



The Planning Inspectorate

---

# **Report to the Councils of the London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest**

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**  
an Inspector appointed by the Secretary of State

Date: 27 October 2021

---

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the North London Waste Plan**

The Plan was submitted for examination on 8 August 2019

The examination hearings were held between 20 and 21 November 2019

File Ref: PINS/X5210/429/13.

# Contents

Abbreviations used in this report	page 3
Non-Technical Summary	page 4
Introduction	page 5
Plan Context	page 6
General conformity with the London Plan	page 7
Revised National Planning Policy Framework	page 7
Public Sector Equality Duty	page 8
Assessment of Duty to Co-operate	page 8
Assessment of Other Aspects of Legal Compliance	page 9
Assessment of Soundness	
Issue 1 – Aims and Strategic Objectives	page 11
Issue 2 – Spatial Framework	page 14
Issue 3 – Waste needs	page 16
Issue 4 – Area selection methodology	page 25
Issue 5 – Waste management provision	page 30
Issue 6 – Plan’s policies for waste development	page 33
Issue 7 – Monitoring and Implementation	page 38
Issue 8 – Detailed development requirements for Priority Areas	page 39
Overall Conclusion and Recommendation	page 41
Schedule of Main Modifications	Appendix

## Abbreviations used in this report

CEP	Circular Economy Package
C&D	Construction and Demolition Waste
CD&E	Construction, Demolition and Excavation Waste
C&I	Commercial and Industrial Waste
DCO	Development Consent Order
DtC	Duty to Co-operate
EqIA	Equality Impact Assessment
ERF	Energy Recovery Facility
GLA	Greater London Authority
HRA	Habitats Regulations Assessment
JWS	Joint Waste Strategy
LACW	Local Authority Collected Waste
LEA	Local Employment Area
LES	London Environment Strategy
LLDC	London Legacy Development Corporation
LLW	Low Level Radioactive Waste
LSIS	Locally Significant Industrial Land
MM	Main Modification
NLWA	North London Waste Authority
NPPF	National Planning Policy Framework
NPPW	National Planning Policy for Waste
ROCs	Renewable Obligations Certificates
RRCs	Recycling and Reuse Centres
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCIs	Statements of Community Involvement
SFRA	Strategic Flood Risk Assessment
SIL	Strategic Industrial Land
SINC	Sites of Importance for Nature Conservation
SPA	Special Protection Area

## Non-Technical Summary

This report concludes that the North London Waste Plan (the Plan) provides an appropriate basis for waste planning within the London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest (the Borough Councils) provided that a number of main modifications [MMs] are made to it. The Borough Councils have specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Borough Councils prepared schedules of the proposed modifications and, where necessary, carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of the changes. The MMs were subject to public consultation over a six-week period. I have recommended the inclusion of the MMs in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Amending the Aims and Strategic Objectives of the Plan to ensure general conformity with the London Plan.
- Amendments to Section 4 of the Plan to ensure that the approach to the management of waste over the Plan period and the identification of the location for new facilities are consistent with Aims and Strategic Objectives.
- Ensuring that the evidence and the calculation methodology for the identified waste that needs to be managed in the Plan area and over the Plan period is fully justified and explained.
- Ensuring that the selection process to identify areas to manage the identified waste needs over the Plan period is consistent with the spatial principles of the Plan and fully justified and explained.
- Ensuring that the methodology and justification for the identification of Preferred Areas for the management of North London's waste over the Plan period are justified and explained.
- Ensuring that the Plan's policies ensure that waste management development proposals provide an adequate balanced approach to protect people and the environment whilst delivering the aims, strategic objectives and spatial principles of the Plan.
- Revising the monitoring and implementation framework to provide a more robust mechanism to assess the delivery of the Plan against its aims, strategic objectives and spatial principles.

- Revising the guidance in Appendix 2 regarding the detailed development requirements to accompany any future planning applications for waste management development within the identified Priority Areas.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It considers first whether the Plan is in general conformity with the Spatial Development Strategy i.e. the London Plan. It then considers whether the Plan's preparation has complied with the Duty to Co-operate (DtC), whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework 2021 (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Borough Councils have submitted what they consider to be a sound plan. The North London Waste Plan Regulation 19 Proposed Submission - January 19 (CD1/1), submitted in August 2019 is the basis for my examination. It is the same document as was published for consultation in March 2019.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act, the Borough Councils requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for six weeks in October-December 2020. I have taken account of the consultation responses in coming to my conclusions in this report.

## Policies Map

5. The Plan when adopted will require changes to the Borough Councils Policies Maps. The Plan does not include its own Policies Map. Each of the Borough Councils have their own Policies Map that relates to all the

planning documents in their Local Development Framework, including this Plan.

6. The Policies Maps are not defined in statute as development plan documents and so I do not have the power to recommend main modifications to them. However, to ensure that the Plan is effective, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map of the relevant Borough Council. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Borough Councils will need to update the adopted Policies Maps to include all the changes proposed by the MMs.

## **Context of the Plan**

7. The Plan is intended to provide the policy framework for decisions by the seven North London Boroughs on waste matters over the period to 2035. Each of the seven North London Boroughs have strategic waste policies contained within their adopted Local Plan. However, the strategic waste policies defer to this Plan to provide a more detailed planning framework for waste development.
8. One of the key tasks is to meet the apportionment set out in the London Plan (2021). This projects how much Local Authority Collected Waste (LACW) and Commercial and Industrial Waste (C&I) is likely to be generated in London up to 2041. It apportions a percentage share of these two waste streams to be managed by each London Borough with an objective that the equivalent of 100 per cent of London's waste should be managed within London (i.e. net self-sufficiency) by 2026.
9. Each of the seven North London Boroughs have pooled their apportionments and propose to meet this collectively through existing sites and land allocated in the Plan. The Plan has two main purposes:
  - 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 accommodate the amount of waste required to be managed in North London; and
  - to provide policies against which planning applications for waste development will be assessed.
10. The majority of existing waste management sites are located in the east of the Plan Area, in particular in the Lee Valley corridor. The Plan is therefore underpinned by a need to secure a better geographical spread of waste management sites across North London and an objective to achieve net self-sufficiency for LACW, C&I, Construction and Demolition (C&D) waste and hazardous waste streams.

11. The Plan area also includes part of the London Legacy Development Corporation (LLDC), a Mayoral Development Corporation, which is the planning authority for a small part of Hackney and Waltham Forest and other Boroughs that are not part of the North London Borough Councils. The LLDC is not allocated a share of the waste apportionment and the Plan is required to provide the planning policy framework for waste generated across the whole of the seven Borough's, including the parts of Hackney and Waltham Forest that lie within the LLDC Area.
12. The Plan cannot directly allocate sites/areas within the LLDC area as this is the responsibility of LLDC as local planning authority. However, a Memorandum of Understanding is in place that enables sites/areas identified as being suitable for waste management uses in the Plan in those parts of Hackney and Waltham Forest in the LLDC area to be allocated in the LLDC Local Plan.

## **General conformity with the London Plan**

13. The Plan must be in general conformity with the Spatial Development Strategy i.e. the London Plan, under the terms of S24 of the Planning & Compulsory Purchase Act 2004 (as amended) (2004 Act). The London Plan 2016, which was in place at the time of the submission of the Plan and for most of the examination, has now been replaced by the London Plan published in March 2021 (the London Plan 2021).
14. Some of the proposed MMs and parts of the Data Study Addendum (CD1/23) are in response to the requirements of adopted London Plan 2021 Policies SI 7 (Reducing waste and supporting the circular economy), SI 8 (Waste capacity and waste net self-sufficiency) and SI 9 (Safeguarded waste sites). The relevant MMs are discussed later in this report.
15. Subject to the necessary MMs, the Mayor of London, in a letter dated 17 March 2021, confirmed that the Plan is in general conformity with the London Plan 2021 (CD1/16/MM).

## **Revised National Planning Policy Framework**

16. On 20 July 2021 the Government published revisions to the NPPF. This was after the close of the consultation period on the MMs and before the issue of this report. In accordance with Paragraph 220, policies in the revised NPPF apply to all plans that were submitted for examination after 24 January 2019 and consequently its provisions apply to this Plan. The Boroughs and those parties who made representations at the consultation stage of the MMs were invited to submit any comments on the implications of the revised NPPF that may be relevant to the consideration of the soundness of the Plan.
17. Overall, the revised NPPF has no significant implications for the aims, strategic objectives or policies proposed in the Plan. However, the

Boroughs have proposed minor revisions to supporting text provided in paragraphs 4.26, 9.41 and 9.48 of the Plan. These paragraphs are already subject to proposed MMs (**MM11**, **MM93** and **MM96** respectively). The proposed modifications as a consequence of the revised NPPF have been incorporated into these MMs.

18. The necessary changes to the MMs are limited to a reference to "ultra-low and zero emission vehicles", in the case of paragraphs 4.26 and 9.41, and reference for development to make "as much use as possible of natural flood management techniques and be appropriately flood resistant and resilient" in the case of paragraph 9.48.
19. I consider that the suggested changes to the MMs are minor and do not necessitate any further public consultation. I have discussed these changes in the context of the consideration of the relevant MMs below.
20. Any references to the NPPF in this report relate throughout to the revised NPPF published on 20 July 2021 unless otherwise stated.

## **Public Sector Equality Duty**

21. Throughout the examination, I have had due regard to the equality impacts of the Plan in accordance with the Public Sector Equality Duty, contained in Section 149 of the Equality Act 2010. The Equality Impact Assessment (January 2019) (EqIA) (CD1/17) identifies that the Plan does not lead to any adverse impacts or cause discrimination to any particular groups within the Plan area.
22. I have detected no issue that would be likely to impinge upon the three aims of the Act to eliminate discrimination, advance equality of opportunity and foster good relations or affect persons of relevant protected characteristics of age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. Overall, I have no reason to question the conclusions of the submitted EqIA that the Plan is not expected to discriminate against any sections of the community.

## **Assessment of Duty to Co-operate**

23. Section 20(5)(c) of the 2004 Act requires that I consider whether the Borough Councils have complied with any duty imposed on them by section 33A in respect of the Plan's preparation. When preparing the Plan the Borough Councils are required to engage constructively, actively and on an on-going basis with a range of local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation with regard to strategic, cross-boundary matters.
24. Details of how the Borough Councils have met this duty are set out in the 'Duty to Co-operate Report (August 2019)' (CD1/12), the 'Consultation Statement (August 2019)' (CD1/3) and the Borough



Councils' written responses to pre-hearing questions (CD5/9). These documents set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters.

25. The evidence demonstrates that the Borough Councils have worked closely with neighbouring waste planning authorities, as well as some further afield where a strategic relationship was identified, throughout the plan-making process.
26. Also evident is the effective relationship the Borough Councils have established and maintained with all of the relevant bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). In addition, consultation has taken place with a wide range of organisations and bodies as part of the formal consultation process. It is clear that many of the pre-submission changes to the Plan that were brought forward by the Borough Councils were as a result of consultation with relevant parties to address their concerns in a constructive and active manner.
27. It should be emphasised that the Duty to Co-operate (DtC) is not a duty to agree. Consequently, it is quite possible for it to be complied with, but for there to be outstanding matters between the Borough Councils and other bodies. However, those matters do not lie with the DtC but with the content of the Plan which is addressed elsewhere in this report. Those disputes may relate to matters regarding the soundness of the Plan, but an unresolved dispute is not evidence of a failure in the DtC.
28. Overall, I am satisfied that, where necessary, the Borough Councils have engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

### **Local Development Scheme**

29. The Plan has been prepared in accordance with the Local Development Schemes of the Borough Councils (CD1/15). All of these schemes share the same content and timetable for the production of the Plan.

### **Public consultation and engagement**

30. During various stages of Plan preparation, consultation on the Plan and the MMs was carried out in compliance with the adopted Statements of Community Involvement (SCIs) for each of the Borough Councils. The requirements of these SCIs were reflected in the Plan Consultation Protocol (CD1/18). The Consultation Statement – August 2019 (CD1/3) and the Consultation Report – Main Modifications Consultation – March 2021 (CD1/3/MM) provide evidence of how community involvement has been achieved.

## **Sustainability Appraisal**

31. The Plan was subject to Sustainability Appraisal (SA) during its preparation (CD1/2). Addendums to the SA were also produced to inform the proposed main modifications (CD1/2/Add and CD1/2/Add-MM). No statutory consultees have raised any significant concerns about the sustainability appraisal process.
32. Overall, I am satisfied that the sustainability appraisal was proportionate, objective, underpinned by relevant and up to date evidence, and compliant with legal requirements and national guidance.

## **Habitats Regulations Assessment**

33. The Plan was subject to a Habitats Regulations Assessment (HRA) during its preparation (CD1/14) as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The HRA identifies that the Plan is compliant with the Habitats Regulations and will not result in likely significant effects on any of the Natura 2000 Sites identified, either alone or in combination with other plans and projects in the Plan area.
34. The assessment considered the effect of the implementation of the Plan on European protected sites within 10km of the Plan area which includes the Lea Valley Special Protection Area (SPA) and RAMSAR site, Epping Forest Special Area of Conservation (SAC) and the Wormley-Hoddesdon Park SAC.
35. A HRA Addendum – September 2020 (CD1/14/Add) assessed the MMs to consider whether they affect the conclusions set out in the main HRA of November 2019. This identified that the MMs do not have any implications for the HRA.
36. Both Assessments conclude that any potential harmful impacts on the nature conservation value of European sites that could arise from the implementation of the Plan can be avoided or mitigated and identifies that Policy 5 of the Plan provides an important safeguard for European sites in this regard. No statutory consultees or other relevant organisations dispute the findings of the HRAs. Therefore, I am satisfied that the relevant legal requirements relating to Habitats Regulations Assessment have been met.

## **Climate Change**

37. Section 19(1A) of the 2004 Act requires that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the Plan area contribute to the mitigation of, and adaptation to, climate change. The Plan includes objectives and policies designed to secure that waste development and

use of land for such purposes within the Plan area contribute to the mitigation of, and adaptation to, climate change (Strategic Objectives 6 and 7 and Policies 5 and 6).

38. The Flood Risk Sequential Test Report (CD1/11) is informed by information contained within each of the Borough's Strategic Flood Risk Assessments (SFRA) and Surface Water Management Plans which take into account all the sources of flooding within the Plan area. This report, and the Flood Risk Addendum (CD1/11/Add), demonstrate how the Sequential Test has been applied to the proposed waste management sites/areas in the Plan and identifies how the Plan has satisfied the NPPF's requirements in regard to flood risk and the consideration of the impact of flood risk elsewhere as a result of proposed development.
39. Subject to **MM4**, which is discussed below, Policies 5 and 6 will help to ensure that the development and use of land will contribute to the mitigation of, and adaptation to, climate change. Accordingly, the Plan, taken as a whole, achieves the statutory objective prescribed by Section 19(1A) of the 2004 Act.

### **Strategic priorities**

40. The Plan's aims and strategic objectives set out the Borough Councils' high level strategic priorities. These are then addressed through the subsequent policies for waste development and use of land for such purposes in the Plan area.

### **Other legal requirements**

41. The Plan complies with all other relevant legal requirements, including the 2004 Act (as amended) and the 2012 Regulations.

### **Conclusion**

42. I therefore conclude that all relevant legal requirements have been complied with during the preparation of the Plan.

## **Assessment of Soundness**

### **Main Issues**

43. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified eight main issues upon which the soundness of this Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

### **Issue 1 – Whether the Aims and Strategic Objectives of the Plan are in general conformity with the London Plan, are appropriate and**

**sound to provide a suitable basis for meeting the future waste management needs of North London sustainably.**

44. The Plan sets out the preferred option for how the waste management needs of the seven North London Boroughs are to be met to 2035 for principal waste streams comprising LACW, C&I, Construction, Demolition and Excavation (CD&E), Hazardous, Agricultural, Waste Water/Sewage Sludge and Low level radioactive waste (LLW). It seeks the retention and provision of a network of waste management facilities to enable the sustainable management of waste to achieve net waste self-sufficiency.
45. The Plan's purpose is to ensure an adequate provision of suitable land to accommodate waste management facilities of the right type, in the right place and the right time up to 2035 and to provide policies against which planning applications for waste development will be assessed. It includes a single overarching aim and a number of strategic objectives that provide the basis for waste management infrastructure, contribute to the conservation of resources by promoting improvements to the efficiency of processing and making better use of the waste created within North London.
46. The introductory chapter to the Plan explains that a number of spatial principles have informed the detailed policies and the site/area selection for new waste management facilities. However, the introductory text provided in paragraph 1.3 of the Plan does not adequately explain how the strategic objectives of the Plan have informed the spatial principles. **MM1** is therefore necessary to explain how the spatial principles flow from the strategic objectives. This is necessary to ensure that the Plan is effective. This MM also proposes similar modifications to paragraph 4.1 of the Plan which will be discussed later in this report.
47. The 'Aim' of the Plan is identified in paragraph 3.3. This explains the aim of achieving net self-sufficiency for LACW, C&I, C&D, including hazardous waste streams and a need for an integrated approach to move the management of waste further up the waste hierarchy. However, the Aim does not adequately explain what is meant by net self-sufficiency in the context of the management of waste. In addition, it does not promote the beneficial use of excavation waste nor does it recognise that the waste facilities that are required during the Plan period are necessary to meet the identified needs for waste management. Consequently, the Aim of the Plan is not in accordance with Chapter 9 of the London Plan. **MM2** addresses this matter and is necessary to ensure general conformity with the London Plan and that the Plan is effective.
48. Paragraph 9.8.18 of the London Plan identifies that hazardous waste makes up a component of all waste streams and is included in the apportionments for household, commercial and industrial waste. The Plan also identifies that hazardous waste is a sub type of LACW, C&I, C&D waste streams. However, it also identifies hazardous waste as a

waste stream in its own right in the calculation of the capacity gap and the need for new hazardous waste facilities.

49. In this regard, the question arises whether there is a lack of clarity and consistency in the Plan regarding its approach to hazardous waste. Both the Plan and, to some extent, the London Plan recognise that hazardous waste can be a component of LACW, C&I and C&D waste streams. The Plan recognises that this component requires specialist management that is separate to the management of these waste streams.
50. The approach of the Plan is to therefore identify the capacity gap for the hazardous waste element of these waste streams and consider the need for new facilities to manage this as a waste stream in its own right. Whilst this can appear as being inconsistent, I am satisfied that the Plan adequately explains its approach to identifying the sources of hazardous waste, calculation of the capacity gap for the management of this as a waste stream, and the identification of new facilities needed, throughout the relevant sections of the Plan.
51. The Plan identifies eight strategic objectives that demonstrate how the Aim is to be met and identifies the relevant policies in the Plan through which each of the objectives will be delivered. The purpose of the strategic objectives is set out in paragraph 3.4 of the Plan. However, this does not adequately explain how these objectives are intended to deliver the Aim of the Plan or the relationship with policies that are identified. **MM3** addresses this matter and is necessary for the Plan to be effective.
52. Strategic Objective SO3 relates to the achievement of net self-sufficiency for LACW, C&I, C&D and hazardous waste streams. However, it does not identify the need for development to seek the beneficial use of excavation waste or that monitoring of waste exports is necessary to assess the effectiveness of the Plan in meeting this objective. In this context, SO3 is also partially inconsistent with the modifications made to the Plan as a consequence of **MM2**. In addition to the modifications identified above, **MM3** also addresses these matters and is necessary in order for the Plan to be effective.
53. Paragraph 2.27 of the Plan identifies how the respective strategies of each of the North London Boroughs are driven by the requirements to mitigate and adapt to the effects of climate change. Whilst this paragraph explains that the Plan aims to deliver effective waste management to combat climate change, it does not adequately explain how this is intended to be achieved. **MM4** proposes additional text to paragraph 2.27 to explain how the Plan seeks a reduction in disposal to landfill, lowering of emissions from road transport and direct new development to appropriate sites taking into account a greater occurrence of urban flood events. This MM is necessary to ensure that the Plan is positively prepared and is effective.

## Conclusion on Issue 1

54. Subject to the identified MMs, I am satisfied that the Aims and Strategic Objectives of the Plan are in general conformity with the London Plan, are appropriate and sound to provide a suitable basis for meeting the future waste management needs of North London sustainably.

## Issue 2 – Whether the Spatial Framework for waste management is appropriate, is fully justified by the evidence and is soundly based.

55. Section 4 of the Plan sets out the spatial framework, renamed as spatial principles, that have informed its approach to the management of waste over the Plan period and the proposed locations for new facilities. This culminates in the identification of six underpinning spatial principles (A to F) set out in paragraph 4.4. These seek to make better use of existing sites (A); seek a better geographical spread of waste sites across North London consistent with the principles of sustainable development (B); encourage co-location of facilities and complementary activities (C); provide opportunities for decentralised heat and energy networks (D); protect local amenity (E) and support sustainable modes of transport (F). Each of these spatial principles are further explained in Section 4.
56. Paragraph 4.2 provides part of the supporting text that identifies how the spatial principles flow from the Plan's Strategic Objectives. However, **MM5** is necessary to provide further clarity in paragraph 4.2 to explain that the spatial principles have taken into account the Plan's evidence base and the views of stakeholders. This is necessary for the Plan to be justified.
57. Paragraph 4.11 provides part of the explanatory text to Spatial Principle B. It identifies some of the factors that influence the location of new waste sites to achieve a better geographical spread of facilities in North London. However, it fails to recognise that part of the Plan area includes land allocated as Green Belt. **MM6** provides additional text to explain that most waste facilities would be regarded as inappropriate development in the Green Belt unless very special circumstances could be demonstrated. This MM is necessary in order for the Plan to be effective and consistent with national policy and the London Plan.
58. Although Spatial Principle B seeks a better geographical spread of waste sites across North London, the Plan does not adequately explain why the current location of facilities may not be of the right type and in the right place to meet waste management needs up to 2035. As such, there is insufficient justification to support the need for Spatial Principle B. **MM7** introduces a new paragraph describing the geographical spread of existing waste sites and referencing Figure 9, which has been revised and renumbered as Figure 5, showing the

location of existing waste sites in the Plan area. This demonstrates that there is a concentration of existing waste sites in the Lee Valley corridor and mainly in the London Borough of Enfield.

59. **MM7** further explains that Enfield currently contributes 62% of land currently in waste use in North London, compared to 18% in Barnet, 12% in Haringey and 5% or less in the remaining constituent Boroughs. This MM also assists in justifying the need to create a more sustainable pattern of waste development across North London and is necessary in order for the Plan to be effective and justified.
60. I recognise that the Plan could have adopted a more detailed analysis of waste arising to determine a more precise geographic location of new facilities needed by seeking to locate these in close proximity to the source. Instead, the approach adopted in the Plan predominantly relies on the use of administrative boundaries to help determine how a better geographical spread of sites across North London should be achieved. However, I consider the adopted approach to be sound, particularly given the strong competition for land in North Land and the difficulty this creates in defining precise locations, as will be explained later in this report.
61. Paragraph 4.12 also provides supporting text to Spatial Principle B. It identifies that Policy 2 (Priority Areas for new waste management facilities) of the Plan seeks to extend the existing spread of locations for waste facilities by identifying locations that are suitable for waste management use. However, it does not explain how the Plan intends to achieve a better geographical spread of waste facilities as set out in Spatial Principle B.
62. **MMS** proposes additional text to paragraph 4.12. This explains that Section 8 of the Plan sets out how 'Priority Areas' for new waste facilities in the Plan area have been identified. This includes limiting the number of Priority Areas in Enfield and introduces an area based approach that identifies certain industrial and employment areas as being the most suitable for waste management uses. It further explains that Policy 2 promotes an 'outside of Enfield first' approach in considering new proposals for waste management and identifies that the combination of existing waste sites and Priority Areas will provide a more sustainable and appropriately located network of waste facilities in the Plan area. This MM is necessary for the Plan to be effective.
63. Spatial Principle C seeks to encourage the co-location of facilities and complementary activities. This refers to the need to move towards a more 'circular economy' which is a European Commission (EU) initiative (Circular Economy Package) to which the Government has signed up to delivering the targets contained therein as part of the UK leaving the EU. In simple terms, a circular economy is an alternative to a traditional linear economy comprising make, use and dispose of goods to one in which they are retained in use for as long as possible, extracting the

maximum value from them while in use, then recover and regenerate products and materials from them at the end of their service life.

64. The supporting text to Spatial Principle C sets out the benefits of co-location of facilities but does not explain how the Plan will achieve this. **MM9** is therefore necessary for effectiveness and provides additional text after paragraph 4.17 of the Plan. This explains that Policy 2 provides a spatial focus towards the encouragement of co-located activities on land with similar existing uses.
65. In addition, this MM explains that Policy 3 (Windfall Sites) allows for opportunities of locating recycling facilities near to a reprocessing plant that could use the recycled material. It also explains that Policy 5 (Assessment Criteria for waste management facilities and related development) requires waste development proposals to consider the possible benefits of the co-location of activities.
66. Spatial Principle D identifies that the Plan will provide opportunities for decentralised heat and energy networks. **MM10** proposes additional text to supporting paragraph 4.18 of this spatial principle and identifies how policies in the London Plan (Policies SI 8 and SI 3 Part D1e) also encourage waste management proposals where they contribute towards renewable energy generation, low emission heat/cooling combined heat and power and heat networks. This MM is necessary for the Plan to be effective and in general conformity with the London Plan.
67. Spatial Principle E identifies that the Plan will support sustainable modes of transport. The supporting text to this spatial principle explains that road is the main mode of transport for waste but identifies that North London is well served by rail and waterway networks that could be used to transport waste. Whilst the supporting text identifies the opportunities and benefits of using more sustainable methods of transportation other than road, it does not adequately explain how the Plan will achieve this.
68. **MM11** therefore provides additional text to paragraph 4.26 of the Plan to explain that Policy 5 requires the consideration of sustainable transport modes in waste development proposals. It also explains that traffic movements can have an impact on amenity along the routes used and that Policy 5 also seeks to minimise such impacts where possible with reference to the use of low emission vehicles. This MM is necessary for the Plan to be effective.

## Conclusion on Issue 2

69. I am satisfied that the Spatial Framework for waste management contained within Section 4 of the Plan, when considered with the recommended MMs, is appropriate, is fully justified by the evidence and is sound.



**Issue 3 – Whether the Plan provides an appropriate and robust basis to identify the waste that needs to be managed in the Plan area and over the Plan period and is fully justified by the evidence.**

70. Section 5 of the Plan describes the current picture of waste management in the Plan area including the amount of waste generated, how and where it is currently managed. This section provides the baseline of how waste is currently managed in the Plan area. This is informed by the Waste Data Study, the last version prepared in 2019, which is produced in three parts and uses 2016 as a baseline year. Part One considers the 'North London Waste Arisings' (CD1/6); Part Two considers the 'North London Waste Capacity' (CD1/7); Part Three is the 'North London Sites Schedule' (CD1/8) which provides information on existing waste management facilities in each of the constituent North London Boroughs and includes the maximum capacity for each facility and the waste types that they can manage.
71. Section 2 of the National Planning Policy Framework for Waste (NPPW) requires, amongst other things, that Plans should be based on a proportionate evidence base using a robust analysis of best available data and information. The issue arises whether the way waste data presented in the Plan is sufficiently clear and in a logical order to enable a reader to adequately determine waste needs, capacity gaps and the justification for the approach to the retention of existing facilities and the identification of new facilities.
72. A 'Data Study Addendum' (CD1/23) was prepared in 2020 that proposed amendments to the way waste data is presented in the Plan. **MM12** provides additional text to paragraph 5.3 to explain that the Data Study Addendum has been used to improve the clarity of data presented in the Plan. This MM is necessary for the Plan to be justified and consistent with national policy.
73. The Plan identifies that currently 30% (845,776 tonnes) of the waste generated in the Plan area comprises LACW, 27% (762,301 tonnes) comprises C&I waste, 26% (747,242 tonnes) excavation waste, 15% (443,180 tonnes) C&D waste, 2% (53,420 tonnes) Hazardous Waste and less than 1% (9,223 tonnes) Agricultural Waste. The total amount of waste generated being 2,861,062 tonnes.
74. Not all of the above waste is managed within the Plan Area. **MM13** provides additional text to the pie chart in Figure 8, renumbered as Figure 9, that shows the percentage waste arisings and identifies that 66% of waste generated is managed within the Plan area. This MM also introduces a revised Table 4 which identifies the amount of waste managed within the Plan Area and elsewhere. This MM is necessary for the Plan to be justified.

75. **MM14** provides for revisions to Table 4 to more clearly show the amount of waste for each of the waste streams identified above that is managed in the Plan area, managed elsewhere in London, exported to landfill outside London and exported to other facilities outside London. This MM is necessary for the Plan to be justified.
76. In considering the cross boundary movements of waste, paragraph 8 of the Plan identifies that North London does not have all the types of facilities necessary to manage all of the identified sub types of waste. In particular, there are few specialist hazardous waste facilities and no landfill sites in the Plan area so waste that requires to be managed at these types of facilities will need to continue to be exported. However, the Plan also recognises that in order to achieve a net self-sufficiency in waste management capacity within the Plan area and move the treatment of waste up the waste hierarchy, exports of waste will need to be balanced out by an equivalent amount of additional capacity within the Plan area.
77. **MM15** provides for the existing paragraph 5.29 of the Plan to be brought forward to appear after paragraph 5.8. The current paragraph 5.29 identifies that in 2016 around 1 million tonnes of waste was imported into the Plan area for management within transfer stations, treatment facilities and metal recycling sites.
78. **MM15** also provides for revisions to the paragraph to explain that additional capacity that is necessary over the Plan period will be provided by existing facilities which already import waste from outside North London in line with market demands. The type of facilities that have catchment areas wider than the Plan area include metal recycling, end of life vehicle facilities and facilities for the processing of C&D and excavation waste into recycled aggregates. This MM is necessary for the Plan to be justified.
79. Paragraph 5.27 of the Plan considers waste that is exported from within the Plan area for disposal to landfill. **MM16** provides for revisions to the text in this paragraph that updates the amount of waste recorded as being exported from North London in 2016 to 1.4 million tonnes, 675,788 tonnes of which went to landfill. This MM also explains that most of the waste deposited to landfill was excavation waste (65%) followed by LACW/C&I (35%). The MM also identifies that the source data for hazardous waste exports to landfill is the 'Waste Data Interrogator' and the 'Hazardous Waste Data Interrogator'. This MM is necessary for the Plan to be justified.
80. **MM17** provides for three new paragraphs to provide additional text to explain the need and nature of cross-boundary movements of waste (imports and exports). These paragraphs further reinforce the fact the drive for net-sufficiency means that waste will still be imported and exported into North London. In addition, the MM refers to Table 6 of the Plan which, amongst other things, identifies the amount of waste which

is expected to be disposed to landfill over the Plan period. This MM is necessary for the Plan to be effective.

81. Paragraphs 5.31 and 5.32 of the Plan further consider the continued need for some waste to be deposited to landfill but recognises that there will be a scheduled closure of some of the currently available landfill sites during the Plan period. **MM18** provides for additional text and some deletions to the current text of paragraph 5.32 to explain that landfill capacity is declining across the wider south east and no non-hazardous landfill sites are likely to be brought forward by waste operators. Whilst some capacity will remain, associated with the restoration of mineral working sites, the MM reinforces the need for the Plan to manage waste further up the waste hierarchy to help reduce the need for landfill capacity. This MM is necessary for the Plan to be justified and effective.
82. Section 6 of the Plan identifies the future waste management requirements for each waste stream over the Plan period. Paragraph 6.3 and Table 5 of the Plan set out recycling and recovery targets up to 2030 from a 2016 baseline. However, these targets are not reflective of those provided in the recently adopted London Plan.
83. **MM19** therefore provides for the necessary revisions to the paragraph and table to provide consistency with the London Plan. These identify the aim of a 65% target of recycling of municipal waste from the LACW and C&I waste streams by 2030, 95% reuse/recycling/recovery of C&D waste by 2030, 95% beneficial use of excavation waste by 2030 and zero biodegradable or recyclable waste to landfill by 2026. This MM is necessary for the Plan to be consistent with the London Plan and effective.
84. Although the Plan explains that the UK has signed up to delivering the targets set out in the EU Circular Economy Package (CEP), the components of achieving a recycling target of 65% municipal waste by 2030 have been partially superseded by the London Environmental Strategy (LES) published in May 2018. This identifies that the 65% target will be achieved through a 50% recycling rate from LACW by 2025 and 75% from business waste by 2030 which are collective targets across the whole of London. The LES therefore goes further than the CEP by bringing forward London's LACW recycling target to 2025. **MM20** reflects the change in the recycling targets introduced as a consequence of the LES and is necessary for the Plan to be effective.
85. The question arises whether the Plan should be more explicit in identifying how the recycling targets should be met. However, the Plan is a land use planning document and one of its roles is to identify land suitable for waste management facilities. It is part of a range of strategy documents required to be prepared by a number of organisations across North London to demonstrate, in more detail, how the recycling targets are to be met. The Borough Councils, as waste

collection authorities, are required to prepare 'Reduction and Recycling Plans'. In addition, the North London Waste Authority (NLWA) has a responsibility to prepare a strategy on how the Mayor's recycling targets are to be met.

86. The level of detail provided in the Plan to demonstrate the land use planning approach to meeting the recycling targets is sound. More detailed waste management actions are provided in other documents and strategies.
87. Whilst the Plan identifies the London Plan target of 95% beneficial use of excavation waste by 2030, it does not explain what is meant by 'beneficial use'. **MM21** provides some examples that this could include using excavated material within a development, habitat creation, flood defence work or landfill restoration with a preference to using the material on-site or within local projects. This MM is necessary for the Plan to be effective.
88. Paragraph 6.4 explains that a range of options and alternatives were considered to model the predicted waste arisings in the Plan area over the Plan period. **MM22** proposes amendments and additions to this paragraph. These explain that the options considered leading to a preferred strategy included the effects of future activity, fiscal and legislative changes to landfill, financial incentives such as Renewable Obligations Certificates (ROCs) that increase the competitiveness of energy recovery, employment growth leading to an increase in C&I and CD&E waste streams and the proposed Energy Recovery Facility at Edmonton EcoPark from 2026.
89. **MM23** introduces a new Table which sets out the capacity options, growth options and management options for the LACW, C&I, C&D, Excavation, Hazardous and Agricultural waste streams. This takes into account various recycling, recovery, treatment and disposal scenarios and displays, in a summarised tabular form, some of the details provided in Part 2 of the Waste Data Study (CD1/7). This MM is necessary for the Plan to be justified and effective.
90. Amendments to paragraph 6.4 are provided by **MM24** and incorporate supporting text to the new Table provided by **MM23**. Amongst other things, these summarise that the preferred option is identified in Part 2 of the Waste Data Study and explains how a management option of net self-sufficiency was chosen based on growth of 0.81% over the Plan period. This preferred option is based on evidence provided by the Greater London Authority (GLA) and maximisation of recycling to move the management of waste further up the waste hierarchy. This MM is necessary for the Plan to be justified and effective.
91. Paragraph 6.5 of the Plan provides a simple formula that demonstrates the chosen approach to identify the projected waste arisings over the Plan period following the option appraisal as set out in Part 2 of the

Waste Data Study. This takes into account population/economic growth, maximisation of recycling, net self sufficiency for LACW, C&I, and C&D waste by 2026 to give the quantity of waste to be managed for each waste stream to 2035. The actual quantities are identified in five yearly intervals from 2020 in Table 8 (to be renumbered as Table 5) which will be discussed later in this report.

92. **MM25** provides new paragraphs to explain and support Table 8 and is necessary for the Plan to be effective. It sets out that whilst some of North London's Waste will still be exported to landfill, the aim of the Plan is to deliver the equivalent capacity for LACW, C&I, C&D and hazardous waste within the Plan area with recovery and recycling playing the most substantial part.
93. **MM26** provides for revisions to Table 8 and identifies the amount of waste that needs to be managed over the Plan period for LACW, C&I, C&D, Excavation, Hazardous and Agricultural waste streams. It identifies the total waste arisings for each waste stream and the amount that will be required to be recycled, recovered (Energy from Waste), treatment and disposal to landfill in five yearly tranches from 2020 to 2035. The revisions to the table as a consequence of **MM26** are necessary for the Plan to be effective and consistent with national policy as they clearly identify the amounts of waste in each stream that the Plan needs to cater for over the Plan period and the necessary waste management method.
94. Revisions to paragraph 5.5 of the Plan, which will be moved to appear after Table 8, provide introductory text to the existing capacity of North London's waste management facilities by type of facility and waste stream managed as at 2016. These are provided by **MM27** which is necessary for the Plan to be justified. The MM identifies a capacity of just over one million tonnes per annum of recycling/composting for LACW and C&I waste, just under 600,000 tonnes per annum of energy recovery for LACW, around 630,000 tonnes per annum of recycling and treatment for CD&E waste, and around 4,250 tonnes per annum of hazardous waste capacity.
95. **MM28** provides for revisions to existing Table 3 of the Plan (to be renumbered Table 6) that shows the detailed figures, in tonnes per annum, of capacity for each waste stream and the type of facility that this capacity relates to. This MM is necessary for the Plan to be effective.
96. The London Plan defines the technologies and processes which constitute 'managing' waste. **MM29** introduces new text to existing paragraph 5.6, which will be moved after the new Table 6, which identifies that these definitions have been applied to North London's facilities when calculating capacity. It identifies that transfer stations are not included except where they undertake recycling and this element only has been added to the total capacity identified in the

revised Table 3. This MM is necessary for the Plan to be justified and effective.

97. There are some known changes that will occur to some facilities over the Plan period that will affect their waste management capacity. However, these are not clearly identified in the Plan. **MM30** provides for a new section ('Changes to Capacity over the Plan Period') and an introductory paragraph to explain that some facilities are known to be moving or closing and some new facilities are proposed to be built. This MM is necessary for the Plan to be justified.
98. Additional planned capacity will be provided at the Edmonton EcoPark for which a Development Consent Order (DCO) has been approved by the Secretary of State for a new Energy Recovery Facility (ERF) that will manage the treatment of residual waste during the Plan period and beyond. Whilst this is referred to in paragraphs 8.5 and 8.6 of the Plan, these paragraphs do not adequately identify the capacity that will be provided, or lost, by the additional new facility.
99. **MM31** and **MM32** therefore provide revisions to paragraphs 8.5 and 8.6 and are necessary for the Plan to be justified. **MM31** identifies that the current facility provides for just under 600,000 tonnes per annum capacity and that the new facility will increase this to approximately 700,000 tonnes per annum. The additional 100,000 tonnes per annum has been incorporated into the calculation of the 'capacity gap' which will be considered later in this report.
100. Paragraph 8.6 of the Plan identifies that the DCO for the Edmonton EcoPark provides for the loss of the existing composting plant to make way for the additional ERF facility. **MM32** proposes additional text to this paragraph that states that it is not intended to build a replacement composting facility and that this will result in a capacity loss of around 35,200 tonnes per annum which has been built into the capacity gap calculation. Whilst this represents a loss of a facility, compensatory provision is not required as the wider Edmonton EcoPark is not being developed for non-waste management uses and therefore there is no conflict with Policy 1 of the Plan.
101. The Plan also refers to the Powerday facility in Enfield which is an existing site currently operating as a Waste Transfer Station. Planning permission has been granted for this site to be used as a Materials Recovery Facility capable of handling 300,000 tonnes of C&I and C&D waste per annum. **MM33** proposes additional text to paragraph 8.10 of the Plan that identifies that it is not clear if the planning permission will be implemented and therefore this has not been added to the pipeline capacity figures in identifying the capacity gap. This MM is necessary for the Plan to be justified.
102. Paragraphs 8.11 and 8.12 of the Plan relate to the loss and re-provision of existing waste management facilities. These identify the London Plan

requirement for compensatory capacity to be provided where existing waste management sites need to be redeveloped by non-waste management related uses.

103. It is known that some sites within the Plan area are to be subject to redevelopment but the Plan is not clear or specific regarding which facilities these may be or the effect this may have on future capacity. **MM34** provides for revisions to paragraph 8.11 that identifies that some sites will be redeveloped for other non-waste management uses as part of the Brent Cross Cricklewood Regeneration Scheme and the detailed information on this is set out in Schedule 1 of the Plan. This MM is necessary for the Plan to be justified.
104. **MM35** provides for revisions to paragraph 8.12 that identifies that the regeneration area includes four existing waste management sites. These are Site Reference BAR3 – PB Donoghue, BAR4 – Hendon Transfer Rail Station, BAR6 - McGovern and BAR7 – Cripps Skips. The MM identifies that the Hendon Rail Transfer Station will be replaced by a new facility and that planning permission has been granted for a new waste transfer facility at Geron Way.
105. The conflict between some of the above existing waste sites and the effect the use has on the living conditions of nearby residents is recognised but is not a matter that can be addressed in the Plan. However, **MM35** identifies that the existing facilities at BAR6 and BAR7 fall within the area of land required to deliver the early phase of the regeneration scheme for which work has commenced. BAR3 is identified as for closure as part of phase 4. The capacity at sites BAR4, BAR6 and BAR7 and part of the capacity of BAR3 would be replaced by the new waste transfer facility.
106. **MM35** also identifies that the remaining capacity from site BAR3 will need to be identified prior to its redevelopment. As such, the Plan assumes that there will be no loss of capacity as a consequence of the redevelopment of these facilities.
107. A new paragraph is proposed by **MM36** which identifies that two facilities in Waltham Forest have recently closed and their capacity has been replaced by a new facility in Enfield. Consequently, there has been no loss of capacity within the Plan area as a consequence of the site closure. **MM35** and **MM36** are necessary for the Plan to be justified.
108. Part 2 of the Waste Data Study (CD1/7), updated by the Data Study Addendum (CD1/23), provide the evidence base that supports the calculation of the 'capacity gap' for the LACW/C&I, C&D and Hazardous waste streams. The capacity gap for these waste streams is introduced in paragraph 6.7 of the Plan. However, this paragraph does not explain how the capacity gap has been calculated.

109. Whilst the Plan refers to the 'capacity gap', it does not adequately explain what this term means. **MM37** provides amendments to paragraph 6.7 to explain that the capacity gap is the difference between the projected waste arisings and the existing capacity taking into account known changes to capacity over the Plan period. This MM also sets out that additional waste management capacity required will be for recycling and recovery in accordance with Strategic Objective 1 of the Plan. This MM is necessary for the Plan to be justified.
110. **MM38** provides for revisions to Table 6 of the Plan (to be renumbered as Table 7) that reflect the evidence in the Data Study Addendum and numerically sets out the capacity gap for the waste streams above in tonnes over five yearly intervals from 2020 to 2035. This table demonstrates that without additional sites or the expansion of existing facilities there will be a capacity gap for LACW/C&I and Hazardous waste streams throughout the Plan period. It also demonstrates that there will be a surplus in capacity for the management of C&D waste throughout the Plan period.
111. A new paragraph is provided by **MM39** which explains that to meet the identified capacity gaps identified in the Table, the approach will be to seek opportunities for new capacity through the intensification of existing sites and/or new facilities. **MM37**, **MM38** and **MM39** are necessary for the Plan to be effective.
112. In order to determine how much land is needed to be identified for waste management facilities to meet the capacity gap, paragraph 6.8 of the Plan sets out that the capacity gap has been converted into a land area requirement based on a typical throughput per hectare for various types of facilities. However, this paragraph does not adequately explain the evidence base which has been used to enable the land area required to be calculated.
113. **MM40** provides amendments to paragraph 6.8 to explain that Table 20 in section 7 of the Waste Data Study Part 2 (CD1/7) provides the evidence base that supports the calculation of the land required. This MM also explains that new technologies may be introduced during the Plan period that may enable some sites to have a higher throughput per hectare. Consequently, monitoring of site capacity, which will be discussed later in this report, will enable the land required to be reviewed. In addition, the MM also sets out that in order for net self-sufficiency to be achieved by 2026, in line with the London Plan, new capacity will need to be delivered by this date.
114. A new table showing the assumed tonnages per hectare that have been used to calculate the land take requirements for various recycling, energy from waste, re-use and composting facilities is provided by **MM41**. Revisions to Table 7 of the Plan (to be renumbered as Table 9) and the supporting text are provided by **MM42** and **MM43** respectively. These identify the indicative land take requirements to meet the



identified capacity gap and that by 2026 an additional 1.5 hectares of land for the recycling of LACW/C&I waste and 4.9 hectares of land required for recycling/recovery/treatment of Hazardous waste will be required in the Plan area. Therefore, a total of 6.4 hectares of land for waste management uses will be required in the Plan area. These MMs (**MM40** to **MM43** inclusive) are necessary for the Plan to be effective.

### **Conclusion on Issue 3**

115. I am satisfied that the Plan, when considered with the recommended MMs, provides an appropriate and robust basis to identify the waste that needs to be managed in the Plan area and over the Plan period and is fully justified by the evidence and is sound.

### **Issue 4 – Whether the selection process to identify areas to manage the identified waste needs over the Plan period is clear, robust and justified.**

116. Sections 3 to 6 of the NPPW set out the approach that Local Plans should take to identify future waste requirements over the Plan period. Paragraph 4 of the NPPW sets out criteria for identifying suitable sites and areas for waste management facilities. They include the consideration of a broad range of locations including industrial sites, opportunities to co-locate waste management facilities and giving priority to re-using previously developed land and sites identified for employment purposes.
117. The London Plan (Policy SI 8) requires Development Plans to plan for identified waste needs and “allocate sufficient sites, identify suitable areas, and identify waste management facilities to provide capacity to manage the apportioned tonnages of waste”. The London Plan also identifies existing waste sites, Strategic Industrial Land (SIL) and Locally Significant Industrial Sites (LSIS) as a focus for new waste capacity.
118. The current Section 8 of the Plan (which will be swapped to precede Section 7) sets out the approach taken to identify sites/areas needed to meet the waste needs and capacity gap. It refers to the methodology assessment criteria that has been used in the Sites and Areas Report (CD1/9) to inform the identification of individual sites/areas that are suitable for future waste management use.
119. The introductory paragraphs to Section 8 do not adequately describe the policy context briefly described above that is provided in the NPPW and the London Plan that has influenced the approach to the identification of suitable sites and areas for waste management facilities. It is also not clear how the requirements of Strategic Objective 2 of the Plan, which requires that sufficient land is available to meet North London’s waste management needs, is to be delivered.

**MM44** provides additional text to explain these matters and is necessary for the Plan to be effective.

120. During the 'call for sites' exercise only one site was put forward by landowners as being possibly suitable for waste management uses. As a result, the Plan proposes an 'area' approach to the identification of potential locations for waste management uses. Whilst the Plan refers to new future areas for waste management it does not adequately explain these. **MM45** provides amendments to paragraph 8.2 of the Plan. This explains that an 'area' comprises a number of individual plots of land, such as an industrial estate or employment area that is in principle suitable for waste use but where land is not specifically safeguarded for such use. This MM is necessary for the Plan to be effective.
121. Although Policy SI 8 of the London Plan identifies that SIL/LSIS are suitable locations for waste management, the assessment criteria adopted in the Plan has sought to refine this approach in the Sites and Areas Report by the application of an assessment methodology to locational areas that are the most suitable for waste management use in the Plan area. These are identified as 'Priority Areas'. However, paragraph 8.2, which introduces the area search criteria, does not provide any explanation of what is meant by a 'Priority Area'. **MM46** addresses this matter and is necessary for effectiveness.
122. The Sites and Areas Report (CD1/9) identifies areas potentially suitable for waste management use. The methodology for identifying new areas is broadly supported by technical consultees and the waste management industry. However, the Sites and Areas Report does not adequately identify how the best performing areas and existing industrial areas should be identified as the focus for new waste facilities or how a wider geographical distribution of facilities should be sought.
123. The Draft Plan initially identified that approximately 352 hectares of land within the Plan area was suitable for waste management uses. An 'Options Appraisal for Sites and Areas' informed the identification of the most appropriate sites and areas shown in the Publication Plan. This resulted in a reduction in the area of land within the Plan area that could be potentially suitable for waste management uses to approximately 102 hectares. However, despite this latter figure being used in the Plan, the 'Options Appraisal for Sites and Areas' document was not published nor are its outputs adequately reflected in the Plan. Consequently, the issue arises whether the Plan provides a robust rationale that clearly demonstrates why 102 hectares of land is identified as being deemed suitable for waste management uses compared with an identified need of just 6.4 hectares.
124. The 'Options Appraisal for Sites and Areas' was updated in 2020 (CD1/24). **MM47** explains that this has been used to inform the areas

that have been identified in the Plan as being suitable for waste management uses. This MM is necessary for the Plan to be justified.

125. Table 10 of the Plan identifies the assessment criteria that was used in the Sites and Areas Report to identify areas potentially suitable for waste management use. However, this is based predominantly on the 2015 version of the Sites and Areas Report and does not identify the further refinement that was applied through the 2019 version and by the Options Appraisal for Sites and Areas. **MM48** provides amendments to paragraph 8.24 of the Plan to explain that further work was undertaken, including re-appraisal of areas, impacts and the geographical location of sites.
126. I have carefully considered the concerns that this later re-appraisal work should be discounted as it was not wholly available at the submission stage. Nonetheless, the additional work and re-appraisal exercise that was undertaken after the examination hearings was in response to matters raised in those hearings and was made publicly available. It reflects the outputs from the Data Study Addendum and informs the relevant subsequent MMs. There is nothing unusual in this approach or the sequence of events. Overall, I find that the methodology used to evaluate the areas is sound.
127. Additional new paragraphs and amendments to paragraph 8.25 are provided by **MM49**, **MM50** and **MM51**. These further explain the assessment criteria and that the Options Appraisal for Sites and Areas considered five different options to evaluate the location and area of land required for waste management uses in the Plan area over the Plan period. The options include and exclude areas based on their performance against qualitative assessment criteria, detailed in the Sites and Areas Report.
128. The preferred option used in the Plan is Option 5. This identifies that areas with 'Band B' sites (Site is suitable for waste uses following appropriate mitigation), SIL and LSIS areas with a cap on land in Enfield. This option identifies only one industrial area in Enfield as being suitable for waste management uses and provides a more appropriate geographical spread of sites across the Plan area.
129. Overall, I find that the methodology used to identify the preferred option and the approach taken to evaluate the most appropriate locations for waste management development to be sound. However, none of the options considered resulted in a reduction of the total land area required in the Plan for potential waste management uses to be less than the 102 hectares identified.
130. The justification for such a large area being identified in the Plan, against an identified requirement of just 6.4, is also provided by **MM51**. This explains the strong competition for the use of any vacant industrial land in North London which already has low vacancy rates

(4.8%) and that the Sites and Areas Report analyses churn and vacancy rates in detail. Taking into account this analysis, the Plan identifies that 20% (20.5ha) of the allocated land could become available over the Plan period as a result of business churn.

131. Given the competition for industrial land in the London market, the absence of sites coming forward in the call for sites exercise, the low vacancy rates and the identified rate of churn, the approach adopted in the Plan to identify more land than is required to meet the waste needs of North London over the Plan period is justified. I find that this aspect of the Plan's approach provides flexibility over the Plan period and recognises the competitive nature of land use economics in North London. Identifying a range of land suitable for new waste facilities is a reasonable way of creating "sufficient opportunities to meet the identified needs of their area" as required by the NPPW.
132. **MM51** also recognises that there is a risk that the identified area in Enfield, comprising 26ha, could accommodate all new waste capacity that is required over the Plan period. Furthermore, the possibility that planning applications for new waste management facilities on other industrial land in Enfield, cannot be ruled out. Both of these scenarios would be contrary to Spatial Principle B of the Plan.
133. In response to the above, **MM51** explains that the Plan promotes a 'Priority Areas' sequential approach to ensure that waste management proposals demonstrate that consideration has been given to siting a facility within the areas set out in Schedules 2 and 3 of the Plan before other locations. This approach is set out in Policies 2 and 3 of the Plan, which are considered later in this report, and which also require that Priority Areas outside of Enfield should be considered first before a new waste site in Enfield is proposed.
134. These MMs (**MM48** to **MM51** inclusive) are necessary for the Plan to be justified and effective.
135. The Plan identifies thirteen Priority Areas to provide land suitable for the development of waste management facilities. Each Priority Area comprises an industrial estate or employment area that is in principle suitable for waste uses, subject to detailed assessment at the planning application stage.
136. Area profiles for each of the Priority Areas are provided in Appendix 2 of the Plan. These provide an indication of the types of facilities likely to be acceptable and could be accommodated on the Priority Area, identify planning and land use constraints and any mitigation measures that may be required.
137. Paragraph 8.26 identifies that the Priority Areas identified in Schedules 2 and 3 of the Plan are those which meet the selection criteria, as discussed above, and comply with the spatial principles of the Plan.

**MM52** provides additional text to paragraph 8.26 to explain that in order to ensure that Priority Areas are the focus of new waste capacity, the location of new facilities will be monitored through Monitoring Indicator IN3. **MM53** provides for an updated Figure 13, to be renumbered Figure 11, that comprises a plan showing the locations of the Priority Areas for new waste management facilities. These MMs are necessary for the Plan to be effective.

138. The question arises whether the allocated area A22-HR (Friern Barnet Sewage Works/Pinkham Way) should be deleted as a Priority Area. I have carefully considered the written and oral evidence provided regarding this proposed allocation.
139. Priority Area A22-HR has a dual designation as Site of Importance for Nature Conservation (SINC) and Local Employment Area (LEA) in the Haringey Local Plan Strategic Policies (2013) and is protected for employment use, subject to consistency with its nature conservation status. Where a site has more than one designation, the Local Plan Strategic Policies document identifies that appropriate mitigation measures must be taken and where practicable and reasonable, additional nature conservation space must be provided.
140. Notwithstanding the evidence provided with regard to previous local plan examinations in Haringey, the dual designation of Priority Area A22-HR is a matter of fact and it is not the purpose of the North London Waste Plan Examination to determine if both, or either, of these designations should continue to apply. The consideration is whether the evidence justifies, or otherwise, its identification as a Priority Area in the Plan and that the Plan is sound in this regard.
141. Appendix 2 of the Plan, which is considered later in this report, clearly identifies the planning constraints applicable to the area and sets out the need for ecological/nature conservation mitigation and enhancement to be considered as part of any development proposals.
142. The question also arises whether the evidence has appropriately considered the flood risk issues that are relevant to the site. In this regard, I have carefully considered the Flood Risk Sequential Test and Report (CD1/11 and CD1/19), the Flood Risk Addendum (CD1/11/Add) and the Sustainability Appraisal Addendum and update (CD1/2/Add and CD1/2/Add-MM). Taking into account **MM113**, which is considered later in this report, I am satisfied that these documents collectively provide sufficient evidence to confirm that the Plan's approach to the consideration of flood risk in respect of site A22-HR is sound. I am also satisfied that appropriate engagement has taken place with the Environment Agency to inform the flood risk evidence.
143. The above documents indicate that of the 5.95ha comprising the Priority Area (which includes land owned by both the North London Waste Authority and Barnet Council), approximately 76.3% is shown to

be within Flood Zone 1, approximately 11.6% within Flood Zone 2 and approximately 12.1% within Flood Zone 3a. The eventual, if any, location of new waste development would be assessed against the flood risk criteria of the NPPF with the objective of avoiding development on land that is at risk of flooding by directing development away from areas of high risk (whether existing or future). In this regard a site-specific flood risk assessment would be required for any waste management development on this area.

144. Notwithstanding the former land uses on the area, a considerable part has revegetated over time. The question arises whether Priority Area A22-HR should be identified as previously developed land or whether it has revegetated to the extent that the remains of the former activities and structures have blended into the landscape to become part of the natural surroundings. Whilst the Plan recognises the current revegetated condition of the site it understandably does not provide any conclusion on the extent to which it may, or may not, have blended into the landscape, or indeed will do so overtime.
145. It is not necessary for Priority Areas to comprise previously developed land. Consequently, I do not consider it necessary for the purposes of soundness to firmly conclude the extent to which the site may or may not be considered as previously developed land. However, this is a matter that may be relevant in the consideration of any subsequent planning application for future waste management development.
146. Overall, I am satisfied that the site selection process is sound with regard to the identification of Priority Areas and that the relevant constraints for the areas identified have been appropriately considered and taken into account.

#### **Conclusion on issue 4**

147. I am satisfied that the Plan demonstrates, when considered with the recommended MMs, that the selection process to identify areas to manage the identified waste needs over the Plan period is clear, robust and justified by the evidence and is sound in this respect.

#### **Issue 5 – Whether the Plan makes appropriate provision for the future management of waste.**

148. Section 6 of the Plan sets out the future waste management requirements and Section 8 (to be moved and renumbered Section 7) sets out the selection process to identify Priority Areas required to manage the identified waste needs over the Plan period. The current Section 7 of the Plan (to be moved and renumbered Section 8) brings this information together to explain how North London's waste needs are intended to be managed over the Plan period. It identifies the waste management processes to be used for each waste stream.

149. This Section sets out an 'Over-arching Policy for North London's Waste' which reflects the achievement of net self-sufficiency for LACW, C&I, C&D and Hazardous waste streams by 2026. It sets out the need for excavation waste to be put to beneficial use and the encouragement of development on existing sites and in Priority Areas that promote the management of waste up the hierarchy, reflect the proximity principle by increasing the management of waste as close to the source as practicable and reducing exports to landfill.
150. Paragraph 7.2 provides supporting text to the over-arching policy. **MM54** provides additional text to this paragraph to explain that most capacity will be met through existing facilities and that Policy 1 of the Plan supports the intensification of existing sites whilst also enabling relocation to more sustainable locations for replacement capacity subject to assessment as required by Policy 5.
151. Paragraph 7.4 refers to the monitoring of the projected quantities of waste to ensure that the over-arching policy is being delivered. **MM55** provides additional text to explain there are four particular monitoring indicators in the Plan to assess this. These are outlined as being IN1 which monitors waste arising compared with the projected quantities; IN2 which monitors new waste management capacity delivered; IN3 monitors the location of new waste facilities and compensatory provision; IN7 monitors the amount of waste exported from the Plan area.
152. These MMs provide amendments to the supporting text of the over-arching policy and are necessary to ensure that the Plan is effective.

#### LACW and C&I waste

153. Paragraph 7.8 introduces the Plan's approach to the management of LACW and C&I waste. **MM56** provides amendments to this paragraph to explain that these waste streams comprise similar types of waste and that most of the facilities that manage these waste streams do not differentiate between these waste types. Consequently, the Plan groups the management of these waste streams together when assessing existing capacity and planning for additional capacity.
154. **MM57** provides new text to explain that there is a capacity gap of approximately 174,500 tonnes for LACW and C&I waste over the Plan period which equates to a requirement for 1.5 hectares of land, subject to the technology that facilities may use in the future. **MM56** and **MM57** are necessary for the Plan to be justified.
155. The Plan sets out the approach to the recycling/composting of LACW and C&I waste in paragraphs 7.9 to 7.11. **MM58**, **MM59** and **MM60** provide amendments and new text to these paragraphs. These amendments explain the role of the NLWA in preparing a Joint Waste Strategy (JWS). A key element of the most recent JWS, which expired

in December 2020, has been met through the granting of consent under the Development Consent Order (DCO) process for a replacement energy recovery facility at the Edmonton EcoPark to treat residual waste. The new JWS will be developed in 2021/22 and will set out how North London will contribute to the Mayor's recycling targets.

156. The new text in **MM60** explains that there is an opportunity to bring forward new waste recycling/composting capacity on the part of site A22-HR (Friern Barnet / Pinkham Way site) which is owned by the NLWA. There is also opportunity to bring forward commercial recycling in all but one of the Priority Areas identified in Schedule 2 and 3 of the Plan and composting capacity on four of the Priority Areas. **MM58**, **MM59**, **MM60** and **MM61** are necessary for the Plan to be effective.
157. Paragraph 7.14 is one of a number of paragraphs that explains the Plan's approach to the recovery of LACW and C&I waste. Amendments to this paragraph and the inclusion of a new paragraph are provided by **MM61** and **MM62**. The amendment to paragraph 7.14 deletes reference to additional land being required for the recovery of C&I waste as after 2025 the recovery element of this waste stream can be met by the new Edmonton Energy Recovery Facility. However, notwithstanding this, the new paragraph explains that there are opportunities for additional recovery capacity to be brought forward on three of the proposed Priority Areas. **MM61** and **MM62** are necessary for the Plan to be justified and effective.

#### CD&E waste

158. The approach to the recycling of CD&E waste is set out in paragraphs 7.19 and 7.20. **MM63** and **MM64** are necessary for the Plan to be justified and provide amendments to these paragraphs. These explain that North London has sufficient capacity over the Plan period to manage construction and demolition waste but some exports of excavation waste will continue. Monitoring Indicator IN1 will provide the annual monitoring of recycling rates for these waste streams.
159. Paragraph 7.23 explains that the Plan depends on landfill capacity being available outside of the Plan area over the Plan period. However, **MM65** is necessary for the Plan to be justified and provides amended text to explain that the majority of C&D waste (95%) will be reused, recycled and recovered and that the majority of excavation waste (95%) will be put to beneficial use.

#### Hazardous Waste

160. Paragraphs 7.26 and 7.27 set the Plan's approach to the recycling and recovery of hazardous waste. **MM66** and **MM67** provide amendments to these paragraphs to reflect the fact that there are a number of facilities in the Plan area that manage this waste with the majority being car breakers and metal recovery facilities. However, the capacity



for the management of hazardous waste is 49,000 tonnes per annum which requires approximately 4.9 hectares of land. New facilities, in principle, are supported in the Priority Areas. The Area Profiles in Appendix 2 of the Plan identify where a Priority Area is not suitable for hazardous waste and recycling and recovery activities. These MMs are necessary for the Plan to be justified and effective.

### **Conclusion on Issue 5**

161. I am satisfied that the Plan demonstrates, when considered with the recommended MMs, that appropriate provision is made for the future management of waste in the Plan area over the Plan period and that it is sound in this respect.

### **Issue 6 - Whether the Plan's policies make appropriate provision for waste management development over the Plan period and provide an adequate balanced approach to protect people and the environment whilst delivering the Plan's aims and strategic objectives.**

162. Section 9 sets out the Plan's policies to deliver the aims and strategic objectives, spatial principles and the overarching policy for waste management in the Plan area.

### **Policy 1: Existing Waste Management Sites**

163. The existing waste management sites by site name are identified in Schedule 1 of the Plan. Policy 1 seeks to safeguard these, and any other sites that are granted planning permission, for waste uses. The policy supports the expansion or intensification of operations on existing waste sites. The policy sets out that non-waste uses on these safeguarded sites will only be permitted where it is clearly demonstrated that compensatory capacity can be provided. However, it does not identify how this is to be achieved or that such compensatory provision should also accord with the spatial principles of the Plan.
164. Whilst Schedule 1 identifies the site name of existing sites it provides no information on the site address, details of the waste streams that are managed or information on the annual tonnage of waste managed by the individual sites shown in the schedule. **MM105a** provides for this additional information to be provided in Schedule 1 and is necessary for the Plan to be justified.
165. **MM105b** provides for a change to the site area identified to be safeguarded on the Haringey Policies Map for site HAR 7 of Schedule 1. This corrects a mapping error and is necessary for the Plan to be effective.
166. The policy also refers to the 'agent of change principle' in respect of new non-waste development that may prejudice the use of a waste

site. It applies this principle to the Priority Areas allocated for waste management, as well as existing sites. The effect of applying this principle to allocated areas could significantly prejudice the delivery of non-waste management development on sites in proximity to the 109 hectares of land identified as Priority Areas, particularly as less than 10% of this area is likely to be developed for waste management uses. **MM68** addresses these matters and is necessary for the Plan to be effective. Amongst other things, the MM makes it clear that consideration of the agent of change principle only applies to existing sites.

167. Paragraphs 9.4 to 9.10 provide the supporting text to Policy 1. However, these paragraphs do not adequately explain that safeguarding of an existing waste site for waste use does not preclude changes of ownership or that planning applications for the intensification or expansion of operations will be permitted providing they align with other policies in the development plan.
168. In addition, the supporting text does not adequately explain that compensatory capacity must be above or at the same level of the waste hierarchy and at least meet the maximum achievable throughput of the existing site by reference to the throughput achieved over the last five years. Also, the text does not adequately explain that compensatory provision should also accord with the Plan's spatial principles and should be provided within the Plan area, unless the Plan's Annual Monitoring Report clearly demonstrates that remaining capacity is sufficient to meet net self-sufficiency for LACW, C&I, C&D and hazardous wastes. **MM69, MM70, MM71, MM72** and **MM73** address these matters and are necessary for the Plan to be effective.
169. Paragraph 9.10 provides further supporting text to explain the agent of change principle. However, it does not adequately explain the responsibilities placed on new development with regard to the mitigation of the impacts that may arise from locating new development in the proximity of an existing waste site. **MM74** addresses this matter and is necessary for the Plan to be effective.
170. In considering the impacts from waste management activities, the Plan does not explain the relationship between the planning policy considerations of the Plan and the Environmental Permitting Regulations. **MM75** addresses this matter in the interests of effectiveness and provides additional supporting text to Policy 1.

## **Policy 2: Priority Areas for new waste management facilities**

171. This policy sets out the Plan's support for new waste management facilities but refers to these as being locations as opposed to 'Priority Areas'. The policy does not adequately reflect Spatial Principle B which seeks a better geographical location of sites. In addition, for consistency and effectiveness, it should reflect the modifications

provided by **MM8** requiring that new sites should be in Priority Areas outside of Enfield and that development proposals will need to demonstrate that no other sites are available before considering sites within Enfield's Priority Area. Furthermore, the Policy does not provide support for the co-location of complementary activities as required by spatial principle C. **MM76** addresses these matters and is necessary for the Plan to be positively prepared and effective.

172. Tables 11 and 12 identify the Schedule 2 and Schedule 3 areas respectively to which Policy 2 relates. Schedule 3 areas are those located within the LLDC area which are to be identified in the LLDC Local Plan and for which LLDC will be the relevant waste planning authority for the determination of planning applications on those areas. However, Tables 11 and 12 do not refer to the areas identified as being 'Priority Areas' to which the modified Policy 2 relates. **MM77** addresses this matter and is necessary for the Plan to be effective.
173. Paragraph 9.11 of the Plan provides part of the supporting text to Policy 2. However, it does not adequately explain how the Priority Areas identified meet the Strategic Objectives and Spatial Principles of the Plan. In addition, the text does not explain that the sequential Priority Area approach applies to additional capacity in Enfield only and not to the expansion or intensification of existing waste sites or providing compensatory capacity for sites already in the Borough. Furthermore, it does not explain that there is an exception to the sequential Priority Area approach in Enfield where proposals are for Recycling and Reuse Centres (RRCs) as there is an identified need in Enfield and Barnet to improve coverage across North London. **MM78** addresses these matters and is necessary for the Plan to be effective.
174. Paragraphs 9.13 to 9.16 also provide supporting text to Policy 2. However, these do not adequately explain that the Priority Areas will be identified as the most suitable locations for waste uses in the relevant Borough Council Policies Maps. In addition, this supporting text does not explain how the Priority Areas identified meet Strategic Objectives 1 and 5 and that for each area there is an 'Area Profile' in Appendix 2 of the Plan which indicates the constraints that may be applicable in considering development proposals within such areas. Furthermore, the text does not explain that the Priority Areas are also suitable to consider for compensatory capacity. **MM79, MM80, MM81** and **MM82** provide the necessary modifications in order for the Plan to be effective.

### **Policy 3: Windfall Sites**

175. This policy provides support for waste management development on windfall sites. However, it does not adequately explain that the policy relates to development proposals on sites that are located outside of the existing sites, identified in Schedule 1, or outside of Priority Areas as identified in Schedules 2 and 3. Furthermore, it does not adequately

reflect Spatial Principle B and fails to identify that sites outside of Enfield should be considered first. **MM83** addresses these matters and is necessary for the Plan to be effective.

176. Corresponding changes to the supporting text of Policy 2 in paragraphs 9.23 and 9.24 are necessary to reflect the changes made to the policy but to also explain that the exception to this is for development proposals for RRCs in Enfield and Barnet. This is necessary improve the geographical coverage of RRCs across North London. These are provided by **MM84** and **MM85** which are necessary for the Plan to be effective.

#### **Policy 4: Re-use & Recycling Centres (RRCs)**

177. This policy provides support for RRCs across the Plan area but does not identify the fact that these are particularly needed in Enfield and Barnet in order to improve the coverage across the Plan area. **MM86** provides the modification to address this matter and is necessary for the Plan to be effective.
178. Paragraph 9.33 provides part of the supporting text to Policy 4 and identifies that existing Sites and the Priority Areas identified in Schedules 1, 2 and 3 are likely to be the most suitable for RRCs. However, the paragraph does not explain the relationship with Policy 3 and how this policy will apply to a proposal for a RRC outside of these areas. **MM87** provides the text to address this matter and is necessary for the Plan to be effective.

#### **Policy 5: Assessment Criteria for waste management facilities and related development**

179. This policy sets out the environmental and amenity matters that will need to be addressed in the submission of planning applications for waste management development. However, the policy fails to recognise the need for the efficient use of urban land in North London and as such does not identify that proposals should maximise the waste capacity of the site. In addition, the policy is unduly restrictive in requiring all facilities to be enclosed which is unnecessary if an equivalent level of amenity or environmental protection can be permanently achieved by other means.
180. The protection afforded to heritage assets in the policy by seeking to avoid significant adverse impact is inconsistent with the advice provided in Section 16 of the Framework. Furthermore, the policy does not require any consideration of the effect of development proposals on the mitigation or adaption to climate change. **MM88** addresses these matters and is necessary for the Plan to be effective and consistent with national policy.

181. Part of the supporting text to the policy is provided by paragraphs 9.34, 9.37, 9.40 and 9.41. **MM89**, **MM91**, **MM92** and **MM93** are necessary to the supporting text of these paragraphs respectively to reflect the modifications made to the policy by virtue of **MM88**. Additional text is also necessary to reflect the fact that Policy SI 8 of the London Plan also promotes capacity increases at waste sites to maximise their use to demonstrate that London's land is being used to its highest potential. Consequently, **MM90** explains that applications for waste management development will be required to demonstrate that the waste management capacity on a site has been optimised. These MMs are necessary for the Plan to be effective and in general conformity with the London Plan.
182. The supporting text provided in paragraph 9.42 refers to the need for development proposals to be accompanied by a transport 'Servicing and Delivery Plan' and a 'Construction Logistics Plan' and that consideration should be given to the use of Direct Vision Lorries for all waste vehicles. However, the text does not recognise the relationship with these requirements and the Mayor's 'Vision Zero Action Plan' nor does it refer to the need to give consideration to efficient and sustainable transport movements. **MM94** addresses these matters and is necessary for the Plan to be effective.
183. Criterion (i) of Policy 5 (to be renumbered as criterion 'j') relates to the protection and enhancement of biodiversity. Paragraph 9.44 provides supporting text to explain how this aspect of the policy should be taken into account in the submission of development proposals. However, it does not identify that Borough Council Local Plans also contain detailed local policies relating to biodiversity which, in addition to the advice provided in the Framework, will also need to be taken into account. **MM95** provides modifications to this supporting text and is necessary for effectiveness.
184. Criterion 'k' of the policy (to be renumbered 'l') requires that development should have no adverse impact on flood risk on and off the site. Supporting text to this criterion is provided by paragraph 9.48. However, the paragraph does not adequately explain that development proposals will be required to consider the impact of climate change using the latest published climate change allowances and that a sequential approach to the layout of the site should be adopted to locate development in those parts of a site that is at a lower risk of flooding. **MM96** is necessary to address this matter and is necessary for the Plan to be effective.

### **Policy 6: Energy Recovery and Decentralised Energy**

185. This policy requires that where waste cannot be managed at a higher level in the waste hierarchy it should be used to generate energy, recover excess heat and to provide supply to networks including decentralised energy networks. However, the policy fails to adequately

recognise that this may not always be technically feasible or financially viable to do so. **MM97** provides modifications to the policy to require proposals to demonstrate how they meet, or do not meet, the requirements of the policy through the submission of an Energy Statement. This MM is necessary for the Plan to be effective.

186. Part of the supporting text to Policy 6 is provided by paragraph 9.61. This identifies that work is underway to progress the delivery of the Meridian Water decentralised network in the Lee Valley and that this will connect with other heat sources from waste developments in the Lee Valley including the Edmonton EcoPark. However, the text does not recognise the occurrence of Green Belt in proximity to the Lee Valley. **MM98** is therefore necessary for the Plan to be effective and consistent with national policy to ensure that the openness and permanence of the Green Belt is maintained.

### **Policy 7: Waste Water Treatment Works and Sewage Plant**

187. This policy, amongst other things, identifies that proposals for waste water treatment and sewage plant should meet environmental standards set by the Environment Agency. However, this aspect of the policy is not related to land use planning nor is its compliance in the control of the relevant waste planning authority. Therefore, this part of the policy is inappropriate for inclusion within a development plan document. **MM99** provides for the deletion of this part of the policy and is necessary for the Plan to be consistent with national policy.

### **Policy 8: Inert Waste**

188. This policy identifies the developments for which the use of inert waste will be permitted and includes the restoration of mineral workings and facilitating improvement in the quality of land. However, the policy fails to define these as beneficial uses and is partially inconsistent with the modifications provided by **MM21**. In addition, the policy does not identify the need to ensure that inert waste is also managed as far up the waste hierarchy as possible, including on-site recycling and use, and is therefore inconsistent with Strategic Objective 1 of the Plan. **MM100** provides modifications to the policy to address these matters and is necessary for the Plan to be effective.
189. Corresponding modifications to the supporting text in paragraph 9.68 as a consequence of **MM100** are necessary and are provided by **MM101**.

### **Conclusion on Issue 6**

190. Subject to the recommended MMs, I am satisfied that Plan's policies make appropriate provision for waste management development over the Plan period and provide an adequate balanced approach to protect people and the environment whilst delivering the Plan's aims and

strategic objectives. Accordingly, with those MMs in place, I find this part of the Plan to be sound.

**Issue 7 - Whether the monitoring and implementation framework of the Plan will be effective.**

191. Section 10 of the Plan comprises the monitoring framework that lists the key indicator targets, links with strategic aims and policies and progress towards the delivery of outcomes to monitor the effectiveness of the Plan. It also identifies in tabular form the roles and responsibilities for organisations that have an input into the implementation of the Plan.
192. Paragraph 10.3 identifies that the responsibility for monitoring the achievement of the aims and objectives of the Plan lies with the individual North London Borough Councils. However, the Borough Councils have agreed to monitor the Plan jointly through a lead Borough Agreement and a joint Annual Monitoring Report will be produced. **MM102** provides for these modifications to the Plan's monitoring arrangements in the interests of effectiveness.
193. As a consequence of the modifications made to the tables in Sections 5 and 6 of the Plan, corresponding changes are necessary to the monitoring indicators provided in Table 14. **MM103** provides the necessary modifications.
194. Table 15 of the Plan identifies the roles and responsibilities involved in implementing and monitoring the Plan. In order to be consistent with the modification provided by **MM103**, in respect of the appointment of a lead Borough Council to monitor the Plan, **MM104** is necessary for effectiveness.

**Conclusion on Issue 7**

195. Subject to the recommended MMs, the monitoring and implementation framework is effective and provides a robust framework for monitoring the delivery of the Plan and is sound.

**Issue 8 – Whether the Area Profiles for the Priority Areas as set out in Appendix 2 of the Plan provide appropriate guidance for the submission of development proposals.**

196. Appendix 2 to the Plan identifies the planning constraints, potential waste management uses and potential mitigation measures that need to be considered in any planning applications for waste management development proposals on the Schedule 2 and 3 Priority Areas identified in Table 11.
197. Modification is required to the 'Historic Environment' theme of Area A05 -BA (Connaught Business Centre) to identify that the Area is within

the Watling Street Archaeological Priority Area and there is a potential for archaeological remains to be found. Consequently, an archaeological assessment should be undertaken as part of any development proposal. This modification is provided by **MM106** and is necessary for the Plan to be effective and to ensure that the archaeological implications of waste management development within the allocated Priority Area are properly taken into account in accordance with national policy.

198. Similarly, modifications are required to the Historic Environment theme of Areas A12-EN (Eleys Estate, Enfield), Area A15-HC (Millfields LSIS) and A21-HR (North East Tottenham) to reflect the fact that these Areas are within the Lee Valley West Bank Archaeological Priority Area, (Area 12-EN) and Lee Valley Archaeological Priority Area (Areas A15-HC and A21-HR). As such, archaeological assessment should be undertaken as part of any development proposals. A further addition is also required to Area A15-HC to reflect the fact that the Hackney Borough Disinfecting Station, which is a Grade II listed building, is also shown on the Heritage at Risk Register. These modifications are provided by **MM107**, **MM108** and **MM112** and are necessary for the Plan to be effective.
199. **MM109** is necessary to modify the 'Flood Risk' theme for Area LLDC1-HC (Bartrip Street) to reflect the fact that the area is largely within Flood Zone 1 with the southernmost part falling partially within Flood Zones 2 and 3. However, the proposed waste use is considered to be 'Less Vulnerable' and the site has been subject to a Sequential Test in the Flood Risk Sequential Test Report (CD1/11) and found to be appropriate for waste management development. As such the exception test would not be applicable. This MM is necessary for the Plan to be effective.
200. Similarly, modifications are required to the Flood Risk theme for Areas LLDC2-HC (Chapman Close) and A19-HR9 (Brantwood Road) to identify that a site-specific flood risk assessment would be required for any waste management redevelopment which will need to incorporate the current climate change allowance at the time of submission. These modifications are provided by **MM110** and **MM111** and are necessary for the Plan to be effective.
201. Similar modifications are also required to the Historic Environment and Flood Risk Themes of Areas A24-WF (Argall Avenue) and LLDC3-WF (Temple Mill Lane) requiring archaeological assessment and site-specific flood assessment to be provided as part of a planning application. These are provided by **MM114** and **MM115** and are necessary for the Plan to be effective.
202. Modifications are necessary to the Area Profile of A22-HR Pinkham Way to reflect the relevant land use designations and policy implications of the development plan. Modifications are also necessary to the Flood



Risk theme to reflect the fact that a site-specific flood risk assessment would be required for any waste management redevelopment.

203. In addition, new text is required to the 'potential mitigation theme' to reflect the fact that the number of land use designations affecting the site mean that only a proportion of the site would be suitable for waste management development. The text identifies that a smaller part of the site is in the ownership of the NWLA and therefore most likely to accommodate waste management development and that the site footprint should be minimised. Any development on the site will need to consider the impacts on biodiversity and how public access to the remainder of the site can be achieved. These modifications are provided by **MM113** and are necessary for the Plan to be effective.

### **Conclusion on Issue 8**

204. Subject to the recommended MMs, the Area Profiles, as set out in Appendix 2, provide appropriate guidance for the submission of development proposals for waste management uses on those areas.

## **Overall Conclusion and Recommendation**

205. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
206. The North London Borough Councils have requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the Duty to Cooperate has been met and that, with the recommended main modifications set out in the Schedule of Main Modifications, the North London Waste Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Stephen Normington*

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.