

MATTER 5 – POLICIES**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?**

Yes, there is clearly conflict and inconsistency, not only within the Plan but also with the emerging new London Plan. In order to comply with the London Plan, and provide necessary flexibility, the Plan should provide for increases in capacity at waste sites elsewhere in London to be factored in when considering release of sites subject to safeguarding policies. This is particularly the case for sites with outline planning permission for non-waste uses that form part of a wider regeneration plan such as BAR3.

The emerging new London Plan para 9.9.3 expands on Policy SI8:

'If such increases [in capacity at waste sites] are implemented over the Plan period, it may be possible to justify the release of waste sites if it can be demonstrated that there is sufficient capacity available elsewhere in London at appropriate sites over the Plan period to meet apportionment and that the target of achieving net self-sufficiency is not compromised. In such cases, sites could be released for other land uses.'

The question of how compensatory capacity may be identified beyond the boundaries of the plan area can also be applied to how, by whom, and to what extent, such capacity has to be secured in the decision making process. Condition 41 on BXC permission (ref.[F/04687/13](#)) requires replacement capacity for waste sites lost through the development. This was intended to be largely through development of a new waste facility as part of the permission. The new Waste Handling Facility that was subsequently applied for and permitted (Geron Way) has a much smaller capacity than originally intended and referred to in the BXC permission 2010 and 2014 (only 195-260,000tpa compared to the planned 600,000tpa) leaving a shortfall on prediction.

The NLWP accepts the loss of four sites covered by the BXC permission (Table17), and specifies how replacement capacity is to be identified for three of the four, leaving re-development of BAR3 as provided for in the BXC permission in limbo. A helpful summary of the issue and history of failure to provide the necessary replacement capacity for BAR3 as anticipated, is provided in the [GLA Planning Report \(Stage 1 referral\)](#) relating to the application for redevelopment of the Waste Transfer Station at Geron Way (ref 17/6714/EIA) dated 12th February 2018.

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?

Yes, to be consistent with the new London Plan (Policy SI9 and para 9.9.3) regarding net self sufficiency at London level and to release sites with outline consent for non-waste use for redevelopment. However, the NLWP is the most appropriate (and only) means by which replacement capacity within the plan area may be identified to enable such release.

The Plan identifies a need for a total of 2ha of land to be provided over the Plan period to meet the capacity gap largely created by the predicted and planned capacity loss. Policy 2 (Table 11) identifies areas comprising 6.7ha in LB Barnet as suitable for accommodating 'recycling' and 'transfer', and a further 91ha as suitable within North London as a whole. As para 9.12 states *'The purpose of Policy 2 is to ensure that sufficient land is identified to accommodate waste management facilities to deal with these identified capacity gaps for North London.'* This ought to include capacity for C&D recycling to provide for replacement of that lost at Site BAR3. No phasing is applied to Policy 2, and so it should be assumed that these areas will be deemed adequate to deal with the 'gap' on adoption of the Plan, in much the same way loss of capacity with temporary permissions might be expected to be planned for.

In order to provide certainty and the mechanism to release site BAR 3 from safeguarding, replacement capacity ought to be identified. On a like-for-like basis, this would mean allocating <1 hectare to provide for the lost capacity. However, our assessment (provided in more detail in our representations on the draft Plan) indicates that taking into account the 'spare' capacity provided for by the Geron Way Waste Handling Station (between 12,000 and 77,000 tonnes, depending on whether its full potential is realised) means the requirement for 'replacement' capacity could be as low as 34,000 tonnes (so a land requirement of 0.24-0.34ha). Taking into account other existing capacity such as Scratchwood Quarry, the requirement would be zero.

Policy 2

- 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?**

Yes site BAR3 should be removed, along with other sites known to be lost during the Plan period and this can be done without compromising the Plan aspirations of net self-sufficiency for the reasons highlighted in response to the questions above, in that:

- There is over-estimation of arisings and need for new capacity
- Under-estimate of existing and available capacity (and so no need to safeguard BAR3)
- Inconsistency with London Plan that provides for net self-sufficiency (and provision of capacity including that to compensate for losses of existing safeguarded sites) on a London-wide basis.

Failure to deliver the expected replacement waste management capacity as part of the Brent Cross Cricklewood planning permissions has resulted in the site and its owners being in an impossible and unacceptable position, where safeguarding continues to be applied and there is no clear mechanism to enable the re-development of the site as provided for in the outline permission. Our evidence demonstrates that alternative capacity exists in North London (let alone London as a whole) and the requirement for replacement capacity has been over-estimated. Failure of the Plan to provide the mechanism to enable its re-development, through removal of safeguarding and allocation of a replacement site, will further hinder development and fail to provide the plan-led solution that is expected and required.

MATTER 5 - SOUNDNESS**Positively prepared: No**

The Plan does not allocate sites to provide for identified capacity needs, including for sites and capacity known to have consent for non-waste use the loss of which is predicted and planned over the Plan period. Deferring this to other mechanisms, such as LB Barnet Local Plans (as indicated in the footnote to Table 17) is not appropriate as it is this Waste Local Plan that should be identifying waste site capacity.

There does not appear to have been dialogue or development of policy with other neighbouring areas (ie within London but outside of North London) over availability of capacity to replace that will be lost

Justified: No

In failing to identify/allocate replacement capacity, and continuing to safeguard sites consented for non-waste use the loss of which is predicted and planned over the Plan period, the Plan does not provide a coherent or appropriate Strategy.

Effective: No

In failing to identify/allocate replacement capacity, while continuing to safeguard sites consented for non-waste use, the Plan is not deliverable, and does not appear to have been based on effective joint working on cross-border (wider London) strategic issues (availability of waste capacity). The Plan seeks to defer identification and allocation of replacement capacity to other plans (LB Barnet Local Plan as referred to in the footnote to Table 17) and organisations (the site owner/operator) rather than providing the plan-led solution of identifying/allocating replacement waste management capacity for site BAR3. This is not acceptable and is simply passing the buck rather than providing a plan-led solution and is contrary to Para 9.3.2 of the London Plan.

How the Plan can be made sound/Modifications required:

- Remove site all sites subject to redevelopment including BAR3 from Table 17 Schedule 1 (Appendix 1) OR make it clear that any safeguarding provision does not apply to sites with existing redevelopment consent OR that replacement capacity for this site is provided for in the NLWP
- Allocate sites to provide for replacement capacity for those that are consented for non-waste use and for capacity the loss of which is predicted and planned over the Plan period
- Policy 1 to make it clear 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 where planned for.
- NLWA to undertake that cross-border engagement beyond North London to establish capacity availability (to implement amended Policy 1).