



Policy and Resources Committee

11 December 2018

Title

Proposed Submission North London Waste Plan (Regulation 19)

Report of

Chairman of the Policy and Resources Committee

Wards

All Wards

Status

Public

Urgent

No

Key

Yes

Enclosures

Annex 1: Regulation 19 North London Waste Plan
Annex 2: Response to Consultation at Regulation 18 Stage

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Summary

Seven North London Boroughs have prepared the Proposed Submission North London Waste Plan (NLWP) for consultation. The NLWP has two main purposes: ensuring adequate provision of suitable land to accommodate appropriate waste management facilities up to 2035; and to provide policies against which planning applications for waste development will be assessed. The NLWP aims to achieve net self-sufficiency in waste and to maximise recycling to achieve the recycling targets set out in the London Plan. Progressing the NLWP is necessary to protect Barnet from potentially unsuitable waste development proposals which would be difficult to resist without an adopted Plan.

The Proposed Submission NLWP (Regulation 19) must be approved by all seven boroughs prior to public consultation (scheduled for early 2019) and submission for examination in public by an Inspector appointed by the Planning Inspectorate. The Proposed Submission NLWP has already been successfully passed by Camden Full Council, Enfield Cabinet and Waltham Forest Cabinet.

Officers Recommendations

That the Policy and Resources Committee:

- 1. Consider the responses to consultation at Regulation 18 (Town and Country Planning (Local Planning) (England) Regulations 2012) Stage (as set out in Annex 2);**
- 2. Approve the Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) Proposed Submission North London Waste Plan (NLWP), as set out in Annex 1, for public consultation and subsequent submission to the Secretary of State for public examination;**
- 3. Recommend that Full Council approve the Regulation 19 Proposed Submission North London Waste Plan (NLWP), as set out in Annex 1; and**
- 4. Delegate authority to the Deputy Chief Executive, in consultation with the Service Director Planning and Building Control, to make any further minor changes to the NLWP prior to consultation and submission, and during or after examination.**

1. WHY THIS REPORT IS NEEDED

What is the North London Waste Plan?

- 1.1 The seven planning authorities of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are working together to produce the North London Waste Plan (the 'NLWP'). When adopted the Plan will form part of the suite of documents that make up the Local Plan for each of the North London Boroughs.
- 1.2 The purpose of the NLWP is to ensure there will be adequate provision of facilities to manage North London's waste. It will set out the waste management needs and demonstrate how these needs will be met during the plan period (up to 2035) through the identification of suitable sites and areas for waste management facilities. It will also include a policy framework for determining planning applications for waste development.
- 1.3 LB Barnet needs an adopted Waste Plan to ensure unsuitable proposals for waste development can be resisted, avoiding potentially negative impacts on regeneration and housing delivery.
- 1.4 The requirement to plan for waste is based on national and regional regulations and plans, and currently upon the EU Waste Framework Directive. Following the exit of the UK from the EU there will a requirement from central government to make adequate provision for waste. The UK government has committed to incorporating all EU directives/legislation at the time of leaving the EU into UK law as part of the Brexit process. The NLWP must be in general conformity with the London Plan which apportions an amount of waste to each borough for management.
- 1.5 Taking a joint waste plan approach is common practice for London boroughs. Without joint working each authority would have to plan separately and incur the costs of going

independent while still having to work closely with North London Boroughs as a result of the legal duty to co-operate as waste facilities are shared under the management of the North London Waste Authority. Under the duty to co-operate there would be risk of challenges to each other's plans as well as duplication in terms of negotiations with authorities which receive our waste.

Progress on the North London Waste Plan

- 1.6 In 2012 a previous version of the NLWP was found by a Planning Inspector to not meet the legal requirements of the new Duty to Co-operate introduced through the Localism Act 2011 and as a result the Boroughs had to start on a new NLWP.
- 1.7 In 2013 the NLWP recommenced with an 'issues' consultation, followed in 2014 by a series of three focus group meetings involving a cross section of key stakeholders to discuss emerging issues for the NLWP.
- 1.8 The Draft NLWP (Regulation 18) was approved by the Policy & Resources Committee for public consultation in July 2015. The Draft NLWP (Reg 18) public consultation took place over a nine-week period during July and September 2015.
- 1.9 In July 2016 the NLWP process stalled when LB Enfield objected to the concentration of existing waste facilities in their area and the impact on Crossrail 2 regeneration opportunities. LB Enfield required further work to provide a more balanced geographic spread of new sites and areas across the seven boroughs before they would progress to a Submission (Reg 19) stage. Preparation of the NLWP was continued by the other six boroughs, whilst continuing to engage with LB Enfield on waste planning. In late 2017 LB Enfield signalled a willingness to return to the NLWP, subject to further work to develop a more balanced geographical spread of sites and areas. Changes to the document have resulted in a more even distribution of sites and areas in the NLWP.
- 1.10 Oversight of the NLWP is provided by the Planning Members Group – a group which includes an elected Member from each of the seven planning authorities. In July 2018 the Planning Members Group agreed the fundamental principles of the NLWP.
- 1.11 Approval by all seven NLWP boroughs is required for the Proposed Submission (Reg 19) NLWP to be published for public consultation and subsequent submission to the Secretary of State for examination in public.
- 1.12 The Proposed Submission NLWP has already been successfully passed by Camden Full Council, Enfield Cabinet and Waltham Forest Cabinet.

Duty to Cooperate

- 1.13 'Duty to Co-operate' is a legal requirement for local planning authorities to engage, constructively, actively and on an on-going basis with other public bodies on strategic matters. Methods to satisfy the requirements include meetings, exchange of information, statements of common ground and memorandum of understanding. Demonstrating that the Duty to Co-operate is required for plan making, although there is not a duty to agree.

- 1.14 A key issue for the NLWP is the movement of waste beyond the seven Boroughs, both within and outside London. As part of discharging the 'duty to co-operate', the North London Boroughs have contacted all waste planning authorities (WPA) who receive waste from North London to identify any issues which may prevent waste movements continuing during the plan period. A report on the duty to co-operate has been prepared and is available on the NLWP website¹.

Regulation 18 Consultation Responses

- 1.15 Draft NLWP (Reg 18) consultation took place over a nine-week period from 30th July to 30th September 2015. A total of 213 representations were received. There was general support for the draft aim, objectives and spatial strategy of the Plan. Some textual changes were suggested including a stronger commitment to achieving net self-sufficiency. The preferred approach for the Plan, including maximised recycling and net self-sufficiently in a number of waste streams, was on the whole supported by those in the field of waste planning. More information was requested on the management and export for each type of waste, particularly Construction, Demolitions & Excavation waste and hazardous waste.
- 1.16 Across the NLWP area as a whole, around 70% (148) of the comments received were objections to sites and areas. The methodology for identifying new sites and areas was broadly supported. However, a number of proposed sites and areas which have been assessed as potentially suitable for waste uses were not considered suitable by local residents and community groups. The main issues raised by residents related to the potential negative impacts of a waste facility, including traffic/congestion, suitability of roads and access, effect on biodiversity, flood risk, proximity to sensitive receptors and residential areas, concern over noise, smell and pollution. Several objections by landowners and tenants were also received. Objections for areas in Barnet included concerns regarding noise, traffic and site access, along with the impacts in relation to neighbouring residential areas.
- 1.17 There was broad support for the policy setting assessment criteria for waste management facilities, although a number of changes were suggested to strengthen requirements or for clarification. Competing views were received from residents who want strict controls on development alongside ambitious objectives, and the waste industry who consider some of the requirements in the policy too onerous.

What has changed in the Plan?

- 1.18 Revisions included in the NLWP Regulation 19 version are based on responding to representations on the Draft Reg 18 and the further work undertaken to meet the concerns of LB Enfield. Changes include the following:
- Gathering and assessing additional information on the proposed sites and areas received during the consultation, or resulting from publication of new data. This includes sites and areas affected by Crossrail 2, historic assets and proximity of

¹ <http://www.nlwp.net/download/duty-to-co-operate-report-july-2015/?wpdmdl=840>

sensitive receptors. In addition, Borough transport officers have undertaken highways assessments of the sites and areas.

- The revised approach to new provision is to focus on existing, well-established industrial land, while achieving a better geographical spread. The number of sites/ areas identified in the NLWP as suitable for waste use has been reduced, while maintaining flexibility and aiming for a wider geographical spread of land to maximise the opportunities for waste to be managed as near to its source as possible.
- NLWP policies have been revised. Policy 1, which deals with existing waste sites, requires that if a waste site is redeveloped, the re-provision of the facility must be in line with the spatial principle of the NLWP to get a better distribution of waste sites. Policy 4, which deals with windfall sites, introduces a sequential test whereby developers must demonstrate that no existing sites, or sites in the identified areas of search, are available or suitable before being able to develop on a site not identified in the plan. Any windfall site development must consider future development opportunities, such as those in Opportunity Areas, or from Crossrail2, West Anglia Mainline and four tracking. Policy 6, which deals with assessment criteria for waste developments, has strengthened amenity considerations regarding compatibility with neighbouring uses, and added detail on cumulative impacts of waste development and effects on regeneration. The provision of jobs and training is also highlighted.
- To ensure the NLWP is based on the latest data a fresh data study has been carried out, including the changed Borough waste apportionment from the Draft London Plan. Research into new waste developments and their site areas found evidence of greater throughput on smaller sites, reducing the North London capacity gap.
- Further work was carried out to estimate the amount and type of waste likely to be exported from North London to other waste planning authority areas during the plan period. Under the duty to cooperate the NLWP Boroughs have been engaging with these authorities and identifying any barriers to the continuation of these waste movements.

1.19 New sites and areas for built waste management facilities have been identified which perform well against the spatial framework (provides the strategic direction for the detailed policies of the NLWP and informs site/area selection) as reflected in the site selection criteria, as well as a range of environmental, social and economic criteria set out in the Sustainability Appraisal Scoping Report.

Overview of the North London Waste Plan

1.20 The aim of the NLWP is:

‘To achieve net self-sufficiency for LACW, C&I and C&D waste streams, including hazardous waste, and support a greener London by providing a planning framework that contributes to an integrated approach to management of materials further up the waste hierarchy. The NLWP will provide sufficient land for the sustainable development of waste facilities that are of the right type, in the right place and provided at the right time to enable the North London Boroughs to meet their waste management needs throughout the plan period’

- 1.21 The NLWP plans for seven waste streams:
- Local Authority Collected Waste (LACW),
 - Commercial and Industrial (C&I),
 - Construction, Demolition & Excavation (CD&E),
 - Hazardous,
 - Agricultural waste,
 - Waste Water and
 - Low level radioactive waste.
- 1.22 The NLWP Spatial Framework section provides the basis for balancing priorities, opportunities and constraints, in particular the availability of sites/areas to achieve a deliverable distribution of waste management sites, whilst bringing social, economic and environmental benefits of new waste management facilities to North London.
- 1.23 The NLWP Data Study considers the amount of waste currently produced in North London. It examined how this is managed, the amount of waste that will be produced over the plan period to 2035, the capacity of existing waste infrastructure and the extent to which this can meet future need.
- 1.24 The NLWP must demonstrate that the amount of LACW and C&I waste apportioned through the London Plan can be managed in North London. The boroughs must also meet statutory recycling targets. To satisfy these requirements the NLWP strategic approach is net self-sufficiency for LACW, C&I and C&D waste.
- 1.25 Growth and behaviour scenarios have been modelled to project future capacity gaps and waste management needs. The optimum solution which ensures that NLWP meets statutory recycling targets will also ensure more waste is managed further up the waste hierarchy. Consequently, the NLWP provides more opportunities to divert waste away from landfill.

Sites and Areas

- 1.26 The NLWP sets out the approach to identifying sufficient land for future waste management facilities in North London to ensure the delivery of the identified capacity requirements.
- 1.27 The Plan identifies that the capacity required for waste management facilities during the plan period up to 2035 is 9 hectares. Over the NLWP plan period there are capacity gaps for C&I, CD&E and Hazardous waste; North London will require additional facilities to meet these.
- 1.28 Existing waste sites are safeguarded through the London Plan. To identify further waste sites, waste site owners and operators were contacted about plans to rationalise or expand their facilities and a call for sites was also made; both approaches produced limited results and therefore a land availability search was undertaken.
- 1.29 A 'site' is an individual plot of land whereas an 'area' comprises numerous individual plots of land, for example, an industrial estate or employment area.

- 1.30 The NLWP identifies sites and areas that are potentially suitable for waste use. The NLWP does not allocate specific sites for waste facilities.
- 1.31 Identifying sites that are available and suitable for waste management facilities will contribute towards meeting the apportionment targets set out in the London Plan. There are ten existing safeguarded waste sites within Barnet (out of 64 in the North London boroughs).
- 1.32 Identifying areas within which waste uses would be broadly acceptable will ensure the NLWP is flexible. Developers of waste facilities seek flexibility in terms of land availability. Other non-waste uses would still be permitted in the areas identified.
- 1.33 The NLWP identifies a list of 13 areas covering a total of 102 hectares. Four areas covering a total of 6.7 hectares are identified in Barnet; all are in commercial use and are identified in Barnet's Local Plan as existing Locally Significant Industrial Sites.

Brent Cross Cricklewood

- 1.34 The NLWP identifies four new sites for waste use, including one in LB Barnet. This site is land between Edgware Road and Geron Way (the Selco site) which falls within the Brent Cross Cricklewood regeneration area and is identified as the replacement site for the Hendon Rail transfer station. This site is suitable for a non-rail based waste handling facility for domestic waste generated in Barnet and Camden. The Waste Transfer Station (WTS) will receive, by road, municipal waste, street sweepings, recycling and food waste from the seven NLWA constituent boroughs, but principally Barnet and Camden. No waste will be accepted from commercial sources.
- 1.35 A planning application (17/6714/EIA) for a WTS on the Selco site will shortly be referred to the Mayor for Stage 2 approval. The application was developed in consultation with the NLWA which will operate the new facility. The facility will be a direct replacement for the Hendon Waste Transfer Station. This approach is consistent with the terms of the BXC planning permission (Conditions 41.4 and 41.5) although the capacity is being measured in average annual throughput as per the London Plan, rather than licenced capacity.
- 1.36 LB Barnet also requires the land of two of the other commercial waste management sites (McGovern and Cripps) as part of the early southern development phase of the BXC regeneration in advance of replacement capacity becoming available. These sites are included within the area of land subject to the confirmed Compulsory Purchase Order (No. 2) 2015.
- 1.37 The capacity of the new WTS can also be used towards off-setting some of the capacity of the PB Donoghues waste management site, which is currently in Phase 4 of the BXC scheme, but is not sufficient to fully off-set the capacity of this site at this stage. Therefore, any proposal to redevelop Donoghues would be required to address the shortfall of waste processing capacity before this site could be redeveloped. This would either have to be accommodated on sites within BXC or on another site outside of the development area (either in Barnet or beyond).

Pinkham Way

- 1.38 The land at Pinkham Way (5.95 ha) in LB Haringey is identified as an area in the NLWP (Area A22-HR). This includes land in the ownership of LB Banet (1.8ha) as well as the NLWA (4.85 ha). A proportion of this land contributes to meeting the NLWP 9ha capacity gap for waste management facilities.
- 1.39 Land at Pinkham Way was assessed against the NLWP sites/areas assessment criteria and was found to be suitable for waste management purposes. The Draft (Reg 18) NLWP approved in July 2015 by the Policy & Resources Committee included Area A22-HR at Pinkham Way.
- 1.40 Pinkham Way is subject to LB Haringey's Local Plan (Strategic Policies adopted 2013 and updated 2017) where it is safeguarded for employment and nature conservation.
- 1.41 As the Pinkham Way site (A22-HR) is identified within Schedule 2 of the NLWP, within suitable land within the area covered by A22-HR applications for waste management development will be permitted, subject to other policies in the NLWP, the London Plan, Local Plans, and related guidance. This land is not safeguarded by the NLWP solely for waste use and therefore other uses can be considered. As the landowner, LB Barnet will remain in control over its usage, subject to Haringey's planning policies.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Failing to adopt an up-to-date waste plan as part of the Local Plan will delay the delivery of sustainable development and infrastructure, while reducing the Council's power to protect and enhance the borough.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 In line with the NPPF the Sustainability Appraisal Report tests a range of options to demonstrate that the boroughs have considered reasonable alternatives and that the NLWP follows the most appropriate strategy.
- 3.2 The Council has formally agreed participation in the NWLP through the 2015 Memorandum of Understanding. This ensures Barnet's involvement until the NLWP adoption and would impose financial penalties if the Council withdrew. Furthermore, the Council would still need to address waste issues and safeguard waste management sites in the Local Plan, while the Duty to Cooperate would still require LB Barnet to engage with the other North London Boroughs on waste management issues.

4. POST DECISION IMPLEMENTATION

- 4.1 Once all seven planning authorities have approved the Proposed Submission NLWP the document will go out to public consultation, which is anticipated to commence in early 2019. After consultation the NLWP is scheduled for Submission to the Planning

Inspectorate in June 2019, followed by the public hearing in September 2019. The Inspectors Report would be expected in early 2020, with adoption later in 2020.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The NLWP will help to meet Corporate Plan 2015-20 strategic objectives in ensuring that Barnet is a place:

- **Of opportunity, where people can further their quality of life** – the NLWP will ensure appropriate planning of waste management facilities, thereby minimising the environmental impact;
- **Where people are helped to help themselves, recognising that prevention is better than cure** – the NLWP will ensure land is available for the necessary waste management facilities which allow North London to manage its own waste, involving people and business in recycling and responsible waste disposal, while supporting the business opportunities available from waste management;
- **Where responsibility is shared, fairly** – the NLWP will support an agreed network of waste sites across North London to share the responsibility for the safe and effective treatment of waste; and
- **Where services are delivered efficiently to get value for money for the taxpayer** - the NLWP will ensure the delivery of appropriate waste management sites in terms of function and location which will improve service delivery.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The project costs are allocated to the Boroughs on an equal basis. The main cost is Programme Management. Any further delay to the timetable for the NLWP will lead to an increase in these costs. Costs of the NLWP are currently met from the Council's budget (Central Expenses - Levies cost centre). Re will seek to manage and reduce costs where possible:

	2018/19	2019/20	2020/21
Consultant additional	£54,185	£10,800	
Consultant original	£22,860	£87,535	
Programme Management	£120,540	£122,815	£39,342
Publicity	£26,478	£50,000	£20,250
Legal	£10,000	£44,000	£5,000
Examination		£135,000	

Total	£234,063	£450,150	£64,592
Per borough	£33,438	£64,307	£9,227

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits.

5.3.2 The NLWP will secure social benefits through supporting an agreed network of waste sites across North London to share the responsibility for the safe and effective treatment of waste, and through this minimising the environmental impact for the local population while ensuring the Boroughs meet targets for recycling and responsible waste disposal.

5.4 Legal and Constitutional References

5.4.1 The Planning & Compulsory Purchase Act 2004 and in particular Regulation 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of Local Plan documents. Upon adoption the NLWP becomes a statutory Development Plan Document that forms part of Barnet's formal planning policy framework.

5.4.2 Under the Council's Constitution, Article 7 - Item 7.5 (Responsibility for Functions) sets out that the Policy and Resources Committee is responsible for the overall strategic direction of the Council including responsibility for Local Plans (except for matters reserved to Full Council). The Constitution, Article 4 (The Full Council) requires Full Council for approving the submission and adoption of Development Plan Documents comprising the Local Plan.

5.5 Risk Management

5.5.1 The Council has responsibility as a waste planning authority to deliver a waste management plan which identifies adequate land for waste use.

5.5.2 Following the exit of the UK from the EU there will a requirement from central government to make adequate provision for waste. The UK government has committed to incorporating all EU directives/legislation at the time of leaving the EU into UK law as part of the Brexit process.

5.5.3 Failing to adopt an up-to-date waste plan as part of the Local Plan will delay the delivery of sustainable development and infrastructure, while reducing the Council's power to protect and enhance the Borough.

5.5.4 Any further delay in Boroughs approving the NLWP will also have significant negative implications in terms of financial costs for the programme.

5.5.5 The NLWP must be shown to meet the legal requirements of the Duty to Co-operate, which is an issue for the movement of waste beyond the NLWP Boroughs, both within

and outside London. The seven Boroughs have engaged in discussions and sought agreements with local authority areas receiving waste.

5.5.6 The NLWP will undergo public examination with the appointed Planning Inspector assessing the Plan for soundness. If found unsound the NLWP would be returned to an earlier stage of the process and the Council's decision-making powers on waste management matters would be very significantly delayed. To mitigate this risk the NLWP will be assessed against the Planning Advisory Service Soundness Toolkit.

5.6 Equalities and Diversity

5.6.1 Equality Impact Assessment (EQIA) was undertaken for the NLWP to examine the impact of proposed waste management facilities and waste planning policies on the area covered by the seven Boroughs. The EQIA found that implementation of NLWP policies and proposals should not lead to unacceptable adverse effects on different communities. Waste facilities can also provide employment opportunities both during construction and operation phase, which may be beneficial to all target groups in all boroughs. NLWP consultations were designed to gather the views of the local community and other relevant stakeholders.

5.7 Corporate Parenting

5.7.1 N/A

5.8 Consultation and Engagement

5.8.1 Once the Proposed Submission NLWP is approved by all seven planning authorities the document will undergo public consultation in early 2019. Following consultation any comments received will be considered before the document is submitted to the Secretary of State for examination in public in September 2019

5.9 Insight

5.9.1 N/A

6. BACKGROUND PAPERS

- North London Waste Plan Memorandum of Understanding