



Haringey Council

Report for:	Regulatory Committee 2nd July 2015	Item Number:	
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Title:	North London Waste Plan
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Report Authorised by:	Lyn Garner, Director Regeneration, Planning and Development
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Ward(s) affected: All	Report for Key Decision
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1 The issue under consideration

1.1 This report introduces a consultation draft of the Joint North London Waste Plan (NLWP) and two Memorandums of Understanding (MOUs):

- Memorandum of Understanding for Joint Working with North London Boroughs and;
- Memorandum of Understanding for providing a frame work for co-operation between London Legacy Development Corporation (“Legacy Corporation”) and the North London Boroughs.

2 Cabinet Member introduction

2.1 The seven North London Boroughs (Barnet, Enfield, Waltham Forest, Hackney, Islington, Haringey and Camden), as Waste Planning Authorities (WPAs), are required to prepare a Waste Local Plan. Article 28 of the European Union (EU) Waste Framework Directive states that all member states must prepare a Waste Management Plan. The National Waste Management Plan for England, supported by the National Planning Policy for Waste (NPPW), identify that the National Waste Management Plan will be supported by each WPA’s Waste Local Plan and as such it is a statutory requirement to prepare this document.



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- 2.2 The NLWP's main purpose is to ensure that there will be adequate provision of suitable land (sites and areas) to accommodate waste management facilities of the right type, in the right place and at the right time up to 2032 to manage waste generated in North London.
- 2.3 The draft NLWP provides policies against which planning applications for waste development will be assessed, safeguards existing waste sites and allocates sites and areas with potential to accommodate waste facilities in the future.
- 2.4 The NLWP plans for all principal waste streams including:
- **Local Authority Collected Waste (LACW):** Waste produced by householders;
 - **Commercial and Industrial (C&I):** Wastes produced by businesses and industry;
 - **Construction, Demolition & Excavation (CD&E):** Waste generated as a result of delivering infrastructure projects, building, renovation and the maintenance of structures;
 - **Hazardous:** A sub category of all waste streams where the material produced is hazardous and requires specialist treatment;
 - **Agricultural waste:** Waste produced by farming and forestry activity;
 - **Waste Water / Sewage Sludge:** Waste produced from washing, cleaning and hygienic activities to create waste water and sewage effluents; and
 - **Low level radioactive waste (LLW):** Waste associated with the undertaking of x-rays and laboratory testing using low level radioactive substances.
- 2.5 The NLWP has been prepared in accordance with the NPPW which provides detailed guidance specific to waste plan preparation and content, alongside considerations for the determination of planning applications for waste facilities and the London Plan which set waste apportionment targets for each London Borough
- 2.6 Once adopted by all the North London Boroughs, the NLWP will form part of the overarching planning framework (the 'Development Plan') used for the determination of planning applications relating to proposed or existing waste facilities in North London. These applications will be submitted to the Boroughs in which the facility is located. Developers will need to consider the following documents in the submission of a planning application related to an existing or proposed waste facility:
- National planning policy and guidance;
 - The London Plan and Supplementary Planning Guidance;
 - The North London Waste Plan;
 - Other relevant Borough Local Plan documents including the Core Strategy, Development Management policies, Site Allocation Documents, Area Action Plans and any associated Supplementary Planning Guidance or Planning Briefs.

3 Recommendations



3.1 That Regulatory Committee:

- Notes the draft North London Waste Plan at Appendix A and the proposed consultation period in respect thereof; and
- Is invited to make comment thereon:
 - the MoU at Appendix B with the other North London Boroughs, being Barnet, Camden, Enfield, Hackney, Islington and Waltham Forest, for the purpose of preparing the NLWP; and
 - the MoU at Appendix C to provide a framework for co-operation between London Legacy Development Corporation and the North London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest undertaking the North London Waste Plan; and

both of which will be reported to the Cabinet meeting on Cabinet resolution to enter into.

4 Alternative options considered

- 4.1 In line with the National Planning Policy Framework (paragraph 182) to ensure the NLWP is justified, a range of options have been tested to demonstrate that the North London Boroughs have considered reasonable alternatives and that the Plan follows the most appropriate strategy. An Options Appraisal Report (December 2014) considered how much waste will be generated over the plan period (growth assumptions), how much waste can be managed within North London (capacity strategy), and how this waste should be managed (management strategy). The findings of the Options Appraisal have been taken forward as 'preferred options' in this Draft NLWP Plan.
- 4.2 The three growth scenarios represent different population and economic factors that will affect the quantity of waste generated from households, businesses and services. The growth assumption options are:
- Option A: No Growth
 - Option B: Growth
 - Option C: Minimised growth
- 4.3 All the evidence and projections anticipate substantial population and economic growth in London over the next few decades. The Options Appraisal report concludes that Growth Assumption Option B: Growth is the most appropriate strategy for the Draft NLWP as it will provide the most accurate modelling scenario to project future capacity gaps.



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- 4.4 Growth Options A and C are not considered to be appropriate strategies as they do not represent the most credible estimate of growth in North London over the plan period.

5 Background information

- 5.1 On 1 November 2005 the Council's Executive agreed in principle to produce a joint waste plan. The Executive also resolved that authority be delegated to the Director of Environmental Services, in consultation with the Executive Member Enterprise and Regeneration to approve a MoU in order to agree detailed arrangements for the production of the joint document. On 19 December 2006 the Council's Executive resolved to "approve the preparation of the Joint Waste Development Plan Document" with the other North London Boroughs.
- 5.2 The North London Boroughs prepared a Waste Plan, undertook statutory consultation, and presented an Issues and Options Draft to Haringey's Cabinet on 20 November 2007. On 18th November 2008 Cabinet noted the extension to the preparation timetable and a submission draft was presented to Cabinet on the 8 February 2011.
- 5.3 On 31 August 2012 the Planning Inspector concluded that the Waste Plan did not comply with the legal requirements of the Duty to Co-operate and recommended that the North London Boroughs request he write his report recommending the non-adoption or the withdrawal of the plan.
- 5.4 On 12 February 2013 Cabinet resolved to recommend the Inspector write his report endorsing the non-adoption of the waste Plan. The same Cabinet meeting resolved "that the Local Authority should draw up the next version of the NLWP following regulations 18 and 19 of the 2012 regulations, while meeting the Duty to Cooperate."
- 5.5 The current plan delivers a revised draft addressing the recommendations made by the Inspector in 2013 and in particular the legal requirements of the Duty to Co-operate.

6 Structure of the Draft North London Waste Plan



- 6.1 The stated aim of the NLWP is to “provide a planning framework that contributes to an integrated approach to the movement of materials up the waste hierarchy to support a greener London and move towards achieving net self sufficiency in the management of north London’s waste. It will provide sufficient sites for development of waste facilities that are of the right type, in the right place, and provided at the right time to help the north London boroughs meet their future waste management needs until 2031”.
- 6.2 The Spatial Strategy within the NLWP reflects the complexities of addressing waste issues in a large urban area where there are a number of competing land use requirements. The aim of the spatial strategy is to provide a network of waste sites across North London taking into account the principles of:-
- Places accessible by different modes of transport;
 - Close to waste sources;
 - Areas that can accommodate the co-location of facilities;
 - Places that provide the opportunity for the development of combined heat and power networks; and
 - The exclusion of areas that are unsuitable due to environmental and physical constraints.

Calculating waste to be managed and capacity gap

- 6.3 The future requirements for waste management are calculated using a number of variables, specifically:-
- The amount of waste that will be generated of the plan period (growth assumption);
 - The amount of waste the NLWP will seek to manage (capacity requirement); and
 - How this waste will be managed (management strategy).
- 6.4 The London Plan provides a figure (apportionment target) for how much waste each borough is expected to manage during the plan period. The NLWP has taken the decision to manage more than this apportioned amount, and will be managing for Net Self Sufficiency: this approach is entirely consistent with National Guidance.
- 6.5 Using assumptions for the land take required to manage waste (tonnes of throughput per hectare) and the number of hectares within north London currently managing waste, and the anticipated growth rate, it is possible to predict the amount of land needed to manage waste in North London.



6.6 This identifies a capacity gap of 16 hectares within the waste plan period of 2015 to 2031. Sites and areas which can be developed for waste facilities, and which will therefore fill this capacity gap are listed and discussed below.

7 Sites and Areas identified in the waste plan.

7.1 The purpose of safeguarding sites, and allocating sites and areas is to make provision for the identified capacity gap for built waste management facilities in north London. The sites and areas have been identified after an extensive site search and assessment process. The process of assessment has led to the inclusion of a number of sites and areas that most effectively satisfy the assessment criteria when considered against a range of environmental, economic and social factors and the spatial strategy.

Safeguarded Sites

7.2 It is a requirement of the London Plan that existing waste management facilities are protected, and if an existing waste management site is lost to a non waste use, an additional compensatory site provision will be required which meets the maximum throughput that the site could have achieved.

Sites in Haringey that have been safeguarded by the Plan are:-

Site	Size in hectares	Current Use
Western Road Depot, Wood Green N22	0.3	Household Waste Amenity Site, Waste Transfer Station
81 Garman Road, Tottenham, N17	0.2	Household, Commercial and Industrial Waste Transfer Station
O'Donovan, 100a Markfield Road, Tottenham, N15	0.8	Physical Treatment Facility – the site is dealing with wood waste
44 White Hart Lane, Tottenham, N17	1.1	Metal Recycling Site (Vehicle Dismantler)
Brantwood House, 175 Willoughby Lane, Tottenham N17	1.1	Metal Recycling Site (Vehicle Dismantler)
O'Donovan, 82 Markfield Road, Tottenham N15	0.6	Household, Commercial and Industrial Waste Transfer station
Civic Amenity Site, Park View Road, Tottenham N17	0.1	Household Waste Amenity Site

(NB these sites are also considered in Haringey's Site Allocations DPD and Tottenham Area Action Plan DPD)



Sites Allocated

- 7.3 Sites are allocated after discussions with the land owner. Applications for waste uses on sites within the identified areas are required to demonstrate they meet a range of development criteria and are suitable for the use.
- 7.4 The consultation draft of the Waste Plan does not propose any new “sites” but instead promotes new “areas” for waste provision. .
- 7.5 **Areas identified in the plan to be allocated**
- 7.6 Areas are identified instead of sites to provide a larger amount of land and allow greater flexibility for delivery.
- 7.7 Areas are used where uses other than waste are still permissible, such as in employment areas, and further investigation is required. The plan envisages that waste provision within these identified areas will come forward through the planning application process, which will be used to determine the suitability of a site for waste use and the appropriate developable area. Allocating areas rather than sites alone is the preferred option for both landowners and waste operators. This approach is consistent with the NPPW and associated guidance.
- 7.8 Applications for waste uses on sites within the identified areas are required to demonstrate they meet a range of development criteria including the need for the facility and the suitability of the use on that site.

Areas allocated within Haringey

Area	Size	Current use
Brantwood Road (SIL 3)	16.9	Industrial Estate surrounded by mainly residential properties, a sports field to the east and industrial uses to the north east.
Willoughby Lane (LEA 18)	1.1	Site occupied by industrial units and offices.
North East Tottenham (SIL 12)	15.4	Warehouses and Industrial units on site.



Wood Green (LEA 19)	11.5	Industrial units on site. A railway line lies on the western boundary of site.
Friern Barnet Sewage Works (aka Pinkham Way)	5.93	Land is currently unused and has become overgrown with trees and vegetation. Pinkham Way and retail park to the north, industrial properties east, Golf Course south and a park and residential properties to the west.

8 Consultation

Previous Consultation

- 8.1 The NLWP has been prepared following an initial 'launch consultation' on what the Plan ought to contain (consistent with requirements of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012). This consultation exercise provided an opportunity for stakeholders and communities to comment on the proposed content of the Waste Plan. A report on the 'launch consultation' has been published on the NLWP website (www.nlwp.net).
- 8.2 Subsequently a series of Focus Group workshops were held based around different themes. The Focus Group helped work towards a shared vision for the NLWP including key principles that informed the aim and objectives of the Plan and sites assessment criteria. A report of discussions is also available on the website
- 8.3 Evidence gathering has been underway since April 2013. It comprises a Data Study and Data Study Update, a Duty to Co-operate Protocol and Report. Further Evidence has been published to support this Draft Plan comprising a Sites and Areas Report, Options Appraisal and Consultation Statement. All of which will be available on the Haringey website when the NLWP is consulted on.

Proposed Consultation

- 8.4 The proposed consultation will run for 6-8 weeks from July to August 2015
- 8.5 During the 6-8 weeks consultation events will be held in locations in each of the seven boroughs, near sites and areas where appropriate.
- 8.6 Groups local to the proposed sites and areas will be identified to consult with.



9 Working Arrangements

9.1 The Plan-making process is managed by Camden Council, on behalf of the North London Waste boroughs. The Waste Plan will consider the amount of waste that will need to be managed in the seven boroughs up to 2031. The Plan will consider options for managing all the types of waste that will be generated across the seven boroughs and will identify and safeguard sites for managing and recycling that waste using a mix of different technologies. The Plan will be drawn up under the planning regulations and will be subject to public consultation at each stage. The Plan will need to be ratified at key stages by each borough, ultimately including adoption as part of that Borough's Planning Policy.

9.2 Planning Officers' Group

The role of this group is to take ownership of the plan preparation process through a close working relationship with the Programme Manager, the consultants, Heads of Planning, and the Planning Members Group, and where necessary provide additional capacity as a working group.

9.3 Heads of Planning Group

The role of this group is to oversee the NLWP preparation process, to consider the guidance of the Planning Officers Group and to provide guidance to and have regard to any guidance from the Planning Members Group, and to agree the timetable, and budget of the NLWP and agree any necessary changes.

9.4 Planning Members Group

The role of this group is to oversee the plan preparation process, provide feedback in response to the guidance of the Heads of Planning, to provide guidance to the Heads of Planning Group and to make recommendations to Borough Cabinet or Full Council for approval where necessary.

9.5 It is proposed that the following be members of the respective groups:

- a) Planning Officers' Group: Neil Goldberg, currently lead officer on the Waste Plan
- b) Heads of Planning Group: Matthew Patterson, currently Interim Head of Policy, Strategic Transport and Infrastructure
- c) Members' Group: Councillor Alan Strickland, currently Cabinet Member for Housing and Regeneration



10 Memorandums of Understanding

10.1 Cabinet Members will be asked to consider and agree two MOUs as follows and to provide delegated authority in respect of the agreement of any future MOUs.

10.2 **MOU 1 - Joint Waste Planning in North London** - This Memorandum of Understanding is an updated version of a Memorandum of Understanding entered into by all the North London Boroughs on 26th February 2007 which provides a framework for the preparation of the joint waste plan between the 7 North London Boroughs.

10.3 **MOU 2 - Duty to Co-operate-** This Memorandum of Understanding provides a framework for co-operation between London Legacy Development Corporation and the North London Boroughs undertaking the NLWP. The London Legacy Development Corporation is the planning authority for parts of the London Boroughs of Newham, Waltham Forest, Hackney and Tower Hamlets and is responsible for development management decisions and development plans, and therefore is a key stakeholder for delivery of the NLWP. The NLWP will identify sites for waste management use and set out policies for determining waste planning applications.

11 Next Steps

11.1 The draft Joint North London Waste Plan is on the cabinet agenda for July 2015. A decision is needed by July to enable the 6-8 weeks consultation to start on July 31st 2015. Below is an anticipated timetable setting out the progress of this document.

Tasks	Time
Launch consultation (Regulation 18)	Spring 2013
Consultation on draft plan (Regulation 18)	Summer/Autumn 2015
Consultation on proposed submission plan (Regulation 19)	Summer 2016
Submission (Regulation 22)	Autumn 2016
Public hearings	Winter 2016/17
Inspector's report	Summer 2017
Adoption	Autumn 2017

11.2 Comments made during the consultation on this draft NLWP will be taken into consideration and will help to inform preparation of the Proposed Submission NLWP to be published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Proposed Submission Plan will be the version of the NLWP that the Boroughs intend to submit to the Secretary of State for examination. In accordance with statutory requirements, this document will be published before it is submitted to provide an opportunity for stakeholders to submit representations on the soundness of the Plan and legal and procedural compliance.



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11.3 Once the Plan is submitted, an independent Inspector will be appointed (on behalf of the Secretary of State) to examine whether the NLWP meets the required legal and soundness tests, including duty to co-operate and procedural requirements.

12 Comments of the Chief Finance Officer and financial implication

12.1 The cost of preparing this report, the documents it refers to and the consultation recommended can be contained within existing budgets.

13 Comments of the Assistant Director of Corporate Governance and legal implications

13.1 The Assistant Director of Corporate Guidance has been consulted on the preparation of this report and comments as follows.

13.2 The NLWP, when adopted, will form part of the statutory development plan against which any subsequent applications for planning permission within the relevant areas would be tested.

13.3 That being the case, there is a formal process set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 to be complied with, the first stage of which is the Regulation 18 consultation with such of the specific consultation bodies as the Council consider may have an interest in the subject of the proposed AAPs, along with such of the general consultation bodies as the Council considers appropriate and such residents or other persons carrying on business in the Council's area from which the Council considers it appropriate to invite representations. This exercise should also be carried out in accordance with the Council's Statement of Community Involvement (updated February 2011) and currently under review.

13.4 There is a requirement that the NLWP must be in conformity with the London Plan and in preparing this document, the Council must take into account any representation made to them in response to the Regulation 18 consultations.

13.5 Under the Localism Act 2011 there is placed on plan making authorities a statutory duty to co-operate with adjoining authorities and prescribed bodies and persons in the preparation of development plan documents and local development documents. This duty requires active and constructive engagement with those parties and to have regard to the activities of those parties.



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13.6 Thereafter the documents must be published pursuant to Regulation 19 by the Council, together with other “proposed submission documents”, before they can be submitted to the Planning Inspectorate for examination. This provides a formal opportunity for the local community and other interests to consider and comment on the documents, which the Council would like to adopt.

13.7 The Supreme Court has recently endorsed the following general principles of consultation:

- That consultation must be at a time when proposals are still at a formative stage;
- That the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;
- That adequate time must be given for consideration and response; and
- That the product of consultation must be conscientiously taken into account in finalising any statutory proposals.

13.8 In short, in order to achieve the necessary degree of fairness, the obligation is to let those who have a potential interest in the subject matter know in clear terms what the proposal is and exactly why it is under positive consideration, telling them enough (which may be a good deal) to enable them to make an intelligent response. The obligation, although it may be quite onerous, goes no further than this.

14 Equalities and Community Cohesion Comments



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14.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who share those characteristics and people who do not.

14.2 An initial Equalities Impact Assessment (EqIA) has been undertaken and found that there was no negative impact from the plans on those with protected characteristics. The waste site selection process has taken into account the proximity of sensitive receptors (such as schools and hospitals) to minimise the impact on vulnerable sections of the community. A full EqIA is not needed.

15 Head of Procurement Comments

15.1 Not applicable

16 Policy Implication

16.1 Haringey's Corporate Plan sets out the Council's strategic direction from 2015 to 2018. With the vision of 'Building a Stronger Haringey Together', the Corporate Plan guides the work of all Council programmes. The overarching theme is that everyone who lives in Haringey will have the opportunity to lead a successful and fulfilling life.

16.2 The Corporate Plan 2015-18 explains the priorities for the borough, and how the Council will achieve these priorities. Priority 3 encourages a clean, well maintained and safe borough where people are proud to live and work. The NLWP will help achieve this priority, providing the waste planning framework against which applications for waste development will be assessed across the plan area.

16.3 The NLWP is therefore consistent with the existing Corporate Plan and the emerging Corporate Plan.

17 Reasons for seeking Cabinet approval



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17.1 The seven North London Boroughs (Barnet, Enfield, Waltham Forest, Hackney, Islington, Haringey and Camden), as Waste Planning Authorities (WPAs), are required to prepare a Waste Local Plan. Article 28 of the European Union (EU) Waste Framework Directive states that all member states must prepare a Waste Management Plan.

17.2 The main purpose is to ensure that there will be adequate provision of suitable land (sites and areas) to accommodate waste management facilities of the right type, in the right place and at the right time up to 2032 to manage waste generated in North London. The draft NLWP also provides policies against which planning applications for waste development will be assessed, safeguards existing waste sites and allocates sites and areas with potential to accommodate waste facilities in the future.

18 Appendices

- Appendix A – The Draft NLWP
- Appendix B – Memorandum of Understanding for Joint Working with North London Boroughs;
- Appendix C – Memorandum of Understanding for providing a frame work for co-operation between London Legacy Development Corporation (“Legacy Corporation”) and the North London Boroughs

19 Local Government (Access to Information) Act 1985

The following documents were used in the preparation of this report:

- National Planning Policy Framework 2012
- National Planning Policy for Waste 2014