



North London Waste Plan – Proposed Submission

Key Decision No. NH M74

CABINET MEETING DATE

29th October 2018

COUNCIL MEETING DATE

31st October 2018

CLASSIFICATION:

OPEN

WARD(S) AFFECTED

ALL WARDS

CABINET MEMBER

Cllr Nicholson

Planning, Business & Investment

KEY DECISION

Yes

REASON

Affects two or more wards

GROUP DIRECTOR

Kim Wright, Group Director of Neighbourhoods and Housing

1. CABINET MEMBER'S INTRODUCTION

- 1.1 The seven North London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest have been working together since 2014 to produce the North London Waste Plan ('NLWP'). The NLWP will cover the period 2017 to 2035 and, once adopted by each Council, it will form part of the statutory Development Plan for each area.
- 1.2 This is the Proposed Submission Version NLWP that sets out the planning framework for the management of North London's waste. It will go through a final consultation before being submitted to Government for adoption. 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 2035.
- 1.3 The Proposed Submission Version NLWP identifies a future additional requirement of 9 hectares of land across all seven boroughs and identifies areas suitable for waste management facilities to meet that requirement. The identified areas are in addition to the existing safeguarded waste sites in north London. For Hackney this includes the two existing sites in the borough, one of which is Millfields Depot and the other is on Downs Road. The NLWP sets out policies to assist development management decisions on new Planning applications for waste facilities.
- 1.4 I commend this report to Cabinet and to Full Council

2. GROUP DIRECTOR'S INTRODUCTION

- 2.1 This report seeks Cabinet's approval of the Proposed Submission North London Waste Plan for consultation, and submission to the Government for an examination in public.
- 2.2 The NLWP has been prepared by the seven North London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest and will cover the period 2017 to 2035. Once adopted, it will form part of the statutory Development Plan for these areas. Consultation on the proposed submission version will begin in January 2019 with submission to the Secretary of State in the summer 2019. Hearings as part of an examination in public are anticipated to take place in autumn 2019, with adoption by full Council in 2020.

3. RECOMMENDATION

Cabinet is asked to:

- 3.1 Recommend to Full Council to approve the Proposed Submission North London Waste Plan (set out in Appendix 1) for public consultation and subsequent submission to Government for Examination in Public.
- 3.2 Recommend to Full Council to delegate authority to the Director of Public Realm/Head of Planning to make any necessary minor changes ahead of consultation and/or ahead of submission to Government for Examination in Public.

Council is recommended to:

- 3.3 Approve the Proposed Submission Version North London Waste Plan (set out in Appendix 1) for public consultation and subsequent submission to Government for Examination in Public.
- 3.4 Delegate authority to the Director of Public Realm/Head of Planning to make any necessary minor changes ahead of consultation and/or ahead of submission to Government for Examination in Public.

4. REASONS FOR DECISION

- 4.1 The Council's constitution requires that the Council's strategic planning policy documents be agreed by Cabinet and Full Council. The Proposed Submission Version of 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 will set out the planning framework for the management of North London's waste up to 2035. 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 to manage this waste.
- 4.2 The boroughs are required to draw up such a Plan by the EU Waste Framework Directive, by the National Waste Management Plan, the National Planning Policy for Waste (NPPW) and by the Mayor's London Plan. The London Plan apportions an amount of waste to each Borough that must be managed and states that boroughs may wish to collaborate by pooling their apportionments.

5. DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 There are no alternative options. Boroughs are required to prepare a development plan document that deals with waste management to comply with Government regulations.

6. BACKGROUND

What is the North London Waste Plan?

- 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 firstly to ensure there will be adequate provision of suitable land to accommodate waste management facilities of the right type, in the right place and at the right time up to 2035 to manage waste generated in North London; and secondly to provide policies against which planning applications for waste development will be assessed, alongside other relevant planning policies/guidance.

Consultation on the Draft Plan

- 6.3 The Draft Plan consultation took place over a nine week period during 30th July 2015 to 30th September 2015. The Draft Plan provided the first opportunity for stakeholders to make comments on the strategy for future waste management in North London, potential locations for new facilities across the area, and policies.
- 6.4 A total of 6,707 individuals were notified of the Draft Plan consultation and over 5,050 organisations and public bodies were notified. Notifications were sent to a total of 7,577 addresses to properties within a 150m radius of those sites and areas not designated as Strategic Industrial Land (SIL) or Locally Significant Industrial Sites (LSIS) in borough Local Plans.
- 6.5 Six public consultation days were held during 2nd September to 11th September. Events took place in each North London Borough, with the exception of Camden and Islington for which a combined event was held in Camden. An additional meeting was held in Hackney about the Theydon Road area. Information about these events was included in the letter/email sent to individuals and organisations. Each consultation day included an afternoon workshop session which people were asked to register for in advance and an informal drop-in session in the evening.

- 6.6 A total of 213 representations were received. An interim report on the draft NLWP consultation is available on the NLWP website (<http://www.nlwp.net/document-centre/>).

Key changes from the draft Plan to the Proposed Submission NLWP

- 6.7 The Boroughs have taken into account the consultation representations and the result of the further work in drawing up the Proposed Submission version of the plan.
- 6.8 The Draft NLWP identified 3 new 'sites' totalling 5 hectares (ha) and 26 'areas' of 334.7ha in the NLWP area to meet an identified capacity gap of 12 ha.¹ The further research and analysis undertaken by boroughs has revealed that less land needs to be identified to manage waste in North London.
- 6.9 The Proposed Submission version NLWP now focuses on existing, well-established industrial land, and areas which performed well against the area assessment criteria, while achieving a better geographical spread across the seven boroughs. This has led to a reduction in the number of sites/areas identified in the Plan as suitable for waste use. The Proposed Submission NLWP identifies 10 'areas' of 102 ha in the NLWP area to meet an identified capacity gap of 9 ha.
- 6.10 Within the Draft Plan, three existing waste sites in Hackney were identified to be safeguarded for waste use, and one new site and five areas were proposed. Within the Proposed Submission Version, two existing waste sites are identified to be safeguarded and one new area is proposed. See below:

Existing safeguarded sites in Hackney	Proposed new area in Hackney
<ol style="list-style-type: none">1. Millfields Waste Transfer and Recycling Facility.2. 1A Downs Road, Clapton. An authorised treatment facility (ATF) for the de-pollution and dismantling of End of Life Vehicles was located on the northern part of the site. However the site is now subject to redevelopment in accordance with planning permission (2015/0555) for a major mixed use scheme	<ol style="list-style-type: none">1. Millfields Locally Significant Industrial Site (LSIS). This area is designated in Hackney's Local Plan as a Locally Significant Industrial Site which are the preferred locations for waste management and recycling facilities, industrial, manufacturing and storage and distribution uses. The

¹ A 'site' is an individual plot of land that will be safeguarded for waste use, whereas an 'area' comprises a number of individual plots of land, for example, an industrial estate that are in principle suitable for waste use but where land is not safeguarded for waste.

<p>comprising a minimum of 3,202sqm of B1 floorspace, 517sqm flexible floorspace (Class A1, A3 and B1), 444sqm flexible floorspace (Class D1, D2, B1), a replacement waste facility (Sui Generis) and 79 residential units. In line with local and regional policy, the consented scheme re-provides the safeguarded waste use.</p>	<p>existing waste transfer depot sits within this wider LSIS designation.</p>
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6.1 Policy Context

What is in the Proposed Submission NLWP?

- 6.1.1 The chosen approach to future waste management in North London is to reduce waste exports by identifying land for facilities to manage the equivalent of all Local Authority Collected Waste (LACW), Commercial and Industrial (C&I), Construction and Demolition waste (C&D), including hazardous waste, generated in North London, while recognising that some imports and exports will continue (net self-sufficiency). The Proposed Submission NLWP plans to move waste up the waste hierarchy by diverting as much waste as possible away from disposal to landfill by identifying land suitable for recycling and recovery facilities.

Existing Sites

- 6.1.2 The Plan builds on the waste management capacity of existing waste sites. Existing waste sites are safeguarded for waste use in the London Plan and also through the NLWP. A change to the Plan since consultation is that appropriate expansion or intensification of existing waste sites is encouraged. Existing sites in each borough are listed in Appendix 1 of the Plan.

Spatial Principles

- 6.1.3 The Proposed Submission NLWP is underpinned by the following spatial principles:
- Make use of existing sites
 - Seek a geographical spread of waste sites across North London, consistent with the principles of sustainable development
 - Encourage co-location of facilities and complementary activities
 - Provide opportunities for decentralised heat and energy networks
 - Protect local amenity

- Support sustainable modes of transport

Targets

- 6.1.4 The recycling and recovery targets built into the Proposed Submission NLWP are as follows:

Waste stream	Target	2016 baseline
LACW	50% recycling for LACW by 2020	32%
C&I	70% recycling by 2020, 75% recycling by 2031 with 15% energy recovery from 2020	44%
C&D	95% recycling by 2020	73%
Biodegradable or recyclable waste	Zero biodegradable or recyclable waste to landfill by 2026	Not known

Capacity gap

- 6.1.5 There is not enough capacity in North London to deal with the amount of waste projected. The capacity gap is identified by looking at the amount of different waste streams projected to need management at five yearly intervals and taking away the capacity that will exist at time for that waste stream. Based on assumptions regarding growth, achievement of recycling levels, net self-sufficiency in three waste streams in the Draft Plan, and the average size of facilities, the land take requirements for meeting net self-sufficiency for LACW, C&I and C&D is set out in the table below, with requirements for meeting London Plan apportionment set out in brackets:

Facility Type	Hectares				
	2018	2025	2030	2035	Total
Recovery (C&I/LACW)	1 (1)				1(1)
Recycling (C&I)	1(1)	1(1)		1	3(2)
Recycling (C&D)	0	0	2	0	2
Recycling (Hazardous)	2				2
Treatment HIC, CDE	1				1
TOTAL land required in North London	5 (2)	1 (1)	2 (0)	1 (0)	9 (3)

- 6.1.6 Most Local Authority Collected Waste is managed at the Edmonton EcoPark facility. The existing Edmonton facility will be replaced in 2025. The North London Waste Authority (NLWA) has received a Development Consent Order for a new Energy Recovery Facility with capacity of around 700,000 tonnes per annum to deal with all the residual waste under the control of the Authority from 2025 until at least 2050. To meet higher recycling targets, there is a need for additional capacity for recycling for both LACW and C&I waste streams throughout the plan period. As many existing facilities can manage both waste streams, the need for recycling is combined.
- 6.1.7 The Proposed Submission NLWP identifies sufficient land to manage the equivalent of all Construction and Demolition (C&D) waste arising in North London by 2035, while acknowledging that some exports will continue, particularly for Excavation waste. A total of 2 hectares of land will be required to facilitate this provision. Opportunities to re-use CD&E waste locally will be supported.
- 6.1.8 Another part of the capacity gap relates to hazardous waste. All the waste streams include some hazardous waste. Hazardous waste is managed in specialist facilities which have and depend on wide catchment areas for their economic feasibility. North London has a limited number of such facilities, mainly metal recycling and end of life vehicles, although other facilities are permitted and carry out management of hazardous waste as part of their regular operation. There remain gaps in provision. The areas identified in this plan have been assessed for their potential suitability for such facilities.
- 6.1.9 The North London Boroughs have estimated and consulted on future exports to landfill for each of the main recipients of North London's waste. A number of facilities in receipt of the Boroughs' waste sent for landfill are due to close during the NLWP plan period. The amount of waste affected by these closures has been identified. The Boroughs have established that there are both alternative sites and adequate void space in London, South East and East of England to take North London's estimated waste exports between 2017 and 2035.

New areas suitable for waste management

- 6.1.10 The Proposed Submission NLWP no longer proposes any sites but identifies areas of search to meet future waste needs. The one site identified in the draft NLWP is a replacement site for the NLWA's facility in Hendon and is expected to receive planning permission shortly.

6.1.11 The Proposed Submission NLWP identifies a number of areas of search in which sites should become available within the plan period. It is considered that this amount of new land is sufficient to achieve a sound plan. The areas of search are not safeguarded and boroughs are not prevented from giving permission to non-waste uses in these areas. The area approach is more flexible for boroughs and developers. No areas of search are identified in Camden or Islington but waste development could still take place there under the windfall policy.

6.1.12 The following 10 areas are identified:

Area Name	Area (ha)	Borough
Oakleigh Road	0.99	Barnet
Brunswick Industrial Park	3.9	Barnet
Mill Hill Industrial Estate	0.9	Barnet
Connaught Business Centre	0.9	Barnet
Eley's Estate	26.1	Enfield
Millfields LSIS	1.48	Hackney
Brantwood Road	16.9	Haringey
North East Tottenham	5.8	Haringey
Friern Barnet Sewage Works/ Pinkham Way	15.32	Haringey
Argall Avenue	26.41	Waltham Forest

6.1.13 An additional three areas are identified within the area of the London Legacy Development Corporation (LLDC) because they are the planning authority for small parts of Hackney and Waltham Forest. The boroughs cannot make planning allocations in their area but under the MoU that the boroughs have agreed with the LLDC, three areas have been identified as potentially suitable for waste use.

Area Name	Area (ha)	Borough
Bartrip Street	0.6	Hackney
Chapman Road (Palace Close)	0.33	Hackney
Temple Mill Lane	2.1	Waltham Forest

6.1.14 There are eight development management policies which cover the following areas:

1. Existing waste management sites
2. Locations for new waste management facilities
3. Windfall sites
4. Re-use and Recycling Centres
5. Assessment criteria for waste management facilities and related development
6. Energy recovery and decentralised energy
7. Waste water treatment works and sewage plant
8. Control of inert waste

6.2 Equalities

6.2.1 An Equality Impact Assessment (EQIA) has 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 the Proposed Submission NLWP policies and proposals shall not prejudice the interests of persons sharing a relevant protected characteristic.

6.3 Sustainability

6.3.1 Underpinning the approach to the development of the document is the process of formulating and undertaking a Sustainability Appraisal (SA). The SA has identified that the Proposed Submission Version NLWP would contribute significantly towards delivering the social, economic and environmental objectives set out in the SA framework.

6.4 Consultations

6.4.1 Consultation on the Publication Version NLWP will be undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, and the methods set out in Consultation Strategy, which has been developed to comply with the Statement of Community involvement.

6.5 Risk Assessment

6.5.1 The Council 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 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.

- 6.5.2 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.
- 6.5.3 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), and Equalities Impact Assessment (EqIA). 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.
- 6.5.4 The NLWP will be examined by an Independent Planning Inspector who will assess the document on the basis of it being justifiable, effective and consistent with national planning policy. If found unsound the North London boroughs will be required to go back to an earlier stage which would seriously delay robust decision-making on waste management matters. This risk is being mitigated as far as possible by ensuring the Plan production process is in line with the relevant legislation and with the Planning Advisory Service Soundness Toolkit. The Boroughs are also actively engaging with other waste local authorities and other bodies on an ongoing basis to ensure that the legal Duty to Co-operate is met.

7. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1 This reports seeks Cabinet to approve the Proposed Submission Version North London Waste Plan (set out in Appendix 1) for public consultation and subsequent submission to Government for Examination in Public.
- 7.2 Costs will be shared evenly across the seven participant boroughs in the NLWP. LB Hackney share of costs over 3 financial years to 2020/21 is shown in the table below.
- 7.3 The Planning Service has requested funding for the costs in 2018/19 onwards, within the reserve bid for the Local Plan.

2018/19	2019/20	2020/21
£	£	£
33,400	64,300	9,200

8.0 COMMENTS OF THE DIRECTOR OF LEGAL

8.1 Cabinet's authority to approve the recommendations

Cabinet is authorised to approve the recommendation in Section 3 of this report pursuant to the Mayor's Scheme of Delegation (See Note 3 and the section on 'Policy Framework' which grants Cabinet the responsibility for making recommendations to the Council on the Local Development Framework (now known as the Local Plan) and Local Area Action Plans).

8.2 Council's authority to approve the recommendations

The Council is authorised to approve the recommendations in Section 3 of this report pursuant to:

- Article 4.6(ii) of the Constitution which states that the Full Council will among other things exercise functions on approving or adopting the policy framework. Articles 4.7 and 4.8 of the Constitution define the policy framework, which includes 'the Local Development Framework' prepared pursuant to section 15 of the Planning and Compulsory Purchase Act 2004. Section 15 of this Act has been amended and now refers to 'development plan documents' instead and includes strategic planning policies such as the NWLP; and
- Clause 3.3.1 (3) of Part 3 of the Constitution which authorises Full Council to approve or adopt plans including the Local Development Framework (which includes the NWLP)

8.3 Statutory and Policy requirements to have an up to date Local Plan when determining planning applications

The following statutory and national planning policy provisions emphasise the primacy of Local Plans (also termed as development plans) in planning decision making:

- Section 28 of the Planning and Compulsory Purchase Act 2004 and regulation 5(1)(a) of the Town and Country (Local Planning)(England) Regulations 2012 authorises two or more local planning authorities to agree to prepare one or more joint local development documents, which would include the NLWP;
- Section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities when dealing with an application for planning permission to have regard to the provisions of the development plan so far as material to the application.
- Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise;
- Section 17(6) of the Planning and Compulsory Purchase Act 2004 requires local authorities to keep their Local Plans under review;

- Regulation 10A(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires local planning authorities to review their Local Plans every five years; and
- Paragraph 15 of the National Planning Policy Framework states the planning system should be genuinely plan-led and that succinct and places an emphasis on plans being up to date in order to inform future development.

9. Next Steps

- 9.1 The NLWP is going to boroughs for formal approval between October and December 2018. Consultation on the proposed submission version will begin in January 2019 with submission to the Secretary of State in the summer 2019. Hearings as part of an examination in public are anticipated to take place in autumn 2019 and adoption in 2020.
- 9.2 The table below sets out the key milestones to take the Proposed Submission Version NLWP forward to adoption.

Plan making stage	Dates
Cabinet and Council approval of the Proposed Submission NLWP for consultation and submission to Government for examination.	October 2018
Consultation on the Proposed Submission NLWP	January 2019
Submission to Government for examination	Summer 2019
Examination in public	Autumn 2019
Final Adoption	2020

APPENDICES

Appendix 1	Proposed Submission Version North London Waste Plan 2035
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BACKGROUND PAPERS

None

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