

**NOTES OF THE MEETING OF THE WEST
OF ENGLAND PARTNERSHIP JOINT SCRUTINY COMMITTEE
5 SEPTEMBER 2008 AT 10.00AM**

Members of the Joint Committee

Bath and North East Somerset

- P Councillor John Bull
- P Councillor Caroline Roberts
- A Councillor Martin Veal

Bristol City Council

- P Councillor Gary Hopkins (Sub for Cllr Rogers)
- P Councillor Barbara Lewis - Chair
- A Councillor Dr Jon Rogers
- A Colin Smith

North Somerset Council

- P Councillor Kellaway-Marriott (Sub for Cllr Moulin)
- A Councillor Tony Moulin
- P Councillor David Pasley
- P Councillor Clive Webb

South Gloucestershire Council

- P Councillor Pat Hockey
- P Councillor Geoff King
- P Councillor Ian Smith

**WEPJSC
19.9/08**

APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Tony Moulin, Colin Smith and Martin Veal. Councillors Hopkins and Kellaway-Marriott substituted for Councillors Dr Jon Rogers and Martin Veal respectively.

**WEPJSC
20.9/08**

PUBLIC FORUM

There were no items of public forum received.

**WEPJSC
21.9/08**

MINUTES – THE WEST OF ENGLAND PARTNERSHIP JOINT SCRUTINY COMMITTEE - 11 AND 25 JULY 2008

On considering the minutes of the meeting held on 11 July 2008 it was agreed to amend minute number WEPJSC 10.7/08 resolution (2) to reflect that the working arrangements were being worked on by officers and that they would be considered by the Committee on 23 September for agreement.

RESOLVED - that the minutes of the meeting of the West of England Joint Scrutiny Committee held on 11 and 25 July 2008 be confirmed as a correct record and signed by the Chair, subject to the amendment detailed above.

**WEPJSC
22.9/08**

JOINT WASTE CORE STRATEGY - PREFERRED OPTIONS DOCUMENT AND CONSULTATION PLAN

The Committee considered a report of the Principal Planning Officer, North Somerset Council/West of England Partnership (agenda item no. 4(a)) asking the Committee for their formal views on the Preferred Options Pre-Consultation Draft Document and Consultation Plan for consideration by the West of England Planning, Housing and Communities Programme Board.

Members noted that this would be the last chance to make views on the response as the Housing and Community Board would consider it at its meeting on 11 September 2008, and that the consultation would then be undertaken.

The following comments were made on the draft statement attached to the report:

- Joint Core Waste Strategy Need to clearly set out the status of the strategy and its relationship with other core strategies.
- Regional Spatial Strategy (RSS) Proposals The data used should be the latest available and up to date when informing the sub-regional apportionments for recovery capacity, as the current data was not robust enough to justify Policy W1.

It was felt that RSS W1 should be amended to provide the latest data when making proposals for strategic waste management facilities.

Members also pointed out that there would be less need for indicative waste capacity apportionment in the RSS following improvements in recycling and re-use.

- Less Waste, more Resource

Members indicated that although there were limited commercial and industrial facilities located in the West of England, there may in the future be more scope for the joint use of treatment facilities by municipal and commercial and industrial waste.

The Committee asked that reference be made to the need to take into account of developments of authorities outside the West of England boundaries in terms of enabling the strategic network of recycling and composting sites within the West of England.

- Cross Boundary Issues – Proposals for Strategic Waste Management Facilities

The Committee recognised the ongoing need for landfill/landraise in the West of England, and was keen for dialogue to take place with other authorities on cross-boundary issues, such as using waste management facilities across adjoining authorities. It was also noted that there may also be scope for Commercial and Industrial facilities either within or outside of the area to be used to manage Municipal waste.

- Proposed Strategic Waste Sites

Members emphasised the need for proposed sites to be chosen for their ease of providing a range of waste treatment technologies, therefore increasing the flexibility to allow new technologies to come forward at a later date. However, it was felt that information should be made available to the public as part of the consultation to explain the type of waste facility and scale of operations suitable for the site, and that the information would be useful as a material consideration for strategic waste management facility planning applications.

It was acknowledged that the list of sites in the report was created 18 months ago, and that circumstances affecting sites would change, there should be a focus on maintaining the accuracy of the sites listed, and ensuring that they would be suitable for their intended purpose.

The Committee agreed that the table in the consultation document relating to 'general areas' should be deleted to avoid confusion. It was also agreed that it should be made clear in that strategic waste sites refer to 'recovery' sites.

- Urban Extensions/Opportunities for Combined Heat and Power Schemes powered by waste

It was noted that the strategy, and as a planning document, had a significant role in promoting better use of waste in new developments. The Committee recognised that the additional houses and employment proposed in the RSS would have implications on the future management of waste, and that this would enhance the network of waste management facilities which was an opportunity that must be taken.

Members asked for the statement to detail strong support for the use of recycling, Energy for Waste (EfW), etc, and that in planning terms it should be necessary to include these in development proposals unless there was a proven reason not to. It was also noted that there was an urgent need to investigate the contribution made by using waste in Combined Heat and Power (CHP) schemes as part of urban extensions.

- Consultation

Members expressed concern that the detail in the report relating to the proposed consultation and the use of informal 'drop-in' sessions would not be an adequate consultation exercise. Officers indicated that this would only be a part of the consultation, and that the full extent of the process would be circulated to the Committee as soon as possible.

It was also noted that there should be a better use of terminology to ensure that the public as a 'target audience' could easily understand the consultation, and also use photographs to properly illustrate what is being explained.

It was agreed that the comments and changes to the statement would be drawn together and any further comments would be sought before sign off by the Chair and Vice-Chair of the Committee on Wednesday 10 September 2008 (a copy of the statement is attached to these minutes as an Appendix).

RESOLVED - that the statement attached to these minutes as an appendix be agreed as the Committee's formal views on the Preferred Options Pre-Consultation Draft Document and Consultation Plan for consideration by the West of England Planning, Housing and Communities Programme Board.

**WEPJSC
23.9/08**

JOINT WASTE CORE STRATEGY - KEY ISSUES RAISED BY SCRUTINY MEMBERS AT A BRIEFING MEETING ON 15TH AUGUST 2008

The Committee considered a report of the Scrutiny Officer, Bristol City Council (agenda item no. 4(b)) setting out key issues that had been identified to date by members of the Joint Committee and other constituent authority scrutiny committees in relation to the Preferred Options Pre-consultation Document.

Members accepted the view of members to date, alongside the comments and consideration of the previous item at WEPJSC 22.9/08.

RESOLVED - that the report be noted.

**WEPJSC
24.9/08**

PHASE 2 OF THE WASTE STRATEGY: SPECIFICATION AND EVALUATION

The Committee considered a report of the Chief Executive, West of England Partnership (agenda item no. 5) providing information about the first draft specification and evaluation criteria proposed in procuring contracts for Phase 2 of the Joint Waste Strategy.

The following issues were discussed:

It was noted that the option in the report as for a 5 year contract, with the option for an extension of 4 years, which was more suitable than a contract for 10 years. It was also noted that officers had conducted soft market testing on both phases 2 and 3 of the strategy.

It was recognised that the content of the contract would not preclude the use of new technologies at the time when the contract was agreed.

The impact of a higher 'rate per ton' of waste that would occur in terms of operating a short-term contract was raised as a concern by Members of the Committee.

Members were asked to comment on the qualitative data from on page 3 of the report, which detailed a list of the contract criteria. The following amendments were raised:

Site and Planning

- Waste Local Plan in bullet 2 be amended to read 'planning policies'

Sustainability

- Disposal in bullet 3 should refer to 'production'.
- Add 'Energy generation fuel'.

It was recognised that there was a need for looking at ways to reduce the biodegradability of residual waste, which linked in with the LATS targets.

Members noted that when the specification of the contract was agreed, the final contract could be agreed via a single or multiple providers depending on the services available and value for money.

Members were concerned in relation to the amount of risks listed in the qualitative data, and that these risks would be associated with the agreed provider and not required at this stage. Officers replied by clarifying that the measures associated with risk in the data list

related to the process of evaluation and shortlisting the best provider(s).

The Commission expressed a view that more focus was required on the environmental issues contained within the contract and it was felt that the percentage attributed to each section of the qualitative data should be adjusted to allow for an increased proportion for sustainability, therefore increasing from 10%.

The final comments of members highlighted a need to receive the following further information by the next meeting:

- Summary of the terms of the contract.
- Risk assessment in relation to LATS and cost of the contract (and that a procurement officer attend the next meeting to answer questions).

RESOLVED - that officer are requested to take comments back and report back to the next meeting on 12 September, so that the Committee can agree it's final comments.

**WEPJSC
25.9/08**

JOINT WASTE STRATGY PHASE 3 OUTLINE BUSINESS CASE AFFORDABILITY ASSESSMENT

The Committee considered a report of the Chief Executive, West of England Partnership (agenda item no. 6) providing information about the requirements of Section 8 of the Outline Business Case (OBC) dealing with Cost, Budgets and Finance and how this aligned itself with the Affordability Assessment.

Georgina Taylor from Price Waterhouse Coopers attended the meeting and informed the Committee about the work that had underpinned the detail of the OBC, including information relating to the total cost and affordability. The presentation explained the comparison that would be made at the meeting on 12 September 2008 between the total costs according to the OBC, and the cost of current arrangements including future planned medium term strategies. Members were assured that the cost of the OBC would be the lowest.

Members asked for the following information to be included in the presentation of the report at the next meeting:

- A breakdown in financial terms of the cost per ton of waste in comparison to revenue.
- Analysis of the affordability gap between the PFI and status quo, and clearly define the impact of both options and the comparison of the status quo with the point of the project, i.e which phase(s).
- Illustration of the cost compared to the length of the proposed PFI.
- Detail of other forms of potential borrowing.

RESOLVED - that the report and presentation at the meeting on 12 September 2008 would include the information raised in the discussion and minute above.

**WEPJSC
26.9/08**

PROPOSED REVISED WORK PROGRAMME

Members considered the Committee's work programme for 2008 and made the following changes:

12 September 2008 meeting It was agreed that two items would be added to the agenda for the meeting on 12 September 2008, and that they would be titled " " and 'Presentation on Governance'.

Waste Strategy Outline Business Case (OBC) It was noted that an additional meeting had been scheduled to be held at BAWA on Tuesday 23 September 2008 to consider the full OBC for the Waste Strategy.

Regional Spatial Strategy It was felt that the time allocated for consideration of the Regional Spatial Strategy Item on 12 September may not be long enough, so it was agreed that the item would be included on the agendas for 12 September and 10 October 2008, together with a short slot on the agenda for the additional meeting on 23 September 2008.

RESOLVED - that the proposed revised work programme be noted.

(The meeting ended at 12.50pm.)

CHAIR

**JOINT SCRUTINY OF THE WEST of ENGLAND PARTNERSHIP
BATH AND NORTH EAST SOMERSET COUNCIL, BRISTOL CITY COUNCIL,
NORTH SOMERSET COUNCIL AND SOUTH GLOUCESTERSHIRE COUNCIL**

Joint Waste Core Strategy: A Response to the invitation of the West of England Waste Strategy Member's Project Board for views on the draft Pre-Consultation Preferred Options Document and Consultation Plan.

The Joint Scrutiny Committee welcomes the opportunity to comment on the draft pre-Consultation Preferred Options Document and Consultation Plan.

Joint Waste Core Strategy

It needs to be clearly set out what the status of the strategy is and the relationship with other core strategies

Regional Spatial Strategy Proposals

It is acknowledged that the Pre-Consultation Document is prepared in the context of the emerging Regional Spatial Strategy (RSS) and that it is required to be in general conformity with the RSS. Although representations have been made to the Examination in Public Panel that the indicative waste capacity apportionments should be based on the latest data available, it was concluded that the delay and cost involved in providing up-dated apportionments could not be justified given the urgent requirements for new treatment facilities other than landfill. The Committee does not find this acceptable.

The baseline data used to inform the sub-regional apportionments for recovery capacity set out in the draft Regional Spatial Strategy is out of date and not sufficiently robust to justify the proposals in Policy W1.

The Joint Scrutiny Committee recommends that in responding to the Proposed Changes to the draft Regional Spatial Strategy, the West of

England Unitary Authorities should request that RSS Policy W1 be amended to require more up-to-date data to be taken into account by waste planning authorities when making proposals for strategic waste management facilities.

With improvements in recycling and re-use, it should be recognised that there will be less need for the indicative waste capacity apportionment proposed by the draft Regional Spatial Strategy.

Less Waste, more Resource

Less waste involves a more efficient use of resources, and requires less waste collection and treatment. Continued improvements in waste minimisation are imperative if we are to achieve a more sustainable approach to the management of waste. More needs to be done to promote a reduction in Commercial and Industrial waste, although it is recognised that this is outside of the remit of the Joint Waste Core Strategy. Whilst it is noted that, other than landfill facilities, there are limited commercial and industrial facilities located in the West of England there may in the future be more scope for the joint use of treatment facilities by municipal and commercial and industrial waste.

More efficient re-use and recycling that meets or exceeds national waste strategy targets will also promote the better use of resources, and the Joint Scrutiny Committee recognises that the Joint Waste Core Strategy does have a role to play in enabling a strategic network of recycling and composting sites within the West of England also taking into account developments in those authorities outside the West of England boundaries.

Cross Boundary Issues – Proposals for Strategic Waste Management Facilities

While it is recognised that there is a continuing need for landfill / landraise in the West of England, the Committee is keen to see

dialogue taking place with other authorities on cross-boundary issues. There may be waste management facilities, including landfill, available in adjoining authorities with spare capacity. There may also be scope for Commercial and Industrial facilities either within or outside of the area to be used to manage Municipal waste.

Proposed Strategic Waste Sites

It is noted that the proposal is that the Joint Waste Core Strategy should be technology neutral and that proposed sites have been chosen because they are suitable for a range of waste treatment technologies, thus increasing the flexibility to allow new technologies to come forward at a later date.

However, because the status of the strategy will be equal to a planning policy document and material to the consideration of planning applications concerning strategic waste management facilities and to create greater clarity for stakeholders and the public, the consultation document should contain some description of the type of waste activity e.g. recycling/recovery and scale of operations suitable for the site.

Whilst it is acknowledged that the list of sites was drawn up 18 months previously and circumstances will change every effort should be made to ensure the accuracy of the sites listed. The criteria should also be re-examined to make sure the sites are suitable for the intended purpose. Transport and congestion should also be taken into account. The Committee strongly recommends that the table in the consultation document relating to 'general areas' should be deleted to avoid confusion. Also it should be made clear that strategic waste sites refers to 'recovery' sites.

Urban Extensions/ Opportunities for Combined Heat and Power Schemes powered by waste

As a planning document, the Joint Waste Core Strategy also has

significant role to play in promoting better use of waste in new development, both during the construction stage and during the operational life of the development. It is recognised that the additional houses and employment proposed in the draft Regional Spatial Strategy will have implications for the future management of waste. This will present opportunities to enhance the network of waste management facilities and this opportunity must be taken.

The document should strongly support the opportunities in relation to Urban Extensions in providing local waste disposal options, for example, recycling, composting, combined heat and power facilities. In planning terms it should be necessary to include these in development proposals unless there is proven reason not to. The opportunity to install such facilities from the outset should be tested during the early planning/master planning stages.

The opportunities for waste, either directly or indirectly (through the production of “Refuse Derived Fuel”) to contribute to Combined Heat and Power (CHP) schemes as part of the proposed urban extensions should be investigated as a matter of urgency.

Hazardous Waste

The Joint Scrutiny Committee accepts that due to the specialist nature of its treatment, hazardous waste should continue to be exported.

Consultation

The Joint Scrutiny Committee supports the proposal to engage with the public and stakeholders on the spatial options and possible sites suitable for delivering the much-needed waste management infrastructure within the West of England in order to divert residual waste away from landfill.

Whilst the Committee acknowledges that the proposed consultation

includes more than the 'drop-in' events in each constituent authority there needs to be a clear and detailed public consultation and awareness plan in order to be able to effectively engage the public and stakeholders in different ways. The consultation proposals should also be seen as an opportunity to raise awareness with the public on these issues and there need to be 'awareness raising', media and communications plans.

Language and Clarity

The consultation document must be clear and explanatory in its use of terminology – for example what is recovery, recycling, Energy from Waste. The document itself should make better use of photographs in order to help people visualise what is being proposed. Serious consideration should be given to the target audience for the document and the language adjusted to ensure it is accessible to all.

5th September 2008