

STATEMENT OF COMMON GROUND

BETWEEN

THE NORTH LONDON BOROUGHES

AND

ESSEX COUNTY COUNCIL

This Statement of Common Ground has been prepared to identify areas of agreement between the Boroughs working on the North London Waste Plan (“the North London Boroughs”) and Essex County Council. The North London Boroughs are Barnet, Camden, Enfield, Hackney, Haringey, Islington and Waltham Forest. The Statement of Common Ground is on matters relating to Essex County Council’s representations on the Proposed Submission North London Waste Plan (2019) to assist the Inspector during the examination of the North London Waste Plan.

Essex County Council representations

Essex County Council’s representations relate to clarification around waste exports and incorporating new London Plan targets but are not related to the soundness of the North London Waste Plan (NLWP).

Essex County Council’s representations are set out in full in Appendix A, alongside the section of the NLWP they refer to.

Areas of Agreement

The proposed modifications to the Proposed Submission NLWP set out in Appendix B are sufficient to meet Essex County Council’s points on accuracy and clarity.

The difference between the estimated waste arisings and waste to be managed within North London, set out in Table 8, are excavation waste exports which are set out in Table 9. The reason for the gap is that Excavation waste is not included in the aim for net self-sufficiency.

It is not possible to show the balance of imports and exports due to double-counting of waste managed through transfer stations.

Areas of Disagreement

Policy 1

The North London Boroughs do not consider it practical to define ‘close proximity’. Because of the high densities in London ‘close proximity’ needs to be established on a case by case basis.

Monitoring

The North London Boroughs consider that it will be too complex to collect information on the number of incidences where mitigation measures were successfully incorporated into planning applications as a result of safeguarding / Agent of Change principles. It would be particular difficult to collate this information across seven boroughs when this information is not already collected.

Essex County Council do not consider it impractical to collate information with regards to where mitigation measures were successfully incorporated into planning applications as a result of safeguarding / Agent of Change principles. This would simply require planning officers to enter brief details into a spreadsheet at the point of application approval. The resulting database, accrued over seven local authorities, would be a valuable piece of information with regard to the efficacy of waste safeguarding measures and the Agent of Change principle itself as it relates to its application to waste planning. Such a database could also subsequently be cross-referenced with any Enforcement cases and be a useful information source for justifying future planning conditions that the authorities may wish to apply as part of granting future permissions.

**Signed on behalf of the North London
Boroughs**

Signed:



Archie Onslow
Programme Manager, North London Waste
Plan

Date: 10/10/19

Signed on behalf of Essex County Council

Signed:



Richard Greaves
Chief Planning Officer (County Planning and
Major Development)

Date: 10/10/2019

Appendix A: Representations from Essex County Council

Code	Section	Policy / Para	Representation
12-1/16	7	SP	<p>Non-Policy Comments</p> <p>The aim to achieve net self-sufficiency for LACW, C&I, C&D and hazardous waste is welcomed, as is the commitment to moving waste up the hierarchy. It is noted that Para 5.8 states that “<i>North London does not have all the types of facilities necessary to manage all the sub-types of waste arising within the main categories</i>”. Essex Waste Planning Authority has established through dialogue with the North London Waste Planning Authority that net self-sufficiency applies to each of the three individual waste streams separately, with imbalance only in the type of management that can be accommodated in the Plan Area and relied on elsewhere.</p>
12-2/16	3 and 4	All	<p>The suite of Strategic Objectives is also considered to represent best practice and are supported. Support is also given to the spatial principles. In general, the policies identified seem appropriate to support the delivery of these objectives and principles. There are however more detailed comments relating to the specific application of those policies, which are set out further in this response.</p>
12-3/16	5	5.5	<p>Table 3 should extend to the end of the Plan period, stated as being 2035, rather than to 2029.</p>
12-4/16	5	5.6	<p>Para 5.6 states that the import / export balance needs to be taken into account when understanding capacity gaps from an analysis of capacity and forecasted need. The North London Waste Plan should include a table, perhaps in an Appendix, capturing the import / export balance in conjunction with current capacity and forecasted need to justify that the Plan is providing on the basis of net self-sufficiency.</p>
12-5/16	5	5.21	<p>Para 5.21 states that The London Plan includes a target of 95% recycling of CD&E by 2020. This target only applies to C&D waste.</p>
12-6/16	5	5.27	<p>Para 5.27 / Table 4 – No explanation or reference is given for the increase in CD&E and C&I exports from North London between 2015 and 2016. Supporting text states</p>

Code	Section	Policy / Para	Representation
			<p>that the table as it related to C&I “is consistent with the waste strategies of the London Mayor and the North London Waste Authority which aim to reduce the amount of waste going to landfill.” Presumably this is not suggested as being the case for the other waste streams but no comment is made to that effect. It is noted that the total amount of waste exported increases across the study, albeit these figures are skewed by CD&E waste arisings, but that there is no real identifiable trend in any of the waste streams other than C&I which itself is slightly complicated by the 2016 figure. The conclusion may be better evidenced if proportions of waste exported to landfill was depicted rather than total volumes. It is also noted that this table appears to comment on all exports and not just those for landfill and so it is questioned whether this table supports the highlighted statement within the waste strategies of the London Mayor and the North London Waste Authority.</p>
12-7/16	5	5.27	<p>Para 5.27 / Table 4 - With regard to CD&E, it is stated that “when more CD&E waste is generated, more is exported”. There is an element of ambiguity introduced when the North London Waste Plan comments on CD&E as the Plan then subdivides this waste stream into C&D waste (which falls under net self-sufficiency) and E waste, which does not. These two waste streams should be treated separately throughout the Plan. For example, are increasing volumes of recyclable C&D waste being exported?</p>
12-8/16	5	5.30	<p>Para 5.30 states that “<i>As part of discharging the ‘duty to co-operate’, the North London Boroughs have contacted all waste planning authorities (WPA) who receive waste from North London to identify any issues which may prevent waste movements continuing during the plan period</i>”. It is noted that through the Plan making process, the Waste Planning Authorities of Essex and North London were progressing a Memorandum of Understanding. However, this document was not formally agreed and as such no agreement with regard to future waste movements between the two authorities was made prior to the formation of the Regulation 19 iteration of the North London Waste Local Plan. This is an important consideration given the following statement in Para 5.32 - “<i>alternative capacity at other potential</i></p>

Code	Section	Policy / Para	Representation
			<i>destinations has been identified for the amount of waste currently being exported to those sites earmarked for closure during the plan period. The paper shows that there are both alternative sites and adequate void space in London, South East and East of England to take North London's 'homeless' waste between 2018 and 2035."</i> It is noted therefore that no such agreement has yet been reached with Essex, but also that Essex and North London are in the process of drafting a Statement of Common Ground which will set out progress on this issue.
12-9/16	7	7.3	Table 8 does not seem to sum correctly. Waste streams total 2,901,335t against a total waste arising figure of 3,357,725t by 2035. It is stated that <i>"Table 8 sets out the quantities of waste, by waste stream, which need to be managed within North London in order in order to meet the policy for net self-sufficiency target for LACW and C&I waste by 2026 and C&D waste by 2035..."</i> It's not understood how the difference of 456,390 factors in here. This table does not appear justified through appropriate explanation or reference to source material.
12-10/16	7	7.6	Paragraph 7.6 states that <i>"The North London Boroughs have engaged with each of the main recipients of North London's waste to landfill and identified if there are planning reasons why similar exports of waste cannot continue over the plan period, for example the planned closure of a site. This work is set out in North London Exports to Landfill 2017-2032 (2018). The North London Boroughs have established that there are sites and available void space in London, South East and East of England to take North London's estimated waste exports to 2035."</i> It is noted that although work was undertaken on a Memorandum of Understanding between Essex and North London, such work ceased in 2016 and as such no agreement has been reached between Essex and North London with regard to waste movements. It is however noted that Essex and North London are in the process of drafting a Statement of Common Ground which will set out progress on this issue.
12-11/16	7	7.18	Para 7.18 states that <i>"The North London Boroughs have established that there are landfill sites in London, South East and East of England able to take North London's (C&I) waste between 2017 and 2035."</i> As previously stated, no such agreement has

Code	Section	Policy / Para	Representation
			been reached with Essex. It is however noted that Essex and North London are in the process of drafting a Statement of Common Ground which will set out progress on this issue.
12-12/16	7	7.24	Para 7.24 states that <i>“The North London Boroughs, working with waste planning authorities who receive CD&E waste from North London, have identified constraints to the export of this waste and have established that there are both alternative landfill sites and adequate void space in London, South East and East of England to take North London’s waste between 2017 and 2035.”</i> As previously stated, no such agreement has been reached with Essex. It is however noted that Essex and North London are in the process of drafting a Statement of Common Ground which will set out progress on this issue.
12-13/16	9	Policy 1	Policy 1 Whilst the vast majority of this policy is fully supported, the effectiveness of this policy could be improved by defining what is meant by ‘close proximity’. For example, in Essex, Waste Consultation Areas have been designated which extend up to 250m from a waste facility, and the Waste Planning Authority are consulted on any applications within this boundary. The establishment of Waste Consultation Areas also provide an early indication to potential developers of any localised waste issue that would need to be addressed as part of a planning application. These Waste Consultation Areas increase to 400m when they are applied to Water Recycling Centres.
12-14/16	9	Policy 8	Policy 8 It is suggested that the words ‘and that there is a need to dispose of waste.’ are removed from the Policy to make it clear that proposals to dispose of inert waste to landfill will not be permitted if it can be demonstrated that the waste can be managed through recovery operations.
12-15/16	10	Table 14	Monitoring the Plan

Code	Section	Policy / Para	Representation
			Table 14 could include a further monitoring indicator which captures the number of incidences where mitigation measures were successfully incorporated into planning applications as a result of safeguarding / Agent of Change principles.
12-16/16	7	7.6	<p><i>North London Landfill Export Paper 2017 – 2035 (2019)</i></p> <p>The paper makes frequent reference to 'Table 8' in its data tables but it is uncertain what this relates to.</p> <p>Paragraph 4.3 makes reference to Table 2.2. It is assumed that the correct reference is Table 2.1.</p>

Appendix B: Proposed Modifications

Section	Proposed change	Representation code																																																												
5.5 and Table 3	<p>Table 3 below shows the existing (2018) waste management facilities in North London by type and waste stream managed and changes in available capacity at known dates when facilities come on stream/close. It identifies an existing waste management capacity of around 4.4 million tonnes per annum, reducing to around 3.8 million tonnes by 203529 as a result of known closure of some existing sites up to 2028. Figure 9 shows the location of the facilities represented in Table 3 and a full list is in Appendix 1.</p> <table border="1" data-bbox="443 639 1568 1321"> <thead> <tr> <th data-bbox="443 639 629 683">WasteCatID</th> <th data-bbox="629 639 999 683">FacilityID</th> <th data-bbox="999 639 1140 683">2018</th> <th data-bbox="1140 639 1281 683">2026</th> <th data-bbox="1281 639 1422 683">2029</th> <th data-bbox="1422 639 1568 683"><u>2035</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="443 683 629 762">LACW only</td> <td data-bbox="629 683 999 762">Transfer stations (non-hazardous)</td> <td data-bbox="999 683 1140 762">621,222</td> <td data-bbox="1140 683 1281 762">416,864</td> <td data-bbox="1281 683 1422 762">416,864</td> <td data-bbox="1422 683 1568 762"><u>416,864</u></td> </tr> <tr> <td data-bbox="443 762 629 842">LACW only</td> <td data-bbox="629 762 999 842">Household Waste Recycling Site</td> <td data-bbox="999 762 1140 842">100,204</td> <td data-bbox="1140 762 1281 842">100,204</td> <td data-bbox="1281 762 1422 842">100,204</td> <td data-bbox="1422 762 1568 842"><u>100,204</u></td> </tr> <tr> <td data-bbox="443 842 629 885">LACW only</td> <td data-bbox="629 842 999 885">Composting</td> <td data-bbox="999 842 1140 885">35,241</td> <td data-bbox="1140 842 1281 885">0</td> <td data-bbox="1281 842 1422 885">0</td> <td data-bbox="1422 842 1568 885"><u>0</u></td> </tr> <tr> <td data-bbox="443 885 629 928">LACW only</td> <td data-bbox="629 885 999 928">Recycling (MRFS)</td> <td data-bbox="999 885 1140 928">276,855</td> <td data-bbox="1140 885 1281 928">276,855</td> <td data-bbox="1281 885 1422 928">276,855</td> <td data-bbox="1422 885 1568 928"><u>276,855</u></td> </tr> <tr> <td data-bbox="443 928 629 1008">LACW only</td> <td data-bbox="629 928 999 1008">Incineration with Energy Recovery</td> <td data-bbox="999 928 1140 1008">550,000</td> <td data-bbox="1140 928 1281 1008">0</td> <td data-bbox="1281 928 1422 1008">0</td> <td data-bbox="1422 928 1568 1008"><u>0</u></td> </tr> <tr> <td data-bbox="443 1008 629 1088">LACW and CI</td> <td data-bbox="629 1008 999 1088">Transfer stations (non-hazardous)</td> <td data-bbox="999 1008 1140 1088">206,748</td> <td data-bbox="1140 1008 1281 1088">206,748</td> <td data-bbox="1281 1008 1422 1088">206,748</td> <td data-bbox="1422 1008 1568 1088"><u>206,748</u></td> </tr> <tr> <td data-bbox="443 1088 629 1168">LACW and CI</td> <td data-bbox="629 1088 999 1168">Incineration with Energy Recovery</td> <td data-bbox="999 1088 1140 1168">0</td> <td data-bbox="1140 1088 1281 1168">700,000</td> <td data-bbox="1281 1088 1422 1168">700,000</td> <td data-bbox="1422 1088 1568 1168"><u>700,000</u></td> </tr> <tr> <td data-bbox="443 1168 629 1248">LACW, CI and CDE</td> <td data-bbox="629 1168 999 1248">Transfer stations (non-hazardous)</td> <td data-bbox="999 1168 1140 1248">26,545</td> <td data-bbox="1140 1168 1281 1248">26,545</td> <td data-bbox="1281 1168 1422 1248">26,545</td> <td data-bbox="1422 1168 1568 1248"><u>26,545</u></td> </tr> <tr> <td data-bbox="443 1248 629 1321">LACW, CI and CDE</td> <td data-bbox="629 1248 999 1321">Recycling (MRFS)</td> <td data-bbox="999 1248 1140 1321">16,277</td> <td data-bbox="1140 1248 1281 1321">16,277</td> <td data-bbox="1281 1248 1422 1321">16,277</td> <td data-bbox="1422 1248 1568 1321"><u>16,277</u></td> </tr> </tbody> </table>	WasteCatID	FacilityID	2018	2026	2029	<u>2035</u>	LACW only	Transfer stations (non-hazardous)	621,222	416,864	416,864	<u>416,864</u>	LACW only	Household Waste Recycling Site	100,204	100,204	100,204	<u>100,204</u>	LACW only	Composting	35,241	0	0	<u>0</u>	LACW only	Recycling (MRFS)	276,855	276,855	276,855	<u>276,855</u>	LACW only	Incineration with Energy Recovery	550,000	0	0	<u>0</u>	LACW and CI	Transfer stations (non-hazardous)	206,748	206,748	206,748	<u>206,748</u>	LACW and CI	Incineration with Energy Recovery	0	700,000	700,000	<u>700,000</u>	LACW, CI and CDE	Transfer stations (non-hazardous)	26,545	26,545	26,545	<u>26,545</u>	LACW, CI and CDE	Recycling (MRFS)	16,277	16,277	16,277	<u>16,277</u>	Essex (Rep 12-3/16)
WasteCatID	FacilityID	2018	2026	2029	<u>2035</u>																																																									
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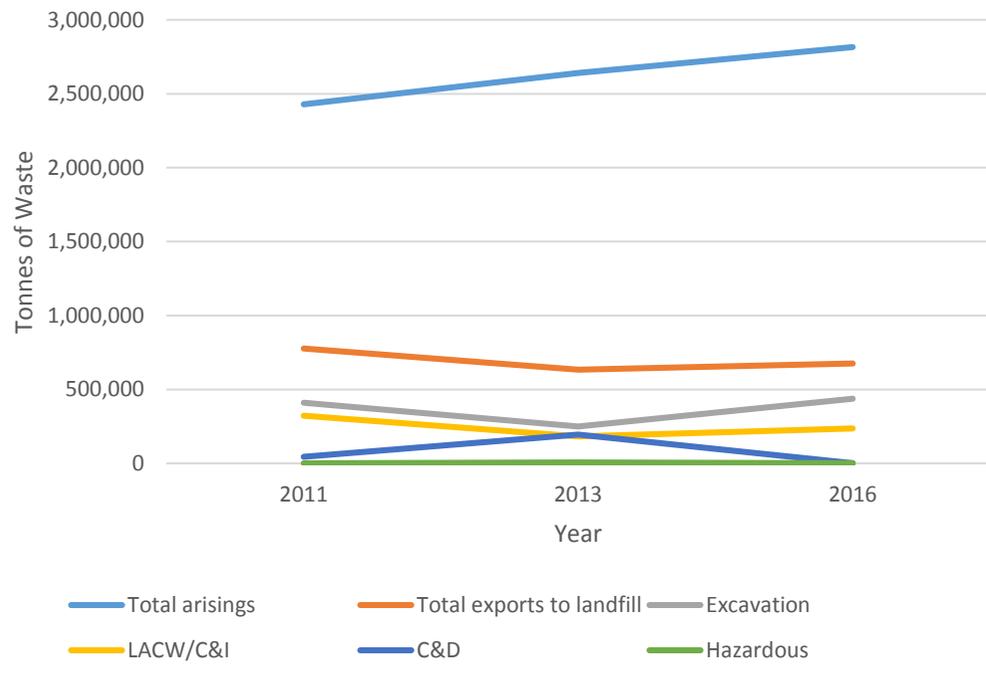
	CI only	Transfer stations (non-hazardous)	288	288	288	<u>288</u>	
	CI only	Recycling (MRFS)	54,632	54,632	54,632	<u>54,632</u>	
	CI only	Treatment facility	2,332	2,332	2,332	<u>2,332</u>	
	CI only	Treatment facility (Hazardous)	64,132	64,132	64,132	<u>64,132</u>	
	CI and CDE	Transfer stations (non-hazardous)	236,245	119,050	119,050	<u>119,050</u>	
	CI and CDE	Recycling (MRFS)	432,538	432,538	432,538	<u>432,538</u>	
	CDE only	Transfer stations (construction & demolition)	364,097	328,014	328,014	<u>328,014</u>	
	CDE only	Recycling (aggregates, other C and D)	980,780	746,840	627,876	<u>627,876</u>	
	Hazardous	Transfer stations (hazardous)	5	5	5	<u>5</u>	
	Hazardous	Treatment facility (Hazardous)	3,622	3,622	3,622	<u>3,622</u>	
	CI Specialist	Treatment facility	112,419	112,419	112,419	<u>112,419</u>	
	CI Metals	Recycling (ELVs)	362	362	362	<u>362</u>	
	CI Metals	Recycling (Metals)	318,522	318,522	318,522	<u>318,522</u>	
	CI Metals	WEEE	18,657	18,657	18,657	<u>18,657</u>	
5.21	[...] The <u>draft New London Plan</u> includes a target of 95% <u>reuse/recycling/recovery of C&D waste CD&E by 2020</u> and 95% beneficial use of excavation waste.						Essex (Rep 12-5/16)
5.27 and Table 4	In 2016, 1,201,964 tonnes of waste was <u>recorded as exported from North London, 56% 675,788 tonnes of which went to landfill. Most of the waste deposited to landfill was excavation waste (65%) followed by LACW/C&I (35%). Exports of LACW to landfill in the LACW/C&I category have been steadily declining in recent years, however an increase was shown in 2016. This is consistent in line with the waste strategies of the London</u>						Essex (Reps 12-6/16 and 12-7/16)

Mayor and the North London Waste Authority which aim to reduce the amount of waste going to landfill. Therefore the increase in 2016 of exports to landfill in this category can probably be attributed to commercial and industrial waste. Exports of CD&E waste generally follow patterns of waste arising, so when more CD&E waste is generated, more is exported. This pattern is shown in Table 4 and Figure 10 below.

Table 1: Waste exported from North London to landfill 2011-2016

<u>Type of Waste</u>	<u>2011</u>	<u>2013</u>	<u>2016</u>
<u>Excavation</u>	<u>409,311</u>	<u>249,701</u>	<u>437,480</u>
<u>LACW/C&I</u>	<u>322,501</u>	<u>182,599</u>	<u>235,506</u>
<u>C&D</u>	<u>44,446</u>	<u>194,780</u>	<u>1,636</u>
<u>Hazardous</u>	<u>929</u>	<u>6,727</u>	<u>1,166</u>
<u>Total exports to landfill</u>	<u>777,187</u>	<u>633,807</u>	<u>675,788</u>
<u>Total exports to all facilities</u>	<u>1,063,563</u>	<u>1,017,324</u>	<u>1,201,964</u>
<u>Total arisings</u>	<u>2,428,709</u>	<u>2,640,862</u>	<u>2,815,783</u>

Figure 1: Waste exported from North London to landfill 2011-2016



Type of waste	2011	2012	2013	2014	2016
CD&E	610,864	530,025	611,902	595,203	843,856
LACW/C&I	390,226	362,950	347,206	278,050	337,836
Hazardous	62,473	103,884	58,216	64,193	10,352
Total	1,063,563	996,859	1,017,324	937,446	1,201,964

5.31

Engagement to date has identified a constraint to the continuation of waste exports to landfill from North London relating to the scheduled closure of landfill sites during the plan period. Details can be found in the paper, Exports to Landfill 2017-2035, on the

Essex Rep 12-8/16,

	<p>NLWP website (www.nlwp.net), though the operation of some of these sites may be extended beyond their currently permitted end date. <u>The destination of waste is largely dependent on market forces and therefore it is not possible to identify specific alternative destinations where North London's waste will go after the closure of landfill sites during the plan period.</u> The boroughs will continue to monitor this information throughout the preparation of the NLWP, and after it <u>the NLWP</u> is adopted as reflected in the monitoring framework in section 10.</p>	
5.32	<p>Nonetheless, as set out in the exports to landfill paper, alternative capacity at other potential destinations has been identified for the amount of waste currently being exported to those sites earmarked for closure during the plan period. <u>It is recognised that non-hazardous landfill capacity in the wider south east is declining and no new non-hazardous landfill sites are being put forward by waste operators. A small number of new inert waste sites are being put forward in former mineral works. The lack of landfill capacity in the wider south east is an issue for all WPAs preparing plans and there is a continuing need to plan to manage waste further up the waste hierarchy to help reduce the need for landfill capacity. The paper shows that</u> There <u>is opportunity for the market to find an</u> are both <u>alternative destinations sites and adequate void space in London, South East and East of England for to take</u> North London's 'homeless' waste <u>in the short term</u> between 2018 and 2035. <u>In the longer term, beneficial use of excavation waste and the Circular Economy Statements will assist the North London Boroughs to reduce exports of waste to landfill and monitor the destinations of waste exports.</u></p>	Essex Rep 12-8/16,
P8	<p>Policy 8: Control of Inert Waste</p> <p><u>Inert waste should be managed as far up the waste hierarchy as possible, including on-site recycling and reuse of such material.</u></p> <p>Proposals for development using inert waste will be permitted where the proposal is <u>for beneficial use, including but not limited to:</u> both essential for, and involves the minimum quantity of waste necessary for:</p>	Essex Rep 12-14/16

- a) ~~The purposes of~~ Restoring former mineral working sites; or
- b) Facilitating an improvement in the quality of land; or
- c) 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.~~