

MATTER 3 – SPATIAL FRAMEWORK FOR WASTE

- 24. Is the methodology/assessments used to calculate capacity gaps, amount of waste to be managed and land take requirements robust and clear and does it adequately take into account any potential future dampening factors on growth and forecasts in waste arisings?**

A detailed analysis of the data used to underpin the draft Plan has been provided in our representations submitted in April 2019 which while not repeated here we would refer the Inspector and participants to.

The methodologies used are flawed and overestimate capacity gaps, and hence the amount of land that is identified as being required to be safeguarded and allocated in the Plan area. This will unnecessarily constrain timely delivery of development, particularly much needed residential development on sites with extant outline planning permission for such development. Given that sites are to be safeguarded from other development for the Plan period, this means land may be unnecessarily sterilised for the Plan duration.

The assessments reported in the Data Study assume that waste arisings correlate to employment, for which no evidence is provided. Arisings of C&D waste have actually fallen in recent years which indicates that applying a negative growth rate may be appropriate, and that the forecasts have over-estimated arisings and subsequent capacity need and gap. This would also reflect other policy measures including those related to 'circular economy' and waste minimisation, including on-site re-use as well as modular/modern methods of construction and off-site manufacture of building components. It is worth noting that Planning Practice Guidance advises that: "*Waste planning authorities should start from the basis that net arisings of construction and demolition waste will remain constant over time.*" (Paragraph: 033 Reference ID: 28-033-20141016) so that might be taken as the most pessimistic growth rate.

The methodology to assess land requirements is largely presented in Tables 19 and 20 of Data study 2 p67 and 68. It is notable that reference is made in the footnote to "*data taken from the London EA Tonnage Throughput per Hectare Modelling Study 080807*". However, this document is not in the examination library, and when requested of the Agency, has not been forthcoming. Without such sources being available to scrutiny it is hard to establish if the values used are robust or not.

However, what can be said is that, looking at a sample of sites identified as handling CDE wastes within the Borough of Barnet, presented in Table 1 of the site schedules of Data Study 3, Appendix 4 Site Profiles, the following snapshot appears:

	Column				
Row	a	b	c	d	e
	Site Name	ID	Maximum Annual Capacity(tonnes) (Table 1 site schedules)	Area (Waste Data Study Part 3: Appendix 4: Site Profiles Barnet) Ha	tonne/Ha/d
1	Upside Railway Yard	BAR 11	234,930	0.7	326,292
2	P B Donoghue, Claremont Rd	BAR 3	118,964	0.8	148,705
3	Mc Govern Brothers, Brent Terrace, Hendon	BAR 6	65,235	0.7	93,193
4	Scratchwood Quarry	BAR 2	131,505	2.7	48,706

The tonne/hectare values obtained compare with a value of 100,000 t/hectare in Table 20, with a minimum facility capacity of 200,000 tpa. In reality, the sample exercise above demonstrates that:

1. significantly greater tonnages can be managed within a hectare - up to 326,292 tpa; and that
2. site sizes required to meet a need for this waste stream could be substantially less than the 2hectare limit modelled.

In such cases the exception should be taken to prove the rule i.e. where management is demonstrated to be possible within a particularly small site, this defines the 'maximum possible' threshold. The fact that the Donoghue site (BAR3) also managed substantially greater tonnages per hectare c 150,000t while delivering 96% recycling, supports this approach.

Comparisons of Table 4 Data study Part 2, which lists sites that have been reclassified, with Tables 1-7 (p7-14) of Data study Part 3 giving assessment of existing waste management capacity in each Borough, indicates that the reclassification has not been carried forward. For example, in the case of Donoghue, Claremont Road (which appears to be a double entry as there is a PB Donoghue at line 7) Table 4 states "96% of CD&E waste actually recycled - reclassified as no longer just transfer station" (emphasis added). However, Table 1 of Data Study Part 3 still lists the site as a Transfer station (non hazardous). Such inconsistency undermines confidence in a model which itself is not open for public interrogation.

26. Does the methodology/assessments utilise the latest data and could there be any 'over-inflation' in the outputs from the methodology? In particular, if Table 3 and paragraph 5.6 identify surplus capacity, and the same paragraph also refers to North London as being a net exporter, could there be an argument that the proposals for future waste facilities would result in over provision? If not, should there be more detailed explanation as to why this is not the case?

The methodology does not utilise the "best available data" and as demonstrated in our submission, this has resulted in what we believe to be an over inflation in capacity requirement.

At the time the data report was refreshed, the Environment Agency dataset called the Waste Data Interrogator (WDI) was available for the calendar year 2017, but only the 2016 version was used. The WDI 2018 has been released since and therefore the data upon which the data study has been based is already nearly 3 years out of date.

By way of example, paragraph XI of Part 2 of the Data Study refers to there being a total of 65 licensed waste management facilities identified as operating in North London in 2016 (this number has not apparently changed since the previous iteration of the Data report which cited the same value for 2014). It is therefore unclear whether additional capacity that has come on stream in the subsequent 2 years has been taken into account at all. It should be noted that a count on the WDI 2018 indicates 70 site entries for North London. This does not include the Edmonton EfW plant and any other such facilities which report outside the WDI environmental permitting framework.

In order for the Plan to be aligned with the expectation that waste plans be founded upon the "best available data", it is recommended that the Plan process be put on pause to allow for the refreshing of the data studies in light of the two more recent years of data available in the public domain. Failing that an AMR ought to be urgently released to update the underpinning data and verify or otherwise the findings.

We agree with the Inspector's observations regarding the confusing messages presented in Table 3 and paragraph 5.6. as there is no expectation that each Plan area should be entirely self-sufficient in the full range of facilities and/or capacity. Rather the objective of net self-sufficiency is to ensure that the overall amount of available capacity is at least equivalent to the quantity of waste produced. This is clearly demonstrated by a simple comparison between the values presented in Table 2, and the values presented in Table 3, reproduced below for convenience. This shows the capacity surplus for the whole Plan period.

	Baseline	NLWP Projection		
	2016	2018	2026	2029
Arisings (Table 2)	2,861,062	2,861,062	2,861,062	2,861,062
Capacity (Table 3)	4,421,723	4,421,723	3,944,906	3,825,942
Difference	+1,560,661	+1,560,661	+1,083,844	+964,880

+ - surplus

In terms of over-inflation, as we set out in detail in our representations on the draft Plan (which we do not repeat here but may be referred to by the Inspector and participants) forecasts of C&I and C&D waste arisings are over-estimated due to assumed correlation between waste arising and employment, for which no evidence is provided. For C&D waste specifically, a declining growth rate should be applied to reflect actual falls in baseline figures over recent years. At the same time the assessment of existing capacity is under-estimated (for reasons we set out above and below). The combined effect of these means that an over estimate of capacity requirement is arrived at.

29. Does/should the Plan consider opportunities for replacement capacity outside of the plan area?

It should, but doesn't at present. This is inconsistent with the emerging new London Plan (Policy SI9 Safeguarded Sites) which states in clause C that *'The proposed loss of an existing waste site will only be supported where appropriate compensatory capacity is made within London that must be at or above the same level of the waste hierarchy and at least meet, and should exceed, the maximum achievable throughput of the site proposed to be lost.'* While not adopted, this version of the London Plan has been subject to examination (and subsequent consolidated changes), and so is at an advanced stage and should be afforded weight as dictated by NPPF (para 48). It is likely to be adopted prior to adoption of the NLWP.

Extending the area of search for provision of compensatory capacity to London as a whole is consistent with the London Plan Policy 5.16 set to meet the objective of net self-sufficiency at London-level. While the possibility of setting borough-level apportionments for construction and demolition waste was considered at the early stages of the revised London Plan, it was dismissed on the basis that net self-sufficiency in managing this waste stream ought only to be pursued on a London wide basis. Hence, it is not expected or necessary to plan for additional provision for this waste stream at borough or sub-regional level.

This would provide the necessary flexibility to enable capacity lost at safeguarded sites in one part of London subject to particular development pressures such as the NLWP area, including those with outline permission for non-waste use, to be compensated for by locations elsewhere in London that may be more suitable and reflect modern processing standards.

Indeed, the NLWP itself acknowledges (para 8.11) that some existing capacity will be lost during the plan period, and some of this will be replaced outside North London with a net loss to North London but not London as a whole, and this information has been taken into account in Schedule 1 (the list of safeguarded sites). The loss includes BAR3 (PB Donoghue) which is taken into account in the capacity calculations (Data Study 2 Table 4).

However, the NLWP does identify 'Locations for new waste management facilities' within North London in Policy 2 and Table 11, with a total hectareage that is more than sufficient to provide for forecast needs including accommodating compensatory capacity for the loss of that at Site BAR3.

Paragraph 8.4 of the Data Study Part 2 (2019) *Future Waste Capacity Requirements for CD&E Waste* explicitly recognises this simple need in the following terms:

"The facility for recycling C&D operated by P B Donoghue in Barnet is due to close due to the development taken place as part of the Brent Cross Cricklewood redevelopment programme. If this site is replaced locally from 2029 with equivalent capacity of around 119,000 tonnes this could meet this requirement, meaning no additional sites would be required. "

Hence, an allocation should be made in the Plan to provide such capacity and therefore allow the unimpeded release of the site for development for which outline consent has already been granted. This approach would be consistent with the statement in the draft London Plan (para 9.9.2) which states *"Any **waste site release** should be part of a plan-led process, rather than on an ad-hoc basis"*

In reality, as shown in Table 13, a capacity of just over 100,000 tpa would be needed to cover the projected shortfall if it were to emerge. Notably Table 4 of the Data Study Part 2 shows that Scratchwood Depot in Barnet has been removed from capacity modelling on the basis that it was not operational (presumably in 2016 or before). However, consideration of the WDI 2018 dataset for the site shows that it received 120,553 tonnes. Reinstatement of this omitted site would eliminate the identified capacity gap and allow release of the BP Donoghue site through the NLWP process as required by Para 9.9.2 of the London Plan.

38. Are the land take requirements in Table 7 robust and should the Plan seek to provide opportunity to intensify capacity at existing sites by seeking more efficient use of land?

Table 7 is flawed for a number of reasons, not least that it underestimates the tonnage of waste that can be managed within a hectare of land by a significant margin. For example, PB Donoghue (Site BAR3) is 0.8ha but has a throughput of 111kte/annum, giving a tonnes/ha value of 140kte/ha. Hence Table 7 exaggerates the land requirement for C&D recycling predicted to emerge by 2030. It is likely to be closer to 1ha, if indeed it emerges at all. This further illustrates how the modelling outputs over-estimate need in the Plan.

It makes little sense to assume a facility size and then take only part of it which is what has been done in Table 21 for EfW with one hectare identified. It is far more sensible to acknowledge that for the majority of facility types, viable facilities can be built at a range of scales and given the scarcity and consequential high value of land in London, an expectation that uses on existing sites will be intensified and any additional capacity developed will be particularly compact is justified.

In summary, the Plan should acknowledge that there are opportunities to intensify capacity at existing sites within North London which can provide for predicted capacity requirements, including for loss of sites with outline permission for non-waste uses and whose loss is accounted for in the Plan, and include London as a whole.

MATTER 3 SOUNDNESS

- Arisings of C&I and C&D waste appear to have been over-estimated;
- Capacity may be under-estimated, particularly as 'transfer' sites often include other treatment including recycling;
- Growth of C&D waste appears to be inflated as there have been falls in arisings, and a negative growth rate would be more appropriate and justified;
- The assumption that growth in C&D waste is correlated to growth in employment is not justified or supported by evidence, and is likely to be flawed given C&D waste is related rather to construction activity;
- The actual capacity that may be lost through re-development of PB Donoghue site should be considered to be lower than indicated, to reflect actual input of C&D waste arising from North London;
- Planned and operational capacity of sites in North London appears to be under-estimated;
- Overall, the assumptions applied in the NLWP Data Report and waste needs assessment 2019 have inflated the resulting need for additional capacity and hence land.

The Plan is considered to be unsound for the following reasons:

Positively prepared:

The need for which the Plan seeks to provide is based on an over-estimate of waste arisings and an under-estimate of existing capacity. This leads to unnecessary safeguarding being applied to existing sites and capacity. This is particularly perverse when applied to sites which are already expected to be 'lost' over the Plan period, without any attempt to identify capacity to allow their release within the Plan making process. By not identifying and allocating sites to provide the capacity (including site BAR3), and in doing so providing the mechanism that enables re-development to proceed, the Plan will frustrate the development process and is therefore unsound.

Justified: Not an appropriate strategy.

It does not provide a coherent strategy, as while it identifies areas for new waste capacity which are more than sufficient to deliver calculated needs, it does not then take these areas into account to release safeguarding from sites known to be subject to extant permission for non-waste development. The Plan does not properly consider potential for replacement of capacity that is expected to be lost, that may be provided outside of North London

How the Plan can be made sound/Modifications required:

The assessments of need and capacity should to be revisited, and the availability of capacity to replace that expected to be lost over the Plan period re-assessed. The role of the NLWP should be to provide for and allocate sufficient sites to enable management of forecast waste arisings over the plan period. Policy 2 and Table 11 identifies areas for new waste management facilities, which are more than adequate to provide for the calculated needs

including for C&D recycling and including for loss of capacity over the Plan period including that at Site BAR3.

The safeguarding currently applied to sites that have extant outline permission for non-waste use, and whose loss is accounted for in the calculations of capacity requirements, should be removed. This would be achieved through removal of Site BAR3 from Appendix 1 Table 17/ Schedule 1. This would then enable the re-development of BAR3 to proceed in accordance with the development plan. If safeguarding continues to be applied, with no clear mechanism for delivery of compensatory capacity, then site BAR3 cannot be re-developed and the further progress of the regeneration of Brent Cross Cricklewood (application F/04687/13) will continue to be frustrated.