

MUNICIPAL YEAR 2018/2019 REPORT NO. 108

MEETING TITLE AND DATE:

Council – 21 November
2018

REPORT OF:

Executive Director of
Place

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Agenda – Part: 1**Item:**

Subject: North London Waste Plan
Regulation 19 Publication

Wards: All

Key Decision No: KD 4709

Cabinet Member consulted: Cllr Oyken -
Cabinet Member for Property and Assets

1. EXECUTIVE SUMMARY

- 1.1. The seven North London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are working together to produce the North London Waste Plan (NLWP), which will cover the period to 2035. Once this is adopted, it will form part of the statutory Development Plan for all seven boroughs, including Enfield.
- 1.2. The adoption of the NLWP will ensure Enfield meets its statutory planning function to plan for the future of waste management. The NLWP does so by providing a supply of appropriate and suitable 'areas of search' that could potentially accommodate future waste management facilities to manage waste generated in North London.
- 1.3. The NLWP does not in itself allocate specific sites for waste facilities, rather its primary function is to provide the broad 'areas of search' that meet specific criteria.
- 1.4. After various iterations of the draft NLWP over years and negotiations to accommodate the needs of all seven boroughs, the NLWP is now ready to progress to Regulation 19 stage publication.
- 1.5. The new Regulation 19 version of the NLWP now provides a more tenable position for Enfield reducing the previous 'areas of search' from 200ha down to 26ha. Officers therefore seek approval to proceed to publication, public consultation and move towards examination and final adoption.
- 1.6. Not progressing with the NLWP would leave Enfield vulnerable to challenge and potentially subject to unsuitable waste development proposals and subject to more waste facilities that would be difficult to resist without a Plan in place. This could well impact on land needed for other priorities such as regeneration, housing growth and infrastructure projects such as Crossrail 2.
- 1.7. Given all of the above and the details set out in the body of this report, officers recommend the council progress towards the NLWP's timely adoption.

2. RECOMMENDATIONS

Council is asked to:

1. Approve the North London Waste Plan (set out in Annex 1) for publication and subsequent submission to the government;
2. Authorise that the Executive Director of Place, in consultation with the Cabinet Member for Property and Assets, and in conjunction with the other North London boroughs, to submit appropriate changes to the Waste Plan in the run up to, and during, the public examination into the document.

3. BACKGROUND

What is the NLWP?

- 3.1. The seven North London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest are working together to produce the North London Waste Plan (NLWP). The NLWP will cover the period to 2035 and, once adopted, it will form part of the statutory Development Plan for all seven boroughs, including Enfield's Local Plan.
- 3.2. The adoption of the NLWP will ensure Enfield meets its statutory planning obligation to plan for future waste management. The NLWP does so by providing a supply of appropriate and suitable 'areas' that could potentially accommodate waste management facilities to manage waste generated in North London.
- 3.3. The NLWP does not in itself allocate specific sites for waste facilities, rather the Plan's primary function is to provide the broad 'areas of search' which are considered appropriate, subject to all planning considerations for waste facility proposals. Importantly therefore it does not prevent sites within 'areas of search' from being developed for other uses.

Planning for Waste

- 3.4. In line with the National Planning Policy Framework (NPPF) and the London Plan, the NLWP safeguards existing waste sites as well as broadly identifying sufficient potentially suitable 'areas' to address any future land needs projected for the plan period.
- 3.5. In accordance with national and London Plan guidance any new 'areas' potentially suitable for accommodating waste management facilities should primarily be identified on existing, well-established industrial land, and in areas which perform well against the agreed assessment criteria.

- 3.6. A further objective has been to achieve a better geographical spread of waste operations across North London, lessening the reliance on Enfield sites in the future and making suitable land more equitable across the boroughs that can also meet supply. Another key objective has been to maximise the opportunity for waste to be managed as near to its source as possible.
- 3.7. Research into modern new waste developments has also found evidence that supports an overall reduction in the amount of suitable land needed in North London a result, the 'area' now proposed for Enfield is significantly reduced.

Historic progress of the North London Waste Plan

- 3.8. Given the sensitive nature of the land uses associated with this Plan and the number of local authorities involved it is unsurprising that its progress has been rocky. The first version of the NLWP failed at Examination in 2012 because it proposed significant net export of waste without the agreement of recipient authorities. In 2013, the seven boroughs recommenced work on a new NLWP, which was consulted on in 2015. This new draft plan, in an effort to reduce net waste exports, applied a fresh search for potentially suitable 'areas'. This initial search showed Enfield as having the largest share of potentially suitable land due in part to its comparatively large amount of industrial land.
- 3.9. However, Enfield strongly expressed concern that search would conflict with a range of current or future infrastructure and regeneration projects. In May 2016, joint preparation of the plan temporarily paused. In 2017 Enfield re-commence cooperation on finalising the Plan, but with conditions, and in recognition of the requirement to have a Waste Plan adopted and not leave the council open to challenge: delays to its own New Local Plan: and have less power to refuse inappropriate waste proposals located in unsupported locations.

How has the draft plan been changed?

- 3.10. The boroughs have reassessed the implications for waste planning of the development proposals in the NLWP area. Transport initiatives such as West Anglia Mainline, Four Tracking and Crossrail 2 all run through the Plan area and are intended to lever in further investment and development around stations. The GLA has declared Opportunity Areas and Housing Zones, which have implications for existing and future waste management facilities.
- 3.11. Further work was undertaken to gather and assess any additional information on the proposed areas received during the consultation or as a result of new data being published, for example sites and areas affected by Crossrail 2, groundwater, historic assets and proximity of sensitive receptors. In addition borough transport officers have undertaken broad brush highways assessments of the 'areas'. The

selection has been based on using a number of criteria to assess them and categorising them in order of their suitability.

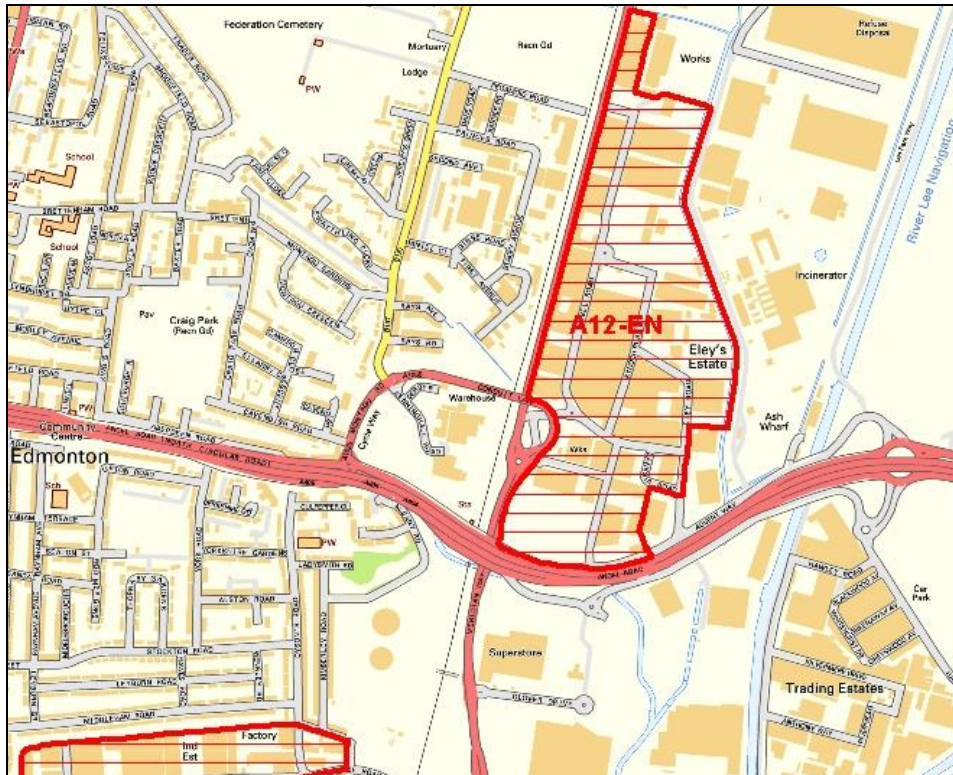
3.12. Officers are confident that Enfield's concerns of 2016 have been addressed and now only one 'area' is put forward as suitable and this is at Eleys Estate. This new NLWP now identifies significantly reduced amounts of land in Enfield as potentially suitable for waste and supports a much more equitable distribution of facilities across North London. It further incorporates new policies requested by Enfield, which acknowledge the need to take into account Enfield's infrastructure and regeneration objectives for associated transformational change to take place in the east of the borough, as well as well as policies ensuring greater consideration of design, social, economic and environmental issues for future waste facility applications.

3.13. The list of potentially suitable new 'areas' of search set out below is put forward for inclusion in the proposed submission NLWP and it includes the most suitable land with best geographic spread.

Proposed New Areas of Search:

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	15.32	Haringey
Friern Barnet Sewage Works/ Pinkham Way	5.95	Haringey
Argall Avenue	26.91	Waltham Forest

3.14. The Eleys Estate is shown below as area A12-EN. Eley's Estate itself covers an area of 26.1 ha and is adjacent to estates which already include a number of waste management facilities including Aztec estate and the Edmonton Eco Park complex. As a number of waste uses are already established in the vicinity, this proposed 'area of search' may be suited to most types of waste management facility, subject to planning including environmental and amenity considerations.



3.15. 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

3.16. The NLWP **does not** allocate any sites but identifies 'areas' of search to meet future waste needs. While a 'site' is an individual plot of land that will be safeguarded for waste use, an 'area' comprises a number of individual plots of land, for example, an industrial estate or employment area that is in principle suitable for waste use but where land is not specifically safeguarded for waste.

3.17. The NLWP identifies a number of 'areas' of search' in which sites could 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.

- 3.18. The area approach is more flexible for boroughs and developers. No significant new areas of search are identified in Camden or Islington because neither borough has any designated industrial land left, but new waste development, especially of a smaller scale, can still be permitted there under the NLWP's windfall policy. Also, all seven boroughs including Camden and Islington are maintaining their existing waste operations as part of this plan.
- 3.19. The NLWP is now going to all seven 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 of 2019. Hearings will take place in the autumn 2019 and plan adoption is expected for 2020.

The revised policy context

- 3.20. The policies of the Plan have also now been amended in line with the revised approach outlined above. Policy 1, which deals with existing waste sites states that if a waste site is redeveloped, the re-provision of the facility will be required in line with the spatial principle of the NLWP to get a better distribution of waste sites. Policy 3, which deals with windfall sites, introduces a sequential test whereby developers must demonstrate that no existing sites, or sites in the identified areas of search are available or suitable before being able to develop on a site not identified in the plan. Any development on a windfall site needs to take into account future development opportunities such as those in Opportunity Areas or as the result of Crossrail2, West Anglia Mainline and four tracking. In Policy 5, which deals with assessment criteria for waste developments, there has been a strengthening of amenity considerations around compatibility with neighbouring uses and there is more detail on cumulative impacts of waste development and effect on regeneration. The provision of jobs and training is also highlighted.
- 3.21. Further work has been done to estimate how much and what type of waste is likely to be exported to each waste planning authority area from North London during the plan period. This is to give greater certainty to the waste planning authorities who have been taking in waste from North London. The boroughs have been engaging with these authorities under the duty to cooperate and identifying if there are any barriers to these movements continuing.

What is in the Plan?

- 3.22. 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 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

3.23. 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

3.32 The NLWP is underpinned by the following spatial principles:

- A. Make use of existing sites
- B. Seek a geographical spread of waste sites across North London, consistent with the principles of sustainable development
- C. Encourage co-location of facilities and complementary activities
- D. Provide opportunities for decentralised heat and energy networks
- E. Protect local amenity
- F. Support sustainable modes of transport

Targets

3.33 The recycling and recovery targets built into the 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

3.34 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)

- 3.35. 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.
- 3.36. To meet higher recycling targets, there is an 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.
- 3.37. The NLWP will identify 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 5 hectares of land will be required to facilitate this provision. Opportunities to re-use CD&E waste locally will be supported.
- 3.38. 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.
- 3.39. 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 is 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.

Policies

3.42. 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

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. If Enfield does not approve the new Waste Plan it cannot go ahead and all seven boroughs including Enfield will continue to operate without a Plan. Due to its statutory obligation to produce a waste plan, the council would then have to proceed with evidencing, writing and adopting Enfield's own waste plan. Progress on this would be required to enable the council to proceed with a sound new Local Plan. This requirement could therefore significantly delay or endanger the adoption of Enfield's new Local Plan.
- 4.2. If Enfield refuses to identify sufficient land for addressing a share (now 26 hectares) of the projected capacity gap, then in light of the fact that 44% of total Industrial Land in the NLWP area is located in Enfield which under guidance is suitable for waste facilities, there would be a significant risk that an Inspector could revert back to the previous drafts that identified 200 ha land in Enfield (as per the evidence base of previous versions).
- 4.3. Not progressing with a joint Waste Plan would also lead to reputational risks not only with adjoining authorities but also the GLA.
- 4.4. If the NLWP tried to propose a significant move away from self-sufficiency and return to greater exports to outside London as result of Enfield not putting suitable future areas forward, this is also likely to be challenged and fail at Examination. The Mayor's new Environment Strategy and Draft London Plan both aim for 100% net waste self-sufficiency in London by 2026.

5. REASONS FOR RECOMMENDATIONS

- 5.1. After 11 years of negotiating and preparing this Plan, officers are confident in recommending that this is the a positive outcome for Enfield, while also ensuring the NLWP is likely to found sound at Examination.
- 5.2. Officers of the seven councils as well as consultants employed by them are now take the new draft NLWP through formal ratification processes in all boroughs involved. At Enfield this includes
 - Local Plan Sub Committee and EMT which took place in September 2018; and
 - Cabinet and Full Council in November 2018.
- 5.3. Being able to show progress towards adoption of a NLWP would greatly aid Enfield's local plan process, which will be published for consultation in autumn 2018 and submitted for Examination in 2019.
- 5.4. Once the NLWP is adopted, any future planning applications would be subject to assessment under policies it includes (e.g. on preventing cumulative impact of high concentration of waste facilities; on promoting a greater geographic spread of future facilities; on taking into account local regeneration and transport initiatives such as Meridian Water and Crossrail 2; and on promoting future opportunities for mixed use development which integrates waste sites). Therefore, under the new NLWP, it is much less likely that future waste operations will be permitted in Enfield unless they are in a suitable location and of high quality.
- 5.5. Without the Waste Plan, Enfield remains vulnerable to the risks as set out below in Section 7 on Key Risks. The most significant risk would be that without an adopted Waste plan or Local Plan, the council would have little basis to refuse any future applications for inappropriate, uncoordinated or poor quality waste development.

6. COMMENTS FROM OTHER DEPARTMENTS

Financial Implications

- 6.1.1 Under the NLWP MoU the boroughs have agreed to share the costs equally. The costs to be shared include the cost of the consultants, the two members of staff employed by Camden as lead borough for the various consultations and of the examination. The cost over the expected 7 years is expected to be £235,000 per borough or an average of £33,000 per year. There are two more years left.
- 6.1.2 Enfield Council has made financial provision for this expenditure. Provision for the cost of preparing the NLWP is currently available within the Enfield Strategic Planning and Design consultancy budget.

- 6.1.3 Any future proposals arising with changes to cost implications will be subject to separate reports and full financial appraisal.

6.2 Legal Implications

- 6.1. Enfield Council agreed a revised Memorandum of Understanding (MoU) about joint working on the NLWP in June or July 2015. This has been agreed and signed by all the other boroughs. Enfield agreed this via a DAR which was signed in December 2017. The MoU sets out how the boroughs will cooperate to carry out the work will be carried out, makes Camden the lead borough and deals with financial matters and dispute resolution.
- 6.2. The boroughs will be consulting on the proposed submission NLWP under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

6.3 Property Implications

N/A

7. KEY RISKS

- 7.1 Timely completion of the NLWP is critical to underpin and help deliver the Council's regeneration programme and its local plan, and to ensure that development decisions in the borough are plan led.
- 7.2 The absence of a plan for waste would result in a policy gap which could lead to inappropriate, uncoordinated and poor quality development that fails to respond comprehensively to the needs and priorities of local communities, the borough and the wider sub-region.
- 7.3 If Enfield does not continue in its cooperation with and joint production of the NLWP, it would be required to produce its own waste plan, having due regard to the duty to cooperate with neighbouring boroughs.
- 7.4 Moreover, failure to complete the joint Waste Plan will put the Local Plan at risk as it will place uncertainty on site allocations and would be damaging to interborough relations leaving the Council exposed under the 'duty to cooperate' obligations.

8. IMPACT ON COUNCIL PRIORITIES – CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good homes in well-connected neighbourhoods

- 8.1.1 By identifying an adequate provision of land to manage waste generated in north London, and designing policies which ensure that waste facilities maximise their potential benefits (e.g. quality job

creation) and minimise any negative impacts (additional disposal costs, poor air quality etc), the NLWP seeks to facilitate the delivery of high quality and accessible waste facilities which will serve communities across north London.

- 8.1.2 The NLWP now contains new policies which aim to minimise negative impacts (poor air quality etc) of new facilities on local homes. This will facilitate the delivery of new homes in the vicinity of new waste management facilities. Furthermore, by designating less land in Enfield as potential locations for future waste management facilities, more land will be available for building homes, infrastructure and other employment generating activities.

8.2 Sustain strong and healthy communities

- 8.2.1 The NLWP has been and will continue to be subject to public consultation during all of its major preparatory stages, in line with the boroughs' Statement of Community Involvement. Several consultation activities have already taken place to inform the Draft NLWP, including focus group workshops (see above). Ensuring balanced waste provision is also supporting of an effective economy and supports jobs in waste as well as related industries such as transport and construction. This will help to counteract problems of worklessness in Enfield's most deprived wards. New design and environmental policies will ensure that new waste management facilities contribute better to making local communities healthier places to live and work.

8.3 Build our local economy to create a thriving place

- 8.3.1 The draft NLWP is based on a combined strategy of net self-sufficiency and maximised recycling. New waste facilities can create new jobs, produce local energy and provide important resources for reuse in other processes – all of which can help deliver wider economic benefits.

9. EQUALITIES IMPACT IMPLICATIONS

10. Local authorities have a responsibility to meet the Public Sector Duty of the Equality Act 2010. The Act gives people the right not to be treated less favourably because of any of the protected characteristics. We need to consider the needs of these diverse groups when designing and changing services or budgets So that our decisions it do not unduly or disproportionately affect access by some groups more than others.
11. An EQIA has been undertaken on the North London Waste Plan and has highlighted no negative impact on residents from the protected characteristic group. This will be published on the Council's website. Legal duties require the Councils to monitor its policies for any adverse impacts on promoting race, gender and disability equality and to publish the results of this monitoring. In anticipation of emerging legal

duties the Councils are extending this monitoring requirement in order to examine differential impacts in the areas of: age, sexual orientation, religion and belief and carers.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

- 10.1 When the NLWP is adopted it will be formal Council policy used in the determination of planning applications. This will ensure that development decisions in the borough are plan led. This means development will be directed to the right location and will help prevent inappropriate, uncoordinated and poor quality schemes coming forward.
- 10.2 The NLWP contains an implementation and monitoring section which sets indicators and targets to monitor the effectiveness of the policies. Responsibility for monitoring lies with the individual Boroughs. The finalised monitoring arrangements will be designed to provide information that can be used to highlight specific performance issues and significant effects. Monitoring will lead to more informed decision-making and provide a useful source of baseline information for future Local Plan Documents.

11. PUBLIC HEALTH IMPLICATIONS

- 11.1 The NLWP should have a positive impact upon general health and well-being in terms of improving the environment and reducing pollution. By facilitating net self-sufficiency in waste management and increased recycling, the NLWP encourages waste to be managed within the north London area which potentially reduces its need to travel and will reduce reliance on landfill – both of which will help reduce associated climate change impacts. However, implementation of the NLWP itself will need to be monitored to ensure that there are no significant negative impacts.

Background Papers

Appendix 1: NLWP Regulation 19 proposed submission October 2018 (separate document)