

North London Waste Plan Matters, Issues and Questions Main Matter 5

Responses from North London Boroughs

Main Matter 5 – Policies

Issue: Whether the policies strike an appropriate balance between making appropriate provision for waste management over the plan period and protecting people and the environment.

Policy 1

54 Is there a conflict between the requirements of Policy 1 and supporting paragraph 9.7 and paragraph 8.11? In particular, Policy 1 and paragraph 9.7 requires that compensatory capacity will be delivered on a suitable replacement site within North London. However, paragraph 8.11 identifies that some replacement capacity will be replaced outside of North London. Whilst clarification of this matter is required, how can replacement capacity outside North London be achieved beyond the administrative boundaries of the plan area and how does this effect the aspiration for net self-sufficiency?

54.1 The reference in paragraph 8.11 to replacement capacity outside North London refers to an application in Waltham Forest to redevelop a Bywaters waste site as part of the Gateway Road development (Ref 160923). This application has now been approved and compensatory waste capacity is provided, through a S106 agreement, at another Bywaters facility in Bow, East London. Ahead of the NLWP being adopted, this application was assessed against London Plan policy which requires compensatory capacity within London as a whole. NLWP Policy 1 goes beyond the London Plan policy and extends it to require compensatory capacity within North London and, once adopted, applications will be assessed against this criterion. Retaining existing capacity is a key part of North London's plan to meet its requirement to be net self-sufficient in LACW, C&I and C&D waste streams.

54.2 With the exception of the site described above, all other approved redevelopment of waste sites in North London are providing compensatory capacity within North London. Once the NLWP is adopted, compensatory capacity for any new applications for redevelopment of an existing waste site will be required to provide compensatory capacity within North London. Replacement capacity outside North London will therefore not be acceptable.

54.3 Changes to para 8.11 are therefore suggested to improve clarity around compensatory capacity and update the position as follows:

8.11 Where existing sites need to be relocated, compensatory capacity is required in order to comply with the London Plan, Borough Local Plans and, once adopted, the NLWP. It is known that some waste sites in North London will be redeveloped for

~~other uses capacity will be lost during the plan period. Some of this capacity will be replaced within North London, some outside North London with a net loss to North London but not to London as a whole, and some is as yet unknown.~~ Where such issues are known and new sites have already been sought, this information has been fed in to the Plan process and information has been given in Schedule 1.

55 How is 'close proximity' to be defined for the purpose of development proposals? Is it more appropriate to just consider development that may prevent or prejudice the use of waste sites irrespective of proximity?

55.1 'Close proximity' in a dense environment such as North London would need to be established on a case by case basis. However, the proximity test in Policy 1 has to a large extent been superseded by the introduction of the 'agent of change' principal in the NPPF and draft new London Plan, which places responsibility on the applicant of a proposed development to provide suitable mitigation if the operation of an existing waste facility could have a significant adverse effect on the new development. Therefore the following modification to Policy 1 is proposed:

Policy 1 [...]

~~Development proposals in close proximity to existing safeguarded waste sites or sites allocated for waste use~~ which would prevent or prejudice the use of ~~those~~ existing waste sites for waste purposes will be resisted under the agent of change principle unless design standards or other suitable mitigation measures are adopted to ensure that the amenity of any new residents would not be significantly adversely impacted by the continuation of waste use at that location or suitable compensatory provision has been made for the waste use elsewhere within the Plan area.

56 Should Policy 1 identify that safeguarded sites can be lost without compensatory replacement capacity if it can be demonstrated that sufficient capacity exists within North London or London as a whole for the management of the lost waste stream facility?

56.1 No. The draft new London Plan Policy SI9 and supporting text 9.9.1 states that the loss of waste sites should be part of a plan-led process. The NLWP has identified a capacity gap for waste need for all waste streams and therefore needs to retain all the existing waste capacity as well as providing opportunities for new waste capacity in the area. The release of waste sites without compensatory capacity is contrary to the plan for waste in North London.

57 Is 'to the satisfaction of the relevant borough' necessary?

57.1 Yes. There is no defined or agreed way to demonstrate that compensatory capacity will be delivered. While s106 has been used elsewhere in North London, there may be occasions where another solution is more appropriate. It will be down to individual boroughs to decide. The phrase helps highlights the issue and encourages developers to discuss it with the relevant borough.

58 In the final paragraph of the policy should compensatory provision also need to ‘at least meet, and, if possible exceed, the maximum achievable throughput of the site that would to be lost’?

58.1 “Suitable compensatory provision” is defined in paragraph 9.7 of the supporting text. Modifications are proposed to update the definition and requirements to reflect the draft new London Plan in this matter, as follows:

9.7 If, for any reason, an existing waste site is to be lost to non-waste use, compensatory waste capacity provision will be required within North London. Compensatory capacity 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. When assessing the throughput of a site, the maximum throughput achieved over the last five years should be used. ~~Replacement provision will be calculated using the maximum achievable throughput (tonnes per annum) that the site has achieved as set out in the EA Waste Data Interrogator. Maximum throughput for existing sites 2009-2016 can be found in the [Data Study Part 3: Sites Schedule Report](#) Tables 1-7: Assessment of existing waste management capacity.~~ This information is sourced from the Environment Agency’s Waste Data Interrogator. Where this information is not available, for example if a waste site has been vacant for a number of years, the potential capacity of the site should be calculated using an appropriate and evidenced throughput per hectare. Applicants will need to demonstrate that provision of replacement capacity is secured before permission is granted for an alternative use. This could be through a compensatory site of a suitable size to meet at least the maximum annual throughput or an increase of capacity in an existing facility. However, it may not be necessary for replacement sites to be on a ‘like for like’ basis, for example, a new site with a larger capacity might replace a number of sites with individually smaller, but combined equivalent, capacity.

59 Should paragraph 9.10 explain that the ‘Agent of Change’ applies to other impacts and not just noise? Should this reflect the guidance set out in emerging Policy D12 of the draft new London Plan?

59.1 Yes. Modifications to para 9.10 have been proposed, as follows:

9.10 [...] The NPPF and the draft London Plan sets out the ‘Agent of Change’ principle. This principle places the responsibility of mitigating the ~~noise~~ impact of noise, dust, vibration and other nuisance-generating activities (from existing noise-generating businesses) on the proposed new development.

Policy 2

60 Should the Policy refer to the additional land area requirements identified in Table 7?

60.1 Yes. A modification is proposed as follows:

Areas listed in *Schedule 2: Areas suitable for waste management* and *Schedule 3: Areas identified in LLDC Local Plan* are identified as suitable for built waste management facilities to meet the identified need set out in Tables 6 and 7.

61 Is the methodology for identifying Schedule 2 and 3 Areas robust?

61.1 Following the Regulation 18 consultation, a further review of the sites was carried out to ensure points raised through the consultation process were addressed. In addition, more information was sought about the potential impact of the opportunity areas in the London Plan and the impact of Cross Rail 2 on existing waste sites and proposed allocations. Following this initial desk based exercise, a revised list of sites from the original list consulted upon in 2015 was identified and these sites were then revisited during June 2018.

61.2 The revised list of proposed areas was generated through the following process:

(i) Assessment of the consultation responses on individual sites and areas. The boroughs carefully considered the information contained in the representations and any accompanying reports such as on site assessment, access/traffic constraints, proximity to residential property, flood risk, environmental and ecological matters. Where appropriate the site and area proformas were updated.

(ii) A review of the original areas put forward by each borough to assess whether priorities had changed for these sites locally. The Boroughs considered whether waste use was still appropriate and whether the locations put forward help to achieve a geographical spread of facilities across the plan area. This resulted in a number of areas being removed from further consideration for waste uses.

(iii) Preparation of an updated waste capacity assessment through a review of the data study. This has resulted in a change in the amount of waste to be managed and a result in the amount of land being required to meet North London's needs.

(iv) In addition to this, as part of the work on updating the data study, Urban Vision undertook a review of waste facilities across England looking at their land take and throughput per ha. This has resulted in the NLWP being able to identify a higher tonnage per ha for most facility types meaning a smaller land take requirement.

61.3 Following consideration of the above points a revised list of locations was developed. This resulted in only areas remaining in consideration going forward. The only specific site

identified is currently the subject of a planning application for a Waste Transfer Station for the North London Waste Authority (NLWA).

61.4 Site visits of the remaining potential allocations were undertaken in June 2018 to note any changes to the uses located on the sites and surrounding land uses, since the 2014 visits. This work was used to assess if the potential allocations are still suitable and to note any changes which may affect the original assessment findings.

61.5 Following the completion of the above work, the SA and HRA work previously undertaken was also reviewed and updated as necessary.

61.6 In preparing the submitted NLWP, and deciding which sites and areas to take forward, the North London Boroughs took into account national and regional policy, the aims of the NLWP and consultation responses on the Draft Plan, including issues raised around deliverability and other constraints. Further work was undertaken to gather and assess additional information on the proposed sites and areas received during the consultation or as a result of new data being published.

61.7 The North London Boroughs developed a range of reasonable options for taking forward sites and areas in the Proposed Submission version of the plan. The preferred option was to take forward land designated as industrial land and high performing (Band B) sites/areas, while achieving a better geographical spread by reducing the number of sites identified in Enfield. This focus on industrial land and the highest performing areas helps to locate waste facilities away from residential properties, as far as this is possible in an urban area like North London. Further details are set out in Options Appraisal for Sites and Areas taken forward in the Submission NLWP.

61.8 The areas, shown in Schedules 2 and 3 have been identified as suitable for built waste management facilities. The areas are being put forward as they comply with the NLWP Spatial Framework which is reflected in the site selection criteria, as well as a range of environmental, social and economic criteria set out in the Sustainability Appraisal Scoping Report. During the course of the plan, it is expected that land will become available as part of the business churn. Any proposals for waste facilities within the areas will be subject to planning permission. No provision is made for landfill due to the inability of the Plan area to accommodate development of landfill.

62 Is the identification of the ‘waste facility type’ in Table 11 appropriate or should this matter be left to the development management process? If the waste facility type is proposed to remain, should Table 13 be introduced earlier or as part of Table 11 to explain what facility types A-E are?

62.1 The identification of the ‘waste facility type’ in Table 11 is appropriate. The waste facility types set out in table 11 are a key part of the NLWP site assessment process. The site

assessment process is described in NLWP section 8 and para 8.21 and in the Sites and Areas Report.

62.2 The approach regarding waste facility types is in line with government guidance. In section 4 of the NPPW, it says that WPAs should identify the broad type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area, taking care to avoid stifling innovation in line with the waste hierarchy.

62.3 In light of this, as part of the assessment process, an appraisal of the suitability of the site for accommodating a range of waste management facilities has been undertaken. This draws on Government guidance - ODPM (2004) *Planning for Waste Management Facilities – A Research Study*. The suitability of the site in relation to a range of facility types was indicated and a commentary provided. The ODPM report sets out key characteristics and planning issues related to different facility types. The impacts are different and so different facilities are suitable for different areas.

62.4 NLWP is otherwise technology neutral. It recognises that other technologies may come forward. The Boroughs therefore wish to retain table 11 in the plan.

62.5 The Boroughs agree that it would be beneficial if Table 13 was introduced earlier as it is an explanation of the facilities types A-E referred to in Tables 11 and 12. The Boroughs propose to move up Table 13 to sit below Table 12 so that Tables 11, 12 and 13 are all located between policy 2 and para 9.11.

63 Should the Friern Barnet Sewage Works/Pinkham Way (A22-HR) site be removed from Table 11? How does the Plan reconcile the compatibility of the site for waste management uses with the designation of part of the site as a Site of Importance for Nature Conservation (SINC)? Does the fact that this site is not a Strategic Industrial Location (SIL) or a Locally Safeguarded Industrial Site (LSIS) preclude its use for waste management purposes? Is its proposed use for waste management purposes consistent with the Haringey Local Plan? If the site were to be deleted, what effect would this have on the overall spatial framework or other policies in the Plan with regard to the aspiration for net self-sufficiency?

63.1 Friern Barnet Sewage Works/Pinkham Way (A22-HR) area should not be removed from Table 11.

63.2 A22-HR was put forward in the call for sites by the NLWA as a site suitable for waste management use. It was assessed as part of the NLWP site assessment process as described in section 8 and para 8.21 and in the Sites and Areas Report [CD1/9]. The assessment concluded that it was suitable for waste management use.

63.3 The NLWA have stated in their submission to the NLWP that Pinkham Way remains an important asset to the Authority and is considered essential to achieving statutory waste functions in the medium term. NLWA is a statutory organisation whose function is to manage waste and recycling collected by the seven local authorities.

63.4 The site's location is well suited to such use, especially in comparison to the location of a number of existing waste management sites within the Borough and across North London. The policy status of the site, its location and the assessment of its suitability, are the principal reasons why it has been identified.

63.5 A22-HR is an area covering the land owned by the North London Waste Authority (NLWA) and the land owned by Barnet. The area approach is proposed so as to be better able to manage the nature conservation aspects over the area as a whole. The part of Pinkham Way that is MOL has been excluded from consideration in the NLWP. The ecological corridor alongside the railway line is recognised.

63.6 Throughout the NLWP process, the Boroughs have been fully aware of the dual designation of Pinkham Way as an employment area and as a SINC.

63.7 When the sewage works closed in the early 1970s, AR22-HR was used as a dump, including for old lampposts and concrete columns, which led to a rise in levels on the site. Remnants of the sewage works remain but the site was then left derelict and has been so for at least 30 years. The area has been considerably revegetated including tree cover but is likely to be contaminated because of these previous uses.

63.8 The site assessment process, including the Sustainability Appraisal, considered the balance between potential waste use and the designation as a SINC Borough Grade1. In planning terms, the site has been considered an employment area since at least the 1990s. It is well located within the boroughs as a whole and in terms of a better geographical spread of sites across North London. It is surrounded by the North Circular and a Retail Park to the north, a railway line and industrial units to the east, a golf course to the south and residential about 100m away to the west. Access is via a special slip road to the North Circular Road.

63.9 The habitat value of the area is properly represented by the SINC designation. The ecological value that the area possesses is not incompatible with waste management development occurring within part of the area provided it is carefully sited and designed. The area is not and has never been designated as open space and has no public access.

63.10 Any planning application brought forward would need to demonstrate a net gain in biodiversity. There would be the potential for any development to improve connectivity between this SINC and others in the local area which is a main objective of a SINC. Development would create an opportunity to decontaminate the site and enable active management of the SINC which does not occur at present.

63.11 Whilst the new draft London Plan in policy SI8 specifically mentions SIL or LSIS as potential locations for waste use, it does not preclude waste uses being developed on other types of land. The NPPW in section 4 proposes that authorities consider a broad range of locations for potential waste use. Pinkham Way is designated as a Local Employment Area as well as a SINC, and the Boroughs do not consider there is a conflict with the London Plan or any other plan including the Haringey Local Plan in terms of the site being suitable for

waste use, given its Employment Land designation and other positive attributes outlined above.

63.12 In the 1998 Unitary Development Plan, the 2006 Unitary Development Plan, the 2013 Core Strategy and the 2017 Local Plan, Pinkham Way has had a dual designation as a SINC and as Employment Land. This has been confirmed by the Inspector on each occasion and the Plans were found to be sound and legally compliant.

63.13 The Pinkham Way site was part of the draft Haringey Site Allocation Plan, as SA52 with the proposed allocation “Protection of the site for employment uses, subject to appropriate protection of nature conservation status. No indicative capacity” During the examination of the plan in 2016, at the Inspector’s suggestion, Pinkham Way was withdrawn from the Plan as a Site Allocation as there were no confirmed proposals for delivery of employment floor space on the site, unlike the other sites in the Plan. The existing dual designation as Employment Land and SINC from the 2008 UDP remained extant.

63.14 Pinkham Way has been considered in Haringey’s local plan evidence base in relation to employment, biodiversity and open space.

Employment

63.15 The site has been a designated Employment area since at least the 1998 UDP when it was classified as Employment Land – DEA6. This has been carried through to the current Local Plan where it is classified as a Local Employment Area: Employment Land DEA 19.

63.16 The planning approach to employment sites in Haringey has been to protect existing sites, particularly with the increasing pressure from high value generating uses. The Viability Assessment studies done by GVA in October 2014 found that new employment development in Haringey (B use Class) is generally not viable anywhere in the borough, which is why this type of development does not attract a Community Infrastructure Levy Liability. In light of these viability issues and changing demand for employment floor space including the co-location of differing types of workspace, sites such as Pinkham Way have been designated Local Employment Areas which allow for a wider range of employment generating uses than solely traditional B Class employment uses, and this can include waste use (as it could on SIL or LSIS).

63.17 The Haringey Employment Land Study prepared by Atkins in February 2015 suggested a conservative approach to any further release of employment sites and a lack of suitable B1 light industrial and B2 general industrial space in the borough. The Strategic Policies Local Plan adopted in 2017 includes specific employment policies for protecting employment sites including Local Employment Areas such as Pinkham Way.

Biodiversity

63.18 The site has had a SINC designation since at least the 1998 UDP when it was classified as an Ecologically Valuable Site Grade 1 which has been borne through to the current Local Plan as a Site of Importance for Nature Conservation of Borough Importance (Grade 1).

63.19 A number of studies have assessed the site, including the Pinkham Way SINC Preliminary Ecological Appraisal (Pearce & Vickers, October 2013). The Pinkham Way Alliance (PWA) has carried out ecological studies with permission from NLWA.

63.20 These confirm that there is significant biodiversity value on parts of the site, including a UK priority habitat for reptiles. UK priority species have also been recorded in this habitat and are likely to still be present. UK priority habitats and species are of principal importance for the purpose of conserving nature and should be given specific consideration when implementing the Council's 'biodiversity duty' under section 40 of the Natural Environment and Rural Communities Act 2006. Notifiable species such as Japanese Knotweed have also been found on site. Therefore if a proposed development was deemed to be of overriding importance this is unlikely to prevent development assuming a comprehensive mitigation strategy is developed and implemented. Given the presence of notifiable species, development could remedy this whilst improving the overall biodiversity value of the remainder of the site.

Open space

63.21 The site has never been designated as open space. The site is privately owned and the owners have confirmed that they have no intention of turning the site over to open space available to the public. An application under the Commons Act 2006 to register the Pinkham Way site as a Town or Village Green was rejected following an inquiry in 2013 by an Independent Assessor.

63.22 Pinkham Way was excluded from the Haringey Open Space Study carried out by LUC in October 2014 because it was not publicly accessible – a key requirement of the Study. The Open Space Study identified a primary deficiency in the east of the borough. Pinkham Way is not well placed to address this deficiency effectively.

63.23 Haringey Council and the PWA have debated the designation of the site in public in front of an independent planning inspector on two separate occasions in recent years. Both inspectors, having considered all the available evidence, determined to uphold the existing dual designation applying to the area and not to designate it open space.

63.24 Haringey and all other boroughs have followed all planning and legal requirements in producing plans. Haringey have published evidence base documents on its website. Committee reports have been fair and transparent. Matters raised by the PWA have been responded to and dealt with at Committee.

63.25 The Boroughs have identified sufficient land through areas of search to meet national and regional waste and recycling targets and to meet net self-sufficiency for the major waste streams. The areas have been identified as suitable for built waste management facilities and are put forward as they comply with the NLWP Spatial Framework which is reflected in the site selection criteria, as well as a range of environmental, social and economic criteria set out in the Sustainability Appraisal. In so doing the Boroughs took into account national and regional policy, the aims of the NLWP and consultation responses on the Draft Plan. The Boroughs consider that the areas identified in Schedules 2 and 3 are required to deliver the NLWP. In addition the deletion of a suitable area put forward by the

statutory waste disposal authority for the plan area because it is required to meet their strategy would not be an appropriate step.

63.26 In terms of flood risk, it is important to consider at the planning application stage the layout of the site and how differing parts of the site may be impacted by flooding now and in the future. Adequate mitigation measures as per Local Plan policy (and NPPF paras 155 and 163) would be required to ensure there were no adverse impacts on flooding downstream should part of the area be developed.

63.27 The development is “less vulnerable”, and the Pinkham Way site falls within Flood Zones 1, 2 and 3a. As set out in the Sequential Test report it has not been possible to accommodate all the required development within Flood Zone 1 and 2 alone. Therefore, pursuant to the Sequential Test the proposed “less vulnerable” development in Flood Zone 3a is appropriate. Therefore, this site passes the Sequential Test.

64 Should the Temple Mill Lane site (LLDC3-WF) and the Bartrip Street site (LLDC1-HC) be removed from Table 12? If so, are there any impacts of their removal on the other policies in the Plan or the aspiration for net self-sufficiency?

64.1 The Temple Mill Lane area (LLDC3-WF) and the Bartrip Street area (LLDC1-HC) should not be removed from Table 12.

64.2 These two areas are both located within the boundaries of the London Legacy Development Corporation (LLDC) which is the planning authority for a small portion of Hackney and Waltham Forest. Following discussions with the LLDC it was agreed that the Boroughs would continue to develop the NLWP for the whole seven boroughs and the LLDC has been involved throughout. A Memorandum of Understanding has been agreed between the LLDC and the Boroughs that the two areas (plus Chapman Road) are potentially suitable for waste as set out in Schedule 3.

64.3 Both areas are designated as LSIS in the LLDC Local Plan. Both are within Opportunity Areas and this is noted in the related area profiles in Appendix 2.

64.4 The Boroughs are aware that LLDC3-WF – Temple Mills Lane is a functioning bus depot. This is mentioned in the description of the area in the Area Profile in Appendix 2 of the Plan. In the event that the bus depot use comes to an end, and the LSIS designation remains, then it is potentially suitable to be considered for waste use.

64.5 The Boroughs are aware that LLDC1-HC Bartip Street is located to the southeast of a potential gypsy and traveller site. This is noted in the Area Profile in Appendix 2 of the Plan.

64.6 Para 8.17 sets out the Boroughs approach to waste development in Opportunity areas and Housing Zones. Policy 2 states that any waste development in schedule 2 and 3 areas need also to be in line with policies in the London Plan and Local Plans. Policy 3 Windfall sites deals with development in OA, and the opportunities for mixed use and co-location.

64.7 As the areas are LSIS and not SIL, co-location and mixed development would be appropriate in this area under the London Plan. It is considered that the overall approach of the NLWP and the area approach to identifying new land gives sufficient flexibility to enable compatible developments to take place.

64.8 The Boroughs have identified sufficient land through areas of search to meet national and regional waste and recycling targets and to meet net self-sufficiency for the major waste streams. The areas have been identified as suitable for built waste management facilities and are put forward as they comply with the NLWP Spatial Framework which is reflected in the site selection criteria, as well as a range of environmental, social and economic criteria set out in the Sustainability Appraisal. In identifying the sites the Boroughs took into account national and regional policy, the aims of the NLWP and consultation responses on the Draft Plan. The Boroughs consider that the areas identified in Schedules 2 and 3 are required to deliver the NLWP.

64.9 Almost all the sites in the potential new areas identified in Schedules 2 and 3 are in use as is the case at Temple Mill Lane. The approach of the Plan is that with business churn, sites within areas could become available over the life of the Plan. The amount of land identified and its geographic spread enables the Boroughs to meet their responsibilities to plan for waste, given that some of the proposed areas may not be able to come forward for waste use.

65 Should the P B Donoghue Site (BAR3), WRG Hendon Rail Transfer Station, (BAR4) and Brent Terrace Sites (BAR6 and BAR7) be removed from Table 17? If so, are there any impacts of their removal on the other policies in the Plan or the aspiration for net self-sufficiency?

65.1 These are all existing safeguarded waste sites and should remain in Table 17 until such time they are redeveloped and are no longer safeguarded waste sites. Their release for other uses will be reliant on the delivery of compensatory capacity to the satisfaction of the GLA and the London Borough of Barnet. Any update to the sites' status after the adoption of the NLWP will be reflected in Barnet's policies map.

Overview

65.2 The sites in question are located within the Brent Cross Cricklewood (BXC) regeneration area. Outline planning permission for the comprehensive regeneration of BXC was granted in 2010 and modified via a Section 73 application (reference F/04687/13) in 2014 (the S73 Permission). The S73 Permission provided for a rail linked Waste Handling Facility (WHF) that would provide replacement capacity for the existing Hendon Waste Transfer Station (BAR4) as well as provide sufficient capacity to replace three smaller commercial waste management facilities in the area – McGovern Brothers (BAR6), Cripps Skips (BAR7) and P B Donoghue (BAR3).

65.3 Since the original planning permission was granted the North London Waste Authority (NLWA) have changed their strategy and are now delivering the North London Heat and Power project to replace the existing energy from waste facility at Edmonton. The NLWA therefore no longer require a rail based facility with an ERF solution for residual waste at BXC,

and instead a smaller Waste Transfer Station (WTS) is now being delivered at BXC. The WTS was granted planning permission (reference 17/6714/EIA) in 2018 and is located on part of the Geron Way site originally identified for the Waste Handling Facility. The approved facility has a design capacity of 260,000 tonnes per annum (tpa) and construction is now under way. The new facility will be complete by the end of 2020/beginning 2021. A Rail Freight Facility (RFF) is also being delivered which will import aggregate and transfer construction waste out by rail. The RFF planning permission was approved in 2018 and facility will be operational by the end of 2019 and will have capacity to transfer up to 500,000 tpa of construction waste.

65.4 The other three existing commercial waste management sites within the BXC area have planning permission for redevelopment for residential mixed-use development under the S73 Permission. Two sites (McGovern and Cripps Skips) are required for the early southern development phases of the BXC regeneration which will commence in 2020.

65.5 Under the conditions of the S73 Permission, replacement capacity for the existing waste management sites will be delivered primarily through the replacement WTS. Replacement capacity will be based on maximum throughput achieved at an existing site rather than the licensed capacity to accord with the draft London Plan and draft North London Waste Plan. The consented WTS is large enough to replace capacity of the Hendon Waste Transfer Station (BAR4), McGovern Brothers (BAR6) and Cripps Skips (BAR 7) waste sites. It also provides replacement capacity of 66,250 tpa towards the PB Donoghues site, leaving a residual replacement requirement of 46,237 tpa.

65.6 This response establishes the current situation on the BXC waste sites and demonstrates that to maintain capacity as required, the sites BAR3, BAR4, BAR6 and BAR7 should be retained in Table 17. The Plan should, however, acknowledge that they will be redeveloped as part of the BXC Regeneration under the terms of the existing outline planning permission.

Brent Cross Cricklewood Regeneration

65.7 This is a long-standing policy objective that has been embedded in regional and local planning policy and guidance for nearly 15 years.

65.8 BXC will provide a substantial new office location for London along with major improvements to existing roads and public transport and a new Thameslink Station that will significantly improve the accessibility and enable regeneration of the area to its full potential. Since the approval of the S73 Permission in 2014, significant progress has been made in securing the relevant planning approvals for the first sub-phases of the regeneration. The Brent Cross North Development Partners, Hammerson Aberdeen Standard Investments (HASI) have discharged the relevant pre-reserved matters planning conditions and secured reserved matters approval for the critical infrastructure to be provided in the first phase along with the expansion of the Brent Cross Shopping Centre.

65.9 In 2015, the Council appointed Argent Related as its delivery partner for BXS and formed a joint venture, BXS LP, in 2016. Since then BXS LP have secured Reserved Matters and drop-in approvals for all of the infrastructure and development within Phase 1 (South). This will deliver just under 1,000 homes as well as retail and community uses. The first plot will commence in early 2020.

65.10 The Council has secured Government Grant funding of £416.5m to deliver the new Thameslink station and associated infrastructure. This has enabled the station to be delivered at the beginning of the regeneration which will support and enable the accelerated delivery of development. Drop-in planning permissions have been approved for the Rail Freight Facility (RFF), Waste Transfer Station (WTS), the replacement Sidings and associated rail systems works, all of which are now under construction.

Therefore, since the grant of the S73 Permission, significant progress has been made towards the delivery of the BXC development.

Approved Waste Handling Facility at BXC

65.11 The outline planning consent for the regeneration of BXC (as amended under section 73 permission F/04687/13) included a replacement Waste Handling Facility (WHF) on a 3.28ha site off Geron Way adjacent to the A5 (Edgware Road). The WHF was required to directly replace the Hendon Waste Transfer Station and to offset the redevelopment of three other smaller commercial waste sites.

65.12 The original parameters were for a facility that would include a Materials Recycling Facility (MRF) which would sort material for recycling, and a residual waste treatment facility which would convert waste into a Refuse Derived Fuel (RDF) to supply the proposed Combined Heat and Power facility (CHP). The WHF was assumed to include rail tracks to be provided under a rail mounted gantry with a facility for loading and unloading from vehicles. This was a replication of the facilities at the existing Hendon Waste Transfer Station where waste is loaded onto trains for export out of London to landfill historically and more recently to other sites for processing. The indicative capacity for the WHF in the BXC outline planning consent was 600,000tpa.

GLA London Waste Map Data

65.13 Table 1 highlights the licensed capacity and recorded annual throughput since 2014 for the relevant sites within the BXC regeneration area based on data from the London Waste Map.

Table 1: Capacity and throughput of waste management facilities in BXC

YEAR	WASTE SITE*			
	Hendon WTS (Licence: 375,600)	PB Donoghue (Licence: 113,760)	Cripps Skips (Licence: 25,000)	McGoverns (Licence: 150,000)
2014	114,457	112,450	8,807	33,161
2015	128,606	112,487	9,408	40,971
2016	142,108	111,226	8,910	42,234
2017	138,758	94,418	8,554	43,408
*All figures expressed as tonnes per annum				

Source: GLA London Waste Map 2014-17

North London Waste Authority (NLWA)

65.14 The NLWA in October 2008 confirmed the process to re-procure the waste disposal contract to support a move away from traditional landfill and incineration and promote a

long-term approach prioritising waste prevention, reuse, recycling and recovery using new waste technologies.

65.15 The project identified two multi-facility sites in Brent Cross and Edmonton in LB Barnet and LB Enfield. Linkages were made to the NLWP process. The NLWA recognised that both major sites were in regeneration areas.

65.16 In 2013, changes to the planning policy situation in north London lead to the NLWA announcing an end the procurement process in favour of a less expensive solution to north London's waste management needs.

65.17 The existing Edmonton facility will now be maintained until 2025, providing enough time for a replacement facility to be consented and built on the Edmonton site whilst the existing facility continued in operation.

65.18 The NLWA formally launched the North London Heat and Power project in late 2014. The scheme will deliver an Energy Recovery Facility (ERF) and a Resource Recovery Facility (RRF) to replace the existing energy from waste facility. The project is a nationally significant infrastructure project and the Secretary of State granted the DCO for North London Heat and Power project in February 2017. The new Edmonton Ecopark facilities provide a notional capacity increase of 305,394 tonnes per annum once all the replacement facilities are fully operational in 2025.

Revised NLWA Requirements at Brent Cross Cricklewood

65.19 The changes to the NLWA requirements led to the need for a smaller residual waste transfer station at BXC which would receive waste which would then be bulked and transported to Edmonton Ecopark for processing. As a result, the BXC site no longer needs to accommodate all of the waste related activities previously planned and no longer needs to be rail linked. This means the WTS to replace the Hendon Waste Transfer Station can be accommodated on a smaller site.

65.20 Planning permission (17/6714/EIA) for the replacement WTS was approved in 2018. The proposed WTS will receive municipal waste, street sweepings, recycling and food waste by road from the seven NLWA constituent boroughs but principally Barnet and Camden. No waste will be accepted from commercial sources. The approved WTS has an operational design capacity of 260,000 tpa with planning permission for 195,000 tpa. The design of the facility has been developed in consultation with the NLWA and will be operated by London Energy Ltd (LEL), the operator of the existing Hendon Waste Transfer Station.

Work has now commenced on site and the replacement WTS is anticipated to be completed in 2020. This represents a commitment by LB Barnet to deliver a new fit for purpose waste facility that will contribute to the waste management capacity requirements for North London.

65.21 The new Energy Recovery Facility that is planned for the Edmonton EcoPark is intended to commence operations in 2025. The NLWA have confirmed that the replacement WTS at Geron Way is required as a strategic bulking facility to receive a range of waste streams collected by the North London boroughs. The location is important to serve the boroughs in

the west of the Authority's area and will reduce the environmental impacts and cost of transporting waste.

Approved approach to replacement capacity at Brent Cross

65.22 Compensatory provision for loss of safeguarded waste management sites has been London Plan policy since 2004. The 2016 London Plan provides further clarity on how that compensatory provision is defined. Adopted London Plan Policy 5.17 (Waste Capacity) point H states:

"If, for any reason, an existing waste management site is lost to non-waste use, an additional compensatory site provision will be required that normally meets the maximum throughput that the site could have achieved."

65.23 This approach is continued in the draft London Plan Policy (2017) (version with consolidated changes version – July 2019), with Policy S19 Safeguarded waste sites, point C which states:

"Waste plans should be adopted before considering the loss of waste sites. 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."

65.24 Under the terms of the BXC planning permission, the approved WTS provides direct compensatory provision for the Hendon Waste Transfer Station and can be counted as compensatory provision for the capacity of the other commercial waste management sites within the regeneration area. The BXC planning permission therefore replaces the capacity of waste management sites based on volume of waste and not the category of waste nor type of waste management facility to be replaced. This principle was accepted by the GLA when the BXC planning application was originally considered in 2010, and again in 2014 when the Section 73 application was approved.

65.25 Conditions 41.4 and 41.5 of the S73 Permission for BXC control the replacement of Hendon WTS and the other waste management sites within the development boundary. These conditions have been updated to reflect the London Plan and the draft NLWP policy approach to using annual throughput to measure waste capacity.

65.26 These conditions require the maximum throughput (tonnes per annum) for the preceding 5 years for the relevant waste sites as the measure of waste capacity to be compensated.

65.27 Using the updated approach based on maximum annual throughput, the required replacement capacity figure for the HWTS and the three commercial waste management sites can be calculated from the figures in Table 1 above. The replacement capacity requirement is set out in Table 2 below.

Table 2 – Compensatory Capacity Requirement based on Maximum Annual Throughput 2014 - 2017

	WASTE SITE*			
	PB Donoghue	Hendon WTS	Cripps Skips	McGovern Haulage
Max Annual Throughput in last 5 years	112,487	142,108	9,408	42,234
Combined total capacity to be replaced	306,237			
Capacity of approved replacement WTS	260,000			
Balance of remaining capacity to be provided	46,237			
*All figures expressed as tonnes per annum				

Source: GLA London Waste Map 2014-17

65.28 While the WTS planning permission is currently restricted to 195,000 tpa, the facility is designed for processing up to 260,000 tpa. The design capacity of 260,000 tpa should be used for the purposes of assessing replacement capacity; this was the GLA approach in their Stage 2 response to the WTS planning application (GLA reference GLA/1496d/VH/02).

The combined maximum annual throughput figures for the existing waste sites in BXC (306,237 tpa) less the design capacity of 260,000 tpa leaves a remaining replacement requirement of 46,237tpa. Based on the phasing of BXC, the WTS is sufficient to off-set the 193,750 tpa combined throughput of the HWTS (BAR4), McGovern Brothers (BAR6) and Cripps Skips (BAR7) sites. It also provides replacement capacity of 66,250 tpa for the PB Donoghues site (BAR3), leaving a residual replacement requirement of 46,237 tpa to be met before redevelopment of the PB Donoghues site.

Conclusion

65.29 The consented WTS at Geron Way is sufficient to replace capacity of the Hendon WTS, McGovern Brothers and Cripps Skips sites. It also provides replacement capacity of 66,250 tpa towards the PB Donoghues site, leaving a residual replacement requirement of 46,237 tpa. The Geron Way facility also meets the NLWA requirements as a strategic bulking facility to receive a range of waste streams collected by the North London boroughs and will reduce the environmental impacts and cost of transporting waste.

65.30 For the NLWP to accurately reflect the position of the sites within BXC, the Boroughs are proposing changes to NLWP text at Paragraph 8.12 and the footnote to Schedule 1, as set out in the Proposed Modifications document.

65.31 Replacement capacity for the PB Donoghue site will partly be provided through the WTS. The residual capacity will need to be provided on alternative sites / areas as identified

by the Barnet Local Plan, prior to the redevelopment of the PB Donoghue site. This enables the specific local circumstances to be taken into account at the time.

65.32 LB Barnet remains committed to identifying replacement waste sites within Barnet. As part of the site proposals in the Local Plan review the Council is working to identify new waste management capacity in the Borough which will further help address any losses at Brent Cross Cricklewood. Barnet’s timetable for the Local Plan is:

Regulatory Stages and Timetable					
Evidence gathering and pre-preparation stage (Including consulting on sustainability reports where applicable)	Reg 18: Preparation of Local Plan and Consultation Opportunity for interested parties and statutory consultees to be involved at an early stage.	Reg 19: Publication of Local Plan and Consultation The Council publishes the draft plan. There follows a period of at least 6 weeks consultation.	Reg 22: Submission The Council submits the Local Plan to the Secretary of State with representations received.	Reg 24: Examination in Public Conducted by independent Planning Inspector who will consider representations made at Reg 22 stage.	Reg 26: Adoption Subject to outcome of examination, the Council formally adopt the plan.
Summer 2017- Summer 2019	Winter 2019/20	Summer 2020	Winter 2020/21	Spring 2021	Summer 2021

65.33 This response has set out the regeneration context of the P B Donoghue Site (BAR3), WRG Hendon Rail Transfer Station, (BAR4) and Brent Terrace Sites (BAR6 and BAR7) as part of the BXC development. It has also explained how the original intention was for the capacity of all the waste sites within the BXC regeneration area to be compensated a result of delivering the replacement Waste Handling Facility, and how the NLWA’s waste management strategy has now changed with a requirement for a smaller Waste Transfer Station leaving a shortfall in replacement capacity. Through demonstrating the position on the BXC waste sites, this response shows that to maintain capacity and enable net self-sufficiency, as required by London Plan and emerging NLWP policies, the sites BAR3, BAR4, BAR6 and BAR7 should be retained in Table 17.

66 Should the Estate Way site (WAF4) be deleted from Table 17 and replaced by the Gibbs Road, Enfield site?

66.1 Yes. The discharge of conditions for the planning permission for the Enfield site has been progressing since the Reg 19 version of the NLWP was agreed. The Environmental Permit process has been going on in the same time period. The Boroughs are now satisfied

that the Enfield site provides compensatory provision for the Leyton site and that WAF 4 can be deleted and be replaced with the new site at Gibbs Road, Enfield into Appendix 1.

67 Should the 175 Willoughby Lane site be deleted from the Plan? If so, are there any impacts of its removal on the other policies in the Plan or the aspiration for net self-sufficiency?

67.1 175 Willoughby Lane should not be deleted from the Plan. It is a safeguarded waste site (HAR7), by virtue of its safeguarding in Haringey's policies map and under the new London Plan policy SI9. Its most recent operator was Brantwood Autos which ceased operating in 2012. Some of the HAR7 site is now operated by Redcorn as a waste site (end of life vehicles). The remaining part of the HAR7 site is still a safeguarded waste site. The remaining part of the site can contribute towards meeting North London's capacity gap. Some of the site is being used for car sales for which there does not appear to be a relevant planning permission which is being investigated.

67.2 175 Willoughby Lane sits within Brantwood SIL which is an area identified as suitable for waste uses in Schedule 2.

68 With regard to Flood Risk, should the Sequential Test be re-applied to the Bartrip Street Site (LLDC1-HC), Brantwood Road (A19-HR), Chapman Road (LLDC2-HC), Friern Barnet Sewage Works/Pinkham Way (A22-HR), Argall Avenue (A24-WF) and Temple Mill Lane (LLDC3-WF)?

68.1 An updated Flood Risk Sequential Test report (October 2019) has been prepared to support the Strategic Flood Risk Appraisal (SFRA). This includes revision of assessments of the areas including those listed above. A revised flood risk insert for the Area Profiles in Appendix 2 of the Plan for the areas listed is shown the list of proposed modifications

69 Should the Park View RRC, Haringey and Bywaters RRC, Waltham Forest sites, which may no longer be operational, be deleted from the Plan?

69.1 Yes. There is a proposed modification for all non-operational RRC sites to be removed from the schedules and associated tables/plans

70 Have archaeological issues been appropriately considered in respect of site inclusion of sites Millfields LSIS (A15-HC), Eley's Estate (A12-EN0, Connaught Business Centre (A05-BA), North East Tottenham (A21-HR), Argall Avenue (A24-WF) and Temple Mill Lane (A24-WF)?

70.1 The Boroughs took full account of the representations made by Historic England at draft plan stage and so the submission plan is underpinned by relevant and up to date information on historic environment considerations.

70.2 To clarify the position on archaeology, the Boroughs are proposing modifications to para 9.38 to include consideration of non-designated archaeology where relevant. This

paragraph relates to policy 5f) (also modified). Further the Boroughs are proposing to modify the Appendix 2 area profiles for the sites named in the question by identifying the relevant archaeological priority area and stating that a further archaeological assessment should be undertaken. (See list of proposed modifications).

Policy 3

71 Part a of the Policy refers to the ‘Spatial Principles’. Is the Policy clear as to what these ‘principles’ are? How do these principles relate to the Spatial Framework which is referred to in part c?

71.1 The Spatial Framework is set out in chapter 4 of the NLWP and encompasses six Spatial Principles which are set out in para 4.4. Policy 3a) could be amended to bring the terminology in line with the rest of the policy, and Paras 9.23 and 9.24 could be amended to signpost the Spatial Framework as follows:

P3a) the sites and areas identified in Schedules 1, 2 and 3 are not available or suitable for the proposed use or the proposed site would be better suited to meeting the identified need having regard to the Spatial Framework Principles;

9.23 Developers of windfall sites are required to demonstrate why the sites and areas in Schedules 1, 2 and 3 are not available or suitable or that the proposed site would be better suited to meeting the identified need having regard to the Spatial Framework Principles of the NLWP.

9.24 Proposals for waste development on windfall sites will be supported where the proposal would not compromise existing planning designations and where the impacts on communities and environment can be satisfactorily controlled. This In proposing a windfall site, developers will need demonstrate that the spatial framework set out in chapter 4 has been considered, and in particular should not work against the spatial principle of balanced geographical distribution as set out in the Spatial Framework.

Policy 4

72 Are the locations for Re-use and Recycling Centres appropriate and sufficient to move waste management up the hierarchy?

72.1 Yes. The NLWP has taken account of the NLWA’s strategy for RRCs. The NLWA’s RRC strategy is to ensure that 95% of residents live within a two mile radius of a facility. Areas of deficiency for this strategy are identified in Figure 7, however most residents fall within the two mile radius target. Two of the RRCs currently identified in Figure 7 were included in error, but their removal from the map does not affect the overall coverage of RRCs across North London. The RRCs offer residents the opportunity to reuse and recycle material rather than discard it, and therefore this waste is managed further up the waste hierarchy.

73 Taking into account the content of Policy 3, is this Policy 4 necessary or does it imply that the opportunities for windfall sites for waste development, as set out in Policy 3, do not apply to Re-use & Recycling Centres?

73.1 Policy 4 is necessary because RRCs form part of the NLWA's waste strategy for North London to enable residents to reuse and recycle material in reasonable proximity to where they live.

73.2 The North London Waste Authority (NLWA) provided representations during the launch consultation in 2013, including the following comments on RRCs:

“The Authority is supportive of the criteria based approach adopted in the old NLWP, i.e. that rather than allocate specific sites within the NLWP for new HWRCs, that a policy is agreed to assess the suitability of particular sites for new facilities. The Authority was supportive of the policy that was included in the old NLWP and would recommend that a similar approach is adopted for the new plan. If the new NLWP is not going to take this approach, the NLWA and the London Boroughs should be able to nominate sites for consideration at the earliest opportunity.”

73.3 The North London Boroughs took account of the NLWA's representation and included the RRC policy in the NLWP.

73.4 If RRCs are proposed on a site outside of the locations identified in Schedules 1, 2 and 3 they will be assessed against Policy 3 and Policy 4. A modification is proposed to the supporting text that effect:

9.33 Re-use & Recycling Centres should be located where they can provide appropriate access for members of the public and for contractors and their vehicles. They are best sited on former waste sites or in areas of industrial or employment land and need to be of a sufficient size for the range and quantity of materials likely to be received. Sites within areas identified in Schedules 1, 2 and 3 ~~Areas suitable for waste management~~ are likely to be the most suitable locations, and Policy 3: Windfall Sites will apply to any application for a RRC outside of these areas. There may be scope to provide localised recycling centres as part of major new development.

74 Is the Plan clear as to where an “area of identified need for new facilities in Barnet or Enfield” is located in geographical terms or could part a of the Policy be interpreted to mean anywhere in these Boroughs? Irrespective of this, could the Policy be interpreted to mean that any proposal for a Re-use and Recycling Centre that improves coverage would be acceptable anywhere in North London – if so, is reference to Barnet or Enfield necessary?

74.1 The Plan is clear about where areas of identified need for new RRCs are. The supporting text to Policy 4 (Para 9.32) states that areas of deficiency are identified in Figure 7 of the NLWP and these are in parts of Barnet and Enfield. A modification to Policy 4 is proposed to clarify this as follows:

Policy 4 – Re-use & Recycling Centres

Proposals for Re-use & Recycling Centres will be permitted where:

- a) They improve the coverage of centres across the North London Boroughs, in particular are sited in an area of identified need for new facilities in Barnet or Enfield ~~or elsewhere where they improve the coverage of centres across the North London Boroughs, and;~~
- b) They are in line with relevant aims and policies in the North London Waste Plan, London Plan, Local Plans and other related guidance.

75 How does the Policy, or the Plan in general, deliver the aspiration for 95% of residents to live within two miles of a facility?

75.1 Figure 7 identifies a two mile radius around existing RRCs thereby identifying the areas where residents do not live within a two mile radius of an RRC. The purpose of Policy 4 is to identify the specific need for RRC facilities and enable the NLWA to meet this need.

Policy 5

76 Should part a refer to best available techniques?

76.1 Yes. A modification is proposed by the North London Boroughs to para 9.34 as follows:

9.34 [...] Applicants will need to demonstrate that appropriate measures and/or Best Available Techniques (BAT) (where applicable) have been taken to minimise any potential impacts from the proposed waste development to ensure the protection of local amenity and health.

77 Is part f, and the supporting text in paragraph 9.37, compliant the requirements of the Framework in relation to proposals affecting heritage assets and the consideration of potential impacts?

77.1 It is agreed this could be clearer. A modification is proposed to para 9.37 as follows:

9.37 [...] The applicant will need to demonstrate that there will be no significant adverse effect on areas or features of landscape, ~~historic~~ or nature conservation value. Where relevant, applications for waste management facilities and related development will be required to demonstrate that they conserve and where appropriate enhance heritage assets and their settings ~~the delivery of waste facilities (through construction to operation) should take account of the need to conserve and enhance the historic environment~~ in line with the NPPF.

78 In part i, how is the ‘fullest contribution’ to be demonstrated and evaluated?

78.1 There has been a modification to 5i) so that it reads

5i) the development avoids increasing the levels of vulnerability to climate change, makes appropriate adaption and mitigation measures to achieve this and helps reduce greenhouse gas emissions ~~makes the fullest possible contribution to climate change adaption and mitigation~~

78.1 Para 9.43 sets out the ways that applicants can demonstrate contribution towards climate change adaption and mitigation. It states:

9.43 Sustainable design, construction and operation of waste management development will be assessed against relevant borough Local Plan policies. Consideration should be given to how the development contributes to the mitigation of and adaption to **climate change**, promotes energy and resource efficiency during construction and operation with the aim of developments being carbon neutral, the layout and orientation of the site and the energy and materials to be used. Developments should achieve the highest possible standard under an approved sustainability metric such as BREEAM or CEEQUAL in line with the relevant borough's policies. Information supplied should enable the borough in question to assess the proposal against relevant planning policies by clearly setting out how the application complies with sustainable design and construction policies and guidance including measureable outputs where appropriate. Where appropriate, production of a site waste management plan should be provided prior to the commencement of construction of the development.

79 Are parts m, p and q relevant land use planning considerations? In particular, could planning permission be reasonably refused if a proposal did not meet the requirements of these parts of the policy?

79.1 Yes, criteria p) and q) are in line with draft new London Plan policy and with best planning practice and are important parts of the decision making criteria.

79.2 Criteria m) was requested by the Environment Agency. However, the Boroughs agree that the criteria goes beyond planning considerations and should be deleted along with the supporting text at 9.49.

79.3 Criteria q) follows from the emerging London Plan. Developers should submit a circular economy statement when required to under London Pan policy, any guidance from the Mayor and any Local Plan policy and guidance.

Policy 6

80 Is this Policy clear, coherent and justified?

80.1 Yes, the policy is clear, coherent and justified. There were no objections to this policy at Proposed Submission stage. Comments on the policy at Draft Plan stage were taken account of and the policy made clearer.

Policy 7

81 In the second bullet of the Policy is a requirement to ‘meet the environmental standards set by the Environment Agency’, and hence a separate regulatory regime, relevant to land use planning? Moreover, at the ‘proposal’ stage how can it be known if a proposed development meets such standards and does this imply that an environment permit would have to have been granted before planning permission was granted to define what such ‘standards’ may be?

81.1 Policy 7 was requested, and a form of words submitted, by Thames Water as part of the Draft Plan consultation. The suggested policy was added to the NLWP and it was subsequently supported by Thames Water in the representations on the Proposed Submission. The North London Boroughs note that NPPW 7 states that “Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced” and therefore propose that the second bullet of Policy 7 is amended as follows:

- the proposals meet the other policies of this North London Waste Plan together with all other relevant policies of the appropriate borough's Development Plan, ~~and meet environmental standards set by the Environment Agency.~~

Policy 8

82 Is the ‘Control of Inert Waste’ the correct title in Plan that seeks to sustainably manage waste? Indeed, is the word ‘control’ necessary and appropriate?

82.1 The word ‘control’ was included in reference to ‘controlled waste’ in the Definition of Waste Code of Conduct. However, this may not be clear to many readers, and a modification is proposed to Policy 8 to rename it ~~Control of~~ Inert Waste.

83 Should the policy refer to the need to demonstrate that recycling and re-use of inert waste should be considered first before waste is removed off site for either landfilling or spreading, particularly as paragraph 9.69 specifically refers to this matter?

83.1 Yes. Modifications to Policy 8 are proposed to better reflect the waste hierarchy in the management of inert waste as follows:

Policy 8: ~~Control of~~ Inert Waste

Inert waste should be managed as far up the waste hierarchy as possible, including on-site recycling and reuse of such material.

Proposals for development using inert waste will be permitted where the proposal is for beneficial use, including but not limited to: both essential for, and involves the minimum quantity of waste necessary for:

- ~~The purposes of~~ Restoring former mineral working sites; or
- Facilitating an improvement in the quality of land; or
- Facilitating the establishment of an appropriate use in line with other policies in the Local Plan; or

- d) Improving land damaged or degraded as a result of existing uses and where no other satisfactory means exist to secure the necessary improvement.

~~Where one or more of the above criteria (a-d) are met, a~~ All proposals using inert waste should:

- a) Incorporate finished levels that are compatible with the surrounding landscape. The finished levels should be the minimum required to ensure satisfactory restoration of the land for an agreed after-use; and
- b) Include proposals for high quality restoration and aftercare of the site, taking account of the opportunities for enhancing the overall quality of the environment and the wider benefits that the site may offer, including biodiversity enhancement, geological conservation and increased public accessibility.

Proposals for inert waste disposal to land will not be permitted if it can be demonstrated that the waste can be managed through recovery operations ~~and that there is a need to dispose of waste.~~

84 Should the Policy and/or the supporting text recognise that inert waste can be an important resource?

84.1 Yes. Modifications to para 9.68 are proposed to better reflect the beneficial uses of inert waste as follows:

Inert waste materials can be an important resource and should be used for beneficial purposes, such as the restoration of mineral sites and in engineering works, or at other 'exempt sites' rather than disposed of at inert landfill sites. A definition of 'beneficial uses' can be found in the new London Plan. Increased use of recycled and secondary aggregates can reduce the need and demand for primary aggregates extraction. Sites and operators will need to conform to the 'Aggregates from inert waste Quality Protocol' document to achieve 'end of waste' status. If this cannot be achieved and/or the operator cannot prove compliance with the protocol, then the material will not have achieved 'end of waste' status and will still be considered a waste and subject to controlled waste legislation. There is no 'end of waste' criteria for soil so this will always be viewed as a waste once it has become a controlled waste outside of the Definition of Waste Code of Practice.