



Agenda item:

[No.]

[Name of Meeting]

On [Date]

Report Title. North London Waste Plan – Submission Draft

Report of **Niall Bolger**

Signed :

19th January 2011

Contact Officer : Jill Warren, Planning Officer.

Wards(s) affected: All

Report for: Key Decision

1. Purpose of the report

1.1. To seek approval for the submission of the North London Waste (set out in Appendix 1) for publication and subsequent submission to the government and to refer this report to the meeting of the full Council in March 2011 for consideration, as required by the London Plan.

2. Introduction by Cabinet Member

2.1. This report is brought to Cabinet for Members to approve the North London Waste Plan before it is submitted to the Secretary of State.

2.2. I welcome the progress that has been made in relation to the development of the joint waste development management document, the North London Waste Plan, which sets out a range of suitable sites for the future management of all of North London's waste up to 2027 and policies and guidelines for determining planning applications for waste development.

2.3. The North London Waste Plan has identified one site within Haringey: the former sewage works on Pinkham Way, (North Circular).

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

3.1. The North London Waste Plan is a key document of the Haringey Local Development Framework suite of planning policy documents.

3.2. The North London Waste Plan links with the North London Waste Strategy by identifying sites suitable for municipal and commercial waste management.

3.3. The North London Waste Plan is consistent with the aims of the Greenest Borough Strategy as it promotes sustainable waste management.

4. Recommendations

4.1. To approve the North London Waste Plan (set out in Annex 1) for publication and subsequent submission to the government;

4.2. To agree that the Director of Urban Environment, in consultation when appropriate with the Cabinet Member for Planning and Regeneration, and in conjunction with the other north London boroughs, are authorized to submit appropriate changes to the North London Waste Plan in the run up to, and during, the public examination into the document, in response to objectors' submissions, requests from the Planning Inspector and any emerging evidence, guidance or legal advice.

4.3. To refer this report to the meeting of the full Council in March 2011 for consideration.

5. Reason for recommendation(s)

5.1. To comply with the requirements of the London Plan apportionment for waste management by ensuring sites suitable for waste management to meet the North London borough's apportionment is met.

6. Other options considered

6.1. The North London Waste Plan is a statutory document that has been developed in response to the Planning and Compulsory Purchase Act 2004 and the requirements to the London Plan 2008 Strategic Policy 4A.21. As such, no other options were considered.

7. Background to the North London Plan

What is the North London Waste Plan?

7.1. The London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are co-operating as planning authorities in drawing up the North London Waste Plan. This is a joint waste development plan document (DPD) which when adopted will form part of each borough's Local Development Framework. The North London Waste Plan like other DPDs needs to be in conformity with relevant national planning policy, the London Plan, borough's sustainable community strategies and the borough's Core Strategy. The Plan sets out a range of suitable sites for the future management of all north London's waste up to 2027 and policies and guidelines for determining planning applications for waste developments.

7.2. In response to the EU Waste Framework Directive (2008/98/EC) requirements, the Mayor in the draft replacement London Plan has set a target for London to become self-sufficient in the management of waste by 2031. The draft replacement London Plan allocates to each borough an apportionment of waste that it needs to make site provision for. If all boroughs meet their apportionment the self-sufficiency target will be achieved. The seven North London Boroughs have decided to aggregate their apportionment and find site solutions over the seven boroughs. The apportionment covers municipal solid waste and commercial and industrial waste. The North London Waste Plan also needs to consider provision for construction, demolition and excavation waste and hazardous waste.

Relationship to the North London Joint Waste Strategy

7.3. The North London Waste Authority is responsible for the processing, treatment and disposal of municipal wastes from the seven boroughs. Jointly, the North London Waste Authority and the seven boroughs have drawn up a municipal waste management strategy, known as the North London Joint Waste Strategy which was updated in June 2008. The adopted Joint Waste Strategy is separate from the North London Waste Plan and serves a different purpose. It spells out the vision and approach that will guide the management of the waste specifically collected by the seven boroughs up to 2020. This Strategy therefore helps guide the decisions that the north London boroughs make as waste collection service providers to their residents and businesses. The Joint Waste Strategy does not cover all of the waste streams produced and managed in north London, nor does it allocate sites or set planning policy for the management of waste but it does identify a need for new facilities.

7.4. The Joint Waste Strategy also forms the basis for the new services and facilities required by the North London Waste Authority. The Authority currently has contracts in place to manage a number of major waste facilities across north London, However, these contracts are due to end in 2014 and the North London Waste Authority is in the process of developing new contracts, which will include new facilities, to manage and dispose of its waste from 2014 and beyond. The North London Waste Authority is currently procuring a Waste Services Contract and a separate Fuel Use Contract to manage north London's municipal waste; the contracts are expected to be awarded in 2012. The North London Waste Plan is required to inform and be informed by the local municipal waste management strategy.

Summary of the Contents of the North London Waste Plan

7.5. The North London Waste Plan sets out the planning framework for waste management in the London boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest for the next 15 years up to 2027. It identifies sites for waste management use and sets out 7 development management policies (NLWP 1-7) for determining waste planning applications.

7.6. The North London Waste Plan has been produced jointly by the seven north London boroughs. The Plan is part of each borough's Local Development Framework and has been drawn up in conformity with national planning policy and the Mayor of London's planning strategy, known as the London Plan.

7.7. The Mayor of London has set an overall target for London to become self-sufficient in the management of its waste by 2031. This means London will be largely dealing with its own waste instead of sending it to landfill in the counties around London. To ensure that London achieves self-sufficiency, each borough has been asked to deal with a proportion of London's total waste (the apportionment). North London boroughs have pooled their individual apportionments and have identified sufficient sites to meet this combined apportionment as their contribution to London's self-sufficiency.

7.8. North London covers an area of 293 square kilometres and has a population of over 1.7 million. The existing waste infrastructure is over-reliant on transfer by road and rail to landfill. In order to meet self-sufficiency targets, north London requires new waste management facilities. This development faces competition from other uses for sites in the context of projected growth in population and jobs and the need to preserve the natural and built environment. The North London Waste Plan seeks to address these key opportunities and challenges by developing a long term strategy to meet the identified future need for waste facilities.

7.9. The Plan covers the following waste types:

- municipal; commercial and industrial;
- construction, demolition and excavation; and
- hazardous.

Municipal, commercial and industrial

7.10. North London has existing capacity for over 1.5 million tonnes of waste per annum. Waste is projected to rise throughout the plan period although recent years have seen a fall in reported waste levels. To meet the draft replacement London Plan apportionment for Municipal Solid Waste and Commercial and Industrial, waste capacity for 1.9 million tonnes needs to be found by 2027.

7.11. The capacity gap in 2027 is 432,105 tonnes after taking account of planned new waste facilities. Using the latest data on plant sizes this equates to some 8.6 hectares. Up to 11 hectares can be provided by the re-orientation of transfer stations into waste management use. However, in order to meet the longer term needs of the North London Waste Authority for the management of municipal waste until 2041, some larger sites are needed immediately and hence, to provide a flexible plan, the North London Waste Plan identifies an additional two waste sites totalling 9.1 hectares, 1 site in Barnet and 1 site in Haringey.

Construction and demolition waste

7.12 The plan makes no specific allocation for land for construction and demolition waste as costs of landfill are expected to drive up on-site reuse and recycling levels. In order to achieve the Mayor's target of achieving 95% re-use and recycling of this waste on-site, policy NLWP6 requires site waste management plans for developments.

Hazardous waste

7.13. The plan makes no specific allocation for land for hazardous waste as the specialised nature of this waste stream makes it difficult to plan for at a sub-regional level. The north London boroughs will be working with the Mayor to understand the requirements for this specialised waste stream across the region. Policy NLWP7 states that applications for hazardous waste facilities will be assessed against relevant planning policies.

Policies

7.14. To meet these future needs the plan sets out the following approach.

- POLICY NLWP1: safeguards north London's existing waste management and waste transfer sites (set out in schedules A and B) for future waste use and intensification and reorientation. The plan also identifies and allocates key sites for waste management in North London for the next 15 years (see section 6).
- POLICY NLWP2: sets out a sequential approach for the development of waste management facilities. Developers first are required to consider existing sites. Only if they can demonstrate no sites are suitable can they put forward development on a list of five new sites identified in the plan (set out in schedule C). In exceptional circumstances, sites that have not been allocated can be put forward provided they meet exacting criteria.

A key existing site for waste management in north London in the next 15 years will be the Edmonton EcoPark. Two new sites are identified for waste use: Friern Barnet former Sewage Treatment Works (Pinkham Way) (Haringey), and a site between Edgware Road and Geron Way (Barnet). New sites have been assessed and scored using a range of criteria. Only the highest scoring sites have been

identified within this plan as they represent the most suitable sites for waste management use according to the sustainability criteria against which the sites were assessed.

- POLICY NLWP3 is a criteria-based policy for the location of Household Waste Recycling Centres in areas of identified need and to otherwise improve coverage across the area.
- POLICY NLWP4 aims to protect amenity, to prevent disturbance from new facilities and to ensure a high standard of design. The tests that the planning application will have to meet are set out.
- POLICY NLWP5 states that waste facilities will be required to contribute to decentralised energy networks to make better use of waste as a resource. To promote greater re-use and recycling of construction, demolition and excavation waste.
- POLICY NLWP6 requires all proposals for development schemes which exceed specified size and unit number thresholds to submit a site waste management plan.
- POLICY NLWP7 states that applications for hazardous waste facilities will be assessed against relevant borough planning policies.

Monitoring

7.15. Monitoring of the North London Waste Plan will be crucial. This requires that data and information are collected and reviewed by the boroughs on an annual basis in order that trends can be examined and problems identified and managed through the Plan review process.

7.16. Key indicators are proposed to be reported each year as figures for the combined authorities in Annual Monitoring Reports. These include total waste arising and total waste management capacity given planning consent (and in the process of being constructed) in the previous year (on safeguarded sites and on new sites). Such information will be compared with the actual and predicted waste arisings and the apportionment to ensure that there is suitable provision of waste management sites in north London.

Sustainability Assessment

7.17. The government requires a sustainability appraisal of the North London Waste Plan to be carried out, and the appraisal process is central to the process of preparing the Plan. It involves testing the Plan against an agreed set of economic, social and environmental criteria throughout the preparation process. A sustainability appraisal has informed the report as it has developed.

7.18. Two workshops were held with stakeholders during the early 'scoping' phase of the sustainability appraisal process during April and May 2007. A further Sustainability Appraisal Panel workshop was held in November 2008 to involve key stakeholders with a range of different interests and expertise in testing an early draft of the preferred options policies against the sustainability appraisal criteria process. The sustainability appraisal has been updated for the submission version.

Habitats Assessment

7.19. A Habitats Directive Assessment screening exercise has been undertaken on the emerging policies in the North London Waste Plan. The screening exercise is the first step of the HDA process which aims to identify any significant impacts on any nature conservation sites of European importance (Natura 2000 and Ramsar sites) that could potentially arise as a result of the policies included in the development plan document. Natura 2000 sites within 10 km of the Plan boundary have been identified: Epping Forest Special Area for Conservation (SAC), Wormley-Hoddesdonpark Woods SAC, Wimbledon Common SAC and Lee Valley Special Protection Area (SPA) and Ramsar.

7.20. The primary and secondary qualifying features of these sites have been taken into account in the screening appraisal process. The screening report considered that four of the policies were considered to have some potential to affect some of the Natura 2000 sites identified, either directly or indirectly. Recommendations that were made on the re-writing of these policies have been taken on board and no further assessment under the Habitats Directive is required.

Equality Impact Assessment

7.21. Two Equality Impact Assessments have taken place on the plan to date. In both cases the following target groups were identified: women; black and ethnic minority people; young people and children; older people; disabled people; lesbians, gays, bisexuals and transgendered; and different faith groups

7.22. There was a screening assessment of the Equalities Impact Assessment of the Issues and Options Report of the North London Waste Plan. The results showed that the majority of issues and options contained within the Waste Plan would have indiscriminate mixed impacts upon all target groups and would not lead to an adverse discriminatory impact upon specific target groups. Only one high level negative impact was identified in association with one issue and option. This is in relation to sustainable transport and may potentially result in a discriminating adverse impact upon Black and Minority Ethnic groups, older people and certain faith groups. This option was not taken forward as the preferred option for this issue, and so a stage 2 Equality Impact Assessment was not required.

7.23. There was a further screening assessment of the Equalities Impact Assessment of the proposed policies in the preferred options report. The results show that the majority

of the proposed policies for the North London Waste Plan will have indiscriminate mixed impacts upon all target groups and will not lead to an adverse discriminatory impact upon specific target groups. Recommendations were made for modifications to the proposed policies to remove the effects of low negative impacts and offer general enhancement of the policies and these have been taken on board as the policies have been revised during the process.

7.24. At the issues and options consultation, boroughs assisted in identifying groups representing key parts of the community. An offer was made to visit local groups and as a result a number of targeted meetings were held in addition to the public workshops. At the preferred options consultation it is intended to repeat this offer and hold further targeted meetings.

Next Stages

7.25. The North London Waste Plan is being prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations and the Planning and Compulsory Purchase Act 2004. Under these, development plans (and necessary supporting material) are submitted to the Secretary of State for examination by a government appointed Planning Inspector. The examination includes public hearing sessions involving objectors and other participants invited by the Inspector.

7.26. The examination, which begins on submission of the plan, involves a check of legal compliance (including the need to be in general conformity with the Mayor of London’s London Plan) and assessment against three tests of ‘soundness’, i.e. that the plan document should be justified, effective and consistent with national policy. In the context of an examination, ‘justified’ means that the plan is founded on a robust and credible evidence and is the most appropriate strategy when considered against the reasonable alternatives; ‘effective’ means the document must be deliverable, flexible and able to be monitored.

7.27. Before a council submits a development plan document to the Secretary of State, it must publish and make available the documents it proposes to submit, that is, the plan itself and any necessary supporting material (which includes the sustainability appraisal, a statement on the representations received during ‘publication’ and any other relevant supporting documents). It should be noted that the publication is not an additional stage of public participation or consultation. Rather, its purpose is to gather representations on the soundness of the document so these can be considered by the Inspector during the examination. The underlying premise is that the plan is considered ‘sound’ by the council at the time it published.

7.28. The final part of the examination process is the production of report by the Inspector. The recommendations made by the Inspector are binding on the boroughs. They will be required to formally adopt the plan. Anticipated dates are set out below -

Stage	Date
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Publication	April 2011
Submission to the government	July 2011
Examination hearing	October 2011
Final Inspector's Report	January 2012
Adoption by boroughs	April 2012

7.29. During the run up to the submission of the North London Waste Plan and during the examinations it will be necessary to make appropriate amendments to the submission documents. For example, amendments may be needed in response to:

- emerging and updated evidence (for example, release of new national survey on commercial and industrial waste, release of annual figures for municipal waste);
- changes to national and regional guidance, policy and advice;
- representations made in response to the publication of the documents;
- requests from the Inspector carrying out the public examinations.

7.32 Due to the possibility that amendments will need to be made or proposed at short notice, the number and frequency of Executive meetings and the lead-in times for Executive reports, it would not be practical to gain Executive approval for necessary amendments through the remainder of the plan production process. Therefore, it is recommended that powers are delegated to the Director of Environment, in consultation when appropriate with the Executive Member for Planning and in conjunction with the other north London boroughs.

8. Summary

8.1. The North London Waste Plan is a joint waste development plan document which is being worked on with Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest. It forms a key document in each borough's Local Development Framework.

8.2. There was public consultation on the issues and options in January 2008 and on the preferred options report in October 2009. The North London Waste Plan sets out a range of suitable sites for the future management of all of North London's waste up to 2027 and policies and guidelines for determining planning applications for waste development.

8.3. This report seeks approval for the publication of the North London Waste Plan and the subsequent submission of the document, and necessary supporting material, to the Secretary of State for public examination.

8.4. Haringey has one site identified: the former sewage works on Pinkham Way (North

Circular).

9. Chief Financial Officer Comments

- 9.1. The cost for 2010-11 are assumed to be £22k and have been met from existing budgets. The cost for 2011-12 is projected to be £39k, at this point, no specific budget allocation exists but it is expected that funding will be identified from within the wider PRE budget.
- 9.2. Council will face significant financial pressures relating to waste disposal in coming years due to increasing landfill tax and the need for NLWA to procure new facilities. Identifying sites at an early stage will help mitigate these costs.

10. Head of Legal Services Comments

- 10.1. The North London Waste Plan is a development plan document (DPD) which, when adopted, will form part of the Council's Local Development Framework, and be formal policy against which planning applications will be assessed.
- 10.2. The legal process and implications for making a DPD are governed by the procedure set out in the Town & Country Planning (Local Development) (England) Regulations 2004 (the "2004 Regulations"), and the plan must conform with government policy in PPS1 Delivering Sustainable Development, and PPS 12 Local Spatial Planning.
- 10.3. Extensive consultation and public participation has been undertaken in accordance with the 2004 Regulations for the selection of this option and the preparation of this draft for submission to the Government, with the views of the public and consultees having informed various amendments to the draft.
- 10.4. Part 6 of the 2004 Regulations sets out details for the next stages of preparing DPD's for submission, including prescribed information that should accompany the DPD, details of who should be consulted, the requirements for publication and the process for the formal adoption of the DPD. Paragraphs 7.25 - 7.29 of this Report set out the next steps for complying with this statutory procedure.
- 10.5. The plan will also be subject to independent examination by the Secretary of State, who will examine compliance with relevant national policy and the Council's Statement of Community Involvement, compliance with statutory requirements for consultation, and whether the plan is sound, as explained in paragraph 7.26 of this report. The presumption is that the plan is sound unless shown to be otherwise as a result of evidence given at examination. The report of the Secretary of State is binding on the Council, but it may only make changes to plan that do not require sustainability appraisal or community engagement.

10.6. Following receipt of the report, the Council will be obliged to adopt the plan as soon as practicably possible. An adoption statement must be published by the Council together with a copy of the Secretary of State's examination report.

10.7. Finally, there is a statutory appeal period of 6 weeks following adoption where any person may make an application to the High Court for review of the DPD on the grounds that it exceeds the Council's powers or the Council did not comply with a statutory procedural requirement in making it"

11. Equalities & Community Cohesion Comments

11.1. Two Equality Impact Assessments have taken place on the plan to date. In both cases the following target groups were identified: women; black and ethnic minority people; young people and children; older people; disabled people; lesbians, gays, bisexuals and transgendered; and different faith groups

11.2. Further screening assessment of the Equalities Impact Assessment of the proposed policies in the preferred options report. The results show that the majority of the proposed policies for the North London Waste Plan will have indiscriminate mixed impacts upon all target groups and will not lead to an adverse discriminatory impact upon specific target groups.

12. Consultation

12.1. Work on the North London Waste Plan commenced in 2007. Consultants *Mouchel* are employed to carry out the main planning work and *CAG Consultants* have responsibility for the consultation work. The programme manager supervises and co-ordinates Plan activity. A Planning Officer Group from across the seven boroughs meets on a regular basis to progress the work. At key stages of the plan process the Heads of Planning from each borough meet as does a Planning Members Group, composed of cabinet members with responsibility for planning.

12.2. In January - March 2008 there was public consultation across the seven boroughs on the issues and options report. There was publicity on the Plan and a public workshop was held in each borough as well as a number of follow up meetings. In October - November 2009 there was public consultation on the preferred options. A staffed exhibition was held in each borough and again there were follow up meetings with local groups. In addition to comments at these events, 317 questionnaire responses and an additional 54 written responses were received. The consultation responses have fed into submission and a report on the consultation responses will be available on the North London Waste Plan website.

12.3. Among the comments made were:

- A number of respondents suggested that the NLWP should go beyond the requirements made by the London Plan and provide sufficient sites to deal with 100% of North London's waste.
- Some respondents felt that some Construction, Demolition and Excavation waste should be planned for.
- A number of respondents felt that all waste streams, including hazardous waste, should be planned for.
- A number of respondents expressed a desire to see the NLWP being more specific about what would or would not be suitable on each of the sites included in the Plan.
- A number of suggestions were made for modifying the site assessment criteria.
- The Environment Agency highlighted that a number of the proposed new sites lie within groundwater protection zones and may therefore be unsuitable for waste facilities.
- There was a call for the removal of a site from the list of safeguarded existing waste sites, on the basis that it lies within the Lee Valley Regional Park and only has temporary permission for its current use.
- A significant number of respondents objected to the inclusion of Edgware Road/Geron Way in the Plan because of the impact on the existing commercial operations on the site and the potential impacts on the surrounding area.
- Opposition to the inclusion of Rigg Approach in the Plan was received from a large number of current tenants on the site and others concerned about the impact on their commercial operations, the traffic implications and the impact on wider regeneration proposals.
- A significant number of objections were received to the inclusion of Pinkham Way in the Plan because of the potential impact of vehicles on local roads, as well as potential impacts on the housing, park and school and nearby sites of nature conservation.
- A large number of objections were received to the inclusion of Martinbridge Industrial Estate in the Plan, particularly from the residents of the adjacent residential street who were concerned about the potential impacts on local traffic and residential amenity.
- Opposition to the inclusion of the Kynoch Road and Nobel Road sites in the Plan was received from the management company responsible for the site, who were concerned about the potential impacts on the ongoing regeneration of the site and operation of existing businesses.
- The NLWA stated that the sites proposed in the Plan do not meet their requirements for new Household Waste Recycling Centre sites in Enfield and Barnet.

12.4. Following consideration of the consultation responses a number of changes have been made including:

- Taking into account revised lower apportionment levels in the draft replacement London Plan
- Greater consideration of the implications of groundwater protection for the development of waste facilities
- Deciding that a higher average throughput of 50,000 tonnes per hectare for new facilities is justifiable
- Development of a criteria based policy to deal with new and replacement Household Waste Recycling Centres
- Further consideration of the suitability and deliverability of proposed new sites leading to a revised list of sites
- Identification of Edmonton EcoPark as a key existing waste site with development potential during the period of the plan
- Identifying opportunities and constraints for the key sites
- Changes to the vision of the Plan
- Further investigation of different waste streams and likely future trends
- Consideration of the changing role of disposal to landfill outside of north London
- Development of plan monitoring indicators

13. Service Financial Comments

13.1. Boroughs signed up to a Memorandum of Understanding on the North London Waste Plan which included provision to sharing on an equal basis the cost of preparing the plan. Camden is the lead borough for the contract and employs the full time programme manager. Costs are payable for work by the consultants, to employ the programme manager, for publicity work and for the examination in public of the plan. Total project cost between January 2007 and April 2012 is estimated at £1.2m. Each borough is responsible for one seventh of the costs.

13.2. Costs per borough in 2010/11 are projected at £29,000 per borough but savings of around £7,000 per borough are likely to be achieved. Costs in 2010/11 are projected at £39,000 per borough because the cost of the examination falls within that financial year. However evidence from recent plan examinations in London indicates that examination costs could be much lower than predicted provided the number of objections and therefore examination sitting days are kept to a small number

13.3. The NLWP Programme Manager makes regular budget monitoring reports to the Planning Officers Group every three months highlighting any variations in expenditure. The revised budget is effectively capped and no additional funds can be spent without borough agreement

14. Appendices

14.1. Appendix 1: North London Waste Plan –submission draft

15. Local Government (Access to Information) Act 1985

15.1. Habitats Directive Assessment

15.2. Equalities Impact Assessment

15.3. Sustainability Assessment

15.4. Waste Technical Document