

DRAFT NORTH LONDON WASTE PLAN

Key Decision No. LHR L77

CABINET MEETING DATE (2015/16)

23 November 2015

COUNCIL MEETING DATE (2015/16)

25 November 2015

CLASSIFICATION:

Open

If exempt, the reason will be listed in the main body of this report.

WARD(S) AFFECTED

All Wards

CABINET MEMBER

Cllr Nicholson

Regeneration

KEY DECISION

Yes

REASON

Affects Two or More Wards

CORPORATE DIRECTOR

[Click Here](#) Legal HR and Regulatory Services

1. CABINET MEMBER'S INTRODUCTION

- 1.1 The seven north London boroughs comprising the North London Waste Authority (NLWA) of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest ("the North London Boroughs") have recently consulted on the draft North London Waste Plan ("the draft NLWP"). Once adopted by the North London Boroughs, the NLWP will provide a planning framework for decisions on the management of waste in north London up to 2032.
- 1.2 The draft NLWP sets out the planning framework for the management of North London's waste up to 2032. The purpose of the Plan is to ensure there will be adequate provision of waste management facilities of the right type, in the right place and at the right time up to 2032 to manage this waste.
- 1.3 Consultation was carried out from 30 July to 30 September 2015 with a total of 220 Hackney specific responses received. The boundaries of designated sites and areas in the draft NLWP and their suitability for waste management facilities will be reviewed and amended accordingly in light of comments received. The Proposed Submission version is scheduled for consultation in the summer of 2016.

2. CORPORATE DIRECTOR'S INTRODUCTION

- 2.1 The seven boroughs forming the NLWA have recently consulted on the draft North London Waste Plan (NLWP). The draft NLWP adopts a combined strategy of net self-sufficiency in waste and of maximised recycling to achieve the recycling targets set out in the London Plan.
- 2.2 Consultation on the draft Plan commenced on 30 July 2015 and ran until 30 September 2015. A total of 220 Hackney specific representations were received during this period. The comments and information received will be duly noted and taken into account in preparing the Proposed Submission version of the Plan. Consultation on this next version is programmed for the summer of 2016.

3. RECOMMENDATION(S)

Cabinet is asked:

- 3.1 **To recommend to Full Council to note the issues raised during Regulation 18 consultation and agree to take these into account in preparing the Proposed Submission version of the North London Waste Plan.**
- 3.2 **To recommend to Full Council to note the issues raised during Regulation 18 Consultation regarding the Theydon Road area designation in the draft Plan (ref A14-HC) and agree to amend the area boundary in light of the comments and new evidence received.**

Council is asked:

- 3.3 To note the issues raised during Regulation 18 consultation and agree to take these into account in preparing the Proposed Submission version of the North London Waste Plan.**
- 3.4 To note the issues raised during Regulation 18 Consultation regarding the Theydon Road area designation in the draft Plan (ref A14-HC) and agree to amend the area boundary in light of the comments and new evidence received.**

4. REASONS FOR DECISION

- 4.1 The NLWP is a development plan document being prepared by the North London boroughs as local planning authorities that will form part of the suite of documents that make up the 'Local Plan' for each of the boroughs. It sets out the planning framework for the management of North London's waste up to 2032.
- 4.2 Consultation was carried out in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council is obliged to consider the representations received on the draft Plan following the consultation period and set out how these comments have been taken into account in producing the next iteration of the Plan. This decision is required to progress the formal plan making process for the North London Waste Plan.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 The Council is duty bound to take into consideration the comments received during the statutory consultation process in accordance with Regulation 18(3) of Town and Country Planning (Local Planning) (England) Regulations 2012.

6. BACKGROUND

- 6.1 The seven planning authorities of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are working together to produce the draft North London Waste Plan (the draft 'NLWP'). When adopted the Plan will form part of the suite of documents that make up the Local Plan/Development Plan for each of the North London boroughs.
- 6.2 The purpose of the NLWP is to ensure there will be adequate provision of waste management facilities to manage North London's waste. It sets out the waste management needs and demonstrate how these needs will be met during the plan period through the identification of suitable sites and areas for waste management facilities. It includes a policy framework for determining planning applications for waste development.

6.3 Consultation has been carried out in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement. Consultation the draft Plan was carried out from 30 July to 30 September 2015. A total of 220 Hackney specific responses were received during this period. Further details are set out in section 6.4 of this report.

6.1 Policy Context

6.1.1 The draft NLWP contains seven policies covering safeguarding of existing sites, site and area allocations, unallocated sites, re-use and recycling centres, assessment criteria for waste management facilities and related development, and energy recovery and decentralised energy. The draft NLWP contains proposals for monitoring the plan and identified a range of organisations that are important for the implementation of the plan. The draft policies will be reviewed in light of comments received during Regulation 18 consultation.

6.2 Equality Impact Assessment

6.2.1 An Equality Impact Assessment (EQIA) was carried out on the draft Plan and examined 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 are designed to gather the views of the local community and other relevant stakeholders. The contribution of different groups will be monitored through consultation responses. The EQIA can be viewed from the NLWP website: <http://www.nlwp.net/documents/documents.html>.

6.3 Sustainability

6.3.1 A Sustainability Appraisal (SA) was carried out on the draft NLWP. This report identified that the draft Plan would contribute significantly towards delivering the social, economic and environmental objectives set out in the SA framework. The SA can be viewed from the NLWP website: <http://www.nlwp.net/documents/documents.html>. A further appraisal will be undertaken on the Proposed Submission version of the Plan and will be published alongside this version during the next round of consultation, currently programmed for the summer of 2016.

6.4 Consultations

6.4.1 The draft NLWP was approved for statutory consultation by the Cabinet and Council on 20 and 22 July 2015 respectively. Consultation was carried out from 30 July to 30 September 2015 in accordance with the requirements the

Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement.

- 6.4.2 Notification in the form of letters and emails was sent to all stakeholders and individuals included on the Council's Local Plan consultation database. Targeted letters were also sent to addresses within a defined catchment area (150m) of Hackney sites and areas (designated as Priority Employment Areas (PEAs) and brownfield land) identified in the draft Plan.
- 6.4.3 Three consultation events were held in Hackney during the consultation period. The first was an evening public event on 1 September at the Southwold Primary School to specifically discuss the proposed Theydon Road area designation in the draft Plan. A workshop session was also held at the Haggerston Community Centre on 10 September which was followed by an evening drop-in session. A statutory notice was placed in Hackney Today on 24 August 2015.
- 6.4.3 Regarding Hackney specific responses, a total of 220 responses were received during the consultation period. This tally includes the petition received in relation to the Theydon Road area signed by 919 people and the Pinkham Way Alliance submission supported by 1,067 people. Of these, 123 representations included an objection to sites/areas in Hackney. Objections included Theydon Road (48), Oak Wharf (33) and Eagle Wharf Rd (39).
- 6.4.4 A summary of main Hackney specific issues raised in the consultation responses received during Regulation 18 consultation is outlined in Table 1 below. All consultation responses will be made available online shortly. A full Consultation Report will be produced and published alongside the Proposed Submission version of the NLWP which will summarise all of the responses received during the consultation period and set out how comments have been considered and addressed in this next iteration of the Plan.

Table 1. Summary of Hackney Specific Consultation Responses received on the draft NLWP

| Site / Area Ref | Name | No. of objections | Summary of Key issues |
|-----------------|---------------------|---|--|
| A14-HC | Theydon Road (Area) | 26 surveys, 22 emails + Petition signed by 919 people (Total 48) | <ul style="list-style-type: none"> - Encroachment of the Priority Employment Area (PEA) by other uses (including residential, community, retail) - Suitability of PEA for waste use questioned given the existing uses (residential, community, retail). - Boundary of PEA informing the area designation in the draft Plan. - Residential nature of area - Proximity of the Primary School - Traffic and road safety - Access, road congestion |

| | | | |
|--------|----------------------------------|------------------------------------|---|
| | | | - Concern over noise, smells, pollution etc |
| A15-HC | Millfields LSIS (Area) | 0 | NA |
| A16-HC | Hackney Downs (Area) | 2 | - Claim facility is not needed to meet capacity gaps |
| A17-HC | Mare Street LSIS (Area) | 1 | - General objection. |
| A18-HC | Oak Wharf, Timberwharf Rd (Area) | 4 surveys, 29 emails (Total 33) | - Residential nature of area - Effect on River Lea - Access, narrow roads - Flooding - Impact on nature conservation areas - Landowner objection - Concern over noise, smells, pollution etc - Proximity of school |
| S03-HC | Eagle Wharf (Site) | 6 surveys, 33 emails (Total 39) | - Effect on Regent's Canal and Regent's Canal Conservation Area - Effect on wildlife - Practicalities of transporting waste by canal - Residential nature of area - Access - Traffic and road safety - Concern over noise, smells, pollution etc - Landowner objection - Cumulative impact of new Royal Mail site |
| Total | | 123 | |

6.4.5 Through the consultation process it has become apparent that the boundary of the Theydon Road area designation as shown in the draft Plan (A14-HC) is not appropriate and should be reviewed and amended in light of comments and new evidence received. The Theydon Road area is designated as a "Priority Employment Area" (PEA), which is an adopted planning allocation in Hackney's Local Plan (the Core Strategy and the Development Management Local Plan). The established Theydon Road PEA was taken forward into the draft NLWP as an 'area' with a recognition that existing commercial areas across north London may have appropriate sites for waste management facilities. It has become apparent that the Theydon Road PEA designation contains a range of non-employment uses including residential, retail and community uses. In light of this it is not considered appropriate to replicate the boundary of the PEA for the Theydon Road area designation (A14-HC) in the NLWP.

6.4.6 The boundaries of designated sites and areas in the draft NLWP and their suitability for waste management facilities will be reviewed and amended

accordingly in light of comments received during the consultation, along with the overall principle of including such employment uses in the Waste Plan.

6.4.7 Following approval by Cabinet and Council the Proposed Submission Plan will be consulted upon in the summer of 2016, providing residents with an opportunity to ensure that appropriate changes have been made in response to the recent consultation and allowing them to make further comments.

6.4.8 Proposed key dates are as follows:

| | |
|---|----------------------|
| Reviewing the responses and information received during Regulation 18 consultation and drafting the Proposed Submission version | Autumn - Winter 2015 |
| Consultation on proposed submission plan | Summer 2016 |
| Submission to the Government | Autumn 2016 |
| Examination hearing | Winter 2016/17 |
| Final Inspector's Report | Summer 2017 |
| Adoption by boroughs | Autumn 2017 |

6.5 Risk Assessment

6.5.1 The Council has a responsibility as a waste planning authority to deliver a waste management plan to identify adequate land for waste use. If a member state does not conform with the European Union Waste Framework Directive then it is liable for fines which will be passed onto the offending authorities.

6.5.2 The Council therefore needs to have usable and up-to-date waste planning policies to ensure that its planning decisions on waste focus on delivering Council priorities. Without this plan, policies contained in the more general National Planning Policy for Waste (NPPW) will be the basis for planning decisions in the borough. The risk is that this would limit the Council's ability to meet Hackney's Local Plan objectives to create the conditions for, and harness the benefits of, growth; reduce inequalities; and secure sustainable neighbourhoods.

6.5.3 The NLWP is being prepared in accordance with the relevant statutory process i.e. taking into account the relevant regulations, guidance in the NPPF and Hackney's Statement of Community Involvement (SCI), which sets out how the Council will involve the community in making planning decisions and policy.

- 6.5.4 Consultation has been carried out in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's Statement of Community Involvement. The Council must take into account any representation made and is required to set out how the main issues have been taken into account. This will be set out in a Consultation Report which will be published alongside the Proposed Submission version of the NLWP, currently scheduled for consultation in the summer of 2016.
- 6.5.5 The NLWP is accompanied by other relevant supporting assessments such as a Sustainability Appraisal (SA) (incorporating the requirements of the SEA Directive) (Appendix D), Habitats Regulation Assessment (HRA), Equalities Impact Assessment (EqIA) and a Strategic Flood Risk Assessment (SFRA). These form a key element of the development of the waste plan and help to ensure that the social, environmental and economic impacts of its policies are assessed and taken into account in the decision-making process.

7. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

- 7.1 The London Borough of Camden is the lead Borough for seven north London Boroughs and enters into all contracts with third parties on behalf of the seven boroughs.
- 7.2 The indicative costs of producing the NLWP are set out in the revised Memorandum of Understanding, and is reflected in the table below which indicates the total cost per borough. The forecast cost for L.B Hackney is £156,422 for the lifetime of the project.

Indicative Financial Profile for the NLWP

| | Actual 2013/14 | Actual 2014/15 | Budget 2015/16 | Budget 2016/17 | Budget 2017/18 | Total |
|-------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|----------------|
| | £ | £ | £ | £ | £ | £ |
| Consultant Data Study | 42,956 | | | | | 42,956 |
| Consultant Plan | 34,186 | 113,302 | 106,624 | 73,097 | 10,076 | 337,284 |
| Programme Management | 99,921 | 105,372 | 110,678 | 87,701 | 16,188 | 419,860 |
| Publicity | 2,065 | 2,041 | 43,200 | 29,700 | 12,700 | 89,706 |
| Legal | 2,500 | 8,650 | 10,000 | 44,000 | 5,000 | 70,150 |
| Examination | | | | 135,000 | | 135,000 |
| Total (7 Boroughs) | 181,628 | 229,365 | 270,502 | 369,498 | 43,963 | 1,094,955 |
| Cost per Borough | 25,947 | 32,766 | 38,643 | 52,785 | 6,280 | 156,422 |

7.3 The eventual costs are dependent on the progress of the examination and the expenditure on publicity, programme management, legal services and consultations.

7.4 The Planning Service proposes to fund the projected costs for 2015/16 to 2017/18 (£98k) by utilising the Local Development Framework (LDF) Reserve which includes an amount set aside for the NLWP. Any costs in excess of the available LDF resources will be met from the Planning service revenue budgets.

8. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

8.1 The draft NLWP has been prepared in line with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) while taking into account the relevant parts of the NPPF, National Planning Practice Guidance and, specifically in relation to waste plans, the National Planning Policy for Waste (NPPW). Before the NLWP can be adopted by each of the boroughs it must be examined by an independent inspector. They will determine whether the plan has been prepared in accordance with the duty to co-operate, legal and procedural requirements and is 'sound'. The early stages of the preparation of the NLWP form a key part of demonstrating that these requirements have been met.

APPENDICES

None

BACKGROUND PAPERS

None

| | |
|--|---|
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