful tools for determining actions as a response to circumstances is to establish a *risk management framework*. A number of consortia (including Merseyside and North London) have been explicit in establishing a risk management framework as a context for the development of their programmes for joint working. This requires firstly the identification of relevant possible circumstances and events, and for each assess the risk of its occurrence, and its probable severity in terms of its impact on the preparation of a sound Joint Waste DPD. A number of graphical and other tools are widely available to describe the nature of the risk (eg. likelihood and severity), and the current situation in relation to that risk (eg. a traffic light system). Secondly, and the most important part of the risk management approach, effort is given to predetermining appropriate preventative action to reduce the

risk of it happening – or contingencies if the situation does in fact occur (or if a threshold point is passed), so that if necessary appropriate mitigating action can be implemented swiftly.

- 5.6 Determining the risks that need to be countered, and the appropriate courses of action, are matters that should be addressed locally. The issues raised in this Guidance should provide a starting point for identifying potential matters – particularly the challenges identified in Section 2. High amongst these is likely to be the risk of not holding together joint working arrangements, and ultimately failure to reach a combined decision between the local authorities. As part of this, the risk of political disunity is probably therefore going to be one of the most critical concerns in joint working. In terms of developing an appropriate response, clearly ensuring that knowledge of the full consequences of breaking joint arrangements is widely understood will be a major component. It may also be appropriate to consider protocols should agreements not be reached, or parties leave the agreement, in order that progress can nonetheless be made with a reduced membership or a lesser degree of consensus.
- 5.7 In the case of North London, an early seminar was undertaken specifically to discuss and identify the range of main likely risks – and to develop appropriate responses. The box following shows part of the outcome of this discussion, as an example of the most important risks that could be identified and managed.

### ***Case Study 8 – Risk Assessment***

#### **North London consortium**

##### Risk Assessment

– definition of main risks across a range of categories which need to be addressed:

1. not meeting tests of soundness;
2. politicisation of issues and process and lack of political alignment;
3. agreements stuck in formal approval process across boroughs;
4. cost over-runs;
5. lack of staff and prioritisation in the boroughs;
6. organised opposition – exploiting differences between boroughs;
7. poor quality of data.

*Outcome of Risk Management seminar, 2008*

## Taking a Comprehensive Approach: A Checklist of Key Activities

- 5.8 The preparation of a Joint Waste DPD is inevitably a complex process, which requires close and detailed management. The range of issues addressed in this Guidance (which in turn reflects experiences in current joint working initiatives) demonstrates the many considerations that need to be taken into account. To summarise the most critical points however, the following checklist identifies the major or headline activities which will need to be considered.

### Preparing a Joint Waste DPD – checklist of major activities

Have you ...

- developed a Memorandum of Understanding, or Terms of Reference that is underpinned by formal political buy-in from each participating authority and which gives full appropriate guidance as to how the proposed joint working governance arrangements will operate in practice?
- developed a project management plan (which is kept under review)?
- developed a risk management framework, for responding to potential challenges – including developing contingency arrangements?
- initiated the development of an evidence base, with consistent and comprehensive data covering the whole area?
- built in a common Sustainability Appraisal process from the outset?
- developed a working relationship with the RSS process?
- liaised with the Government Office on intentions?
- ensured that each parent authority's LDS contains appropriate and consistent reference to the Joint Waste DPD?
- clarified the strategic references to the Joint Waste DPD in the parent authorities' Core Strategies, by developing a model policy?
- prepared a consultation strategy, which defines the approach to consultation plan-area wide, which also achieves conformity with individual SCIs?
- established waste champions at Member and Senior Officer levels in each authority?

- identified the scope for consultancy involvement, and the means of ensuring its management?
- developed an understanding of how the Joint Waste DPD process can support the production and implementation of the MWMS?
- developed an approach to resolving waste management issues which is spatial and locally distinct, reflecting circumstances in the joint planning area?
- developed a high level strategic spatial approach for waste management, which can be illustrated by the use of a Key Diagram?
- developed a transparent approach for the generation and evaluation of options and alternatives, which will allow stakeholders to be sufficiently informed to express real preferences?

### ***Recommendations for Further Work and Guidance***

5.9 What should be the future for this Guidance? Should it be taken forward, and how? What priorities might there be for the development of further guidance? The following are put forward as recommendations, which it is suggested should be considered by all the partners engaged in or supporting joint working in waste planning:

- carry forward this Guidance and associated work as a rolling programme – update and add examples of practice when necessary and relevant;
- provide practical illustrations or examples of solutions to common joint working issues, particularly in terms of complying with the various stages of the Regulations (eg. standard joint notices and publicity material, letters to consultees, covers for documents);
- provide guidance on the implications of failure to achieve agreement between all authorities in a joint process: in particular to advise on how progress can be made in practice, and ultimately how resolution of a meaningful plan can be achieved which can be supported through its Public Examination;
- resolve the relationship of the Joint Waste DPD with each authority's Core Strategy;
- consider opportunities for streamlining the process not only in terms of the Governance arrangements (derived from the Local Government Act 1972) but also administratively (through Regulations);
- incorporate key findings and recommendations of this Guidance within emerging government guidance on the plan making process (eg. in the revised PPS12 or its successor document and any accompanying on-line "manual");

- continue to support networks that have already developed and promote exchange of experience and information, perhaps through establishing virtual working groups and information hubs;
- promote the merits of the approach in this Guidance for other forms of joint working eg. in relation to minerals planning.

5.10 This Guidance has sought to demonstrate that joint working to produce waste DPDs is both productive and can practically be achieved. The whole can be greater than the sum of its parts. Perhaps the strongest message that should end this document therefore is to stress the need for more support and encouragement for joint working. This should include positive indications of where joint working is desirable as the most appropriate way forward, from those parties likely to have the most influence – in particular from those charged to prepare the RSS, and from Government Offices, the Planning Inspectorate and DCLG. But particularly important must be promotion of the view that sustained commitment from all the parties is essential – so that support is constant, problems are overcome and an eventual common solution is found that is better than if participating authorities had “stood alone”.

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