

10 December 2020
submitted by email

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

The Planning Inspectorate

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Dear Sirs,

**87 OAKLEIGH ROAD SOUTH, BARNET, NEW SOUTHGATE, N11 1HJ
INDEPENDENT EXAMINATION OF THE NORTH LONDON WASTE PLAN – “MAIN MODIFICATIONS”
RESPONSE ON BEHALF OF OBJECTOR, FITZGERALD & BURKE BUILDERS MERCHANTS LIMITED**

Savills is instructed by Fitzgerald & Burke Builders Merchants Limited to respond to the ‘*Main Modifications*’ with respect to the independent examination of the North London Waste Plan (NLWP) that was submitted to the Secretary of State for Housing, Communities and Local Government on 8th August 2019. Our client **objects most strongly** to the soundness of the NLWP. .

As identified in Appendix 1, our client’s business is situated at 87 Oakleigh Road South in New Southgate, which is within the jurisdiction of the London Borough of Barnet. The site has been identified in Policy 2 ‘*Priority Areas for new waste management facilities*’ as being **within** the Oakleigh Road safeguarded allocated waste area (Area Ref: A02-BA). The NLWP states that these areas are considered to be the most suitable, sustainable and deliverable locations in North London for new waste management facilities, when assessed against a range of environmental, economic and social factors and the Spatial Framework.

We set out below, our response to the Main Modifications consultation, in our role as Fitzgerald & Burke’s planning consultant. We deal primarily here with the main modifications that have been made to the NLWP, particularly where the issues are of most relevance to our client’s business.

1. Background

Fitzgerald & Burke is an independent supplier of building materials, with a wide customer base, having been located at this particular site in Oakleigh Road South for over 20 years. During this time, the business has grown considerably – its success arising from having established the builders’ merchants branch firmly as a trusted leading supplier in the local area, built on a reputation of great service, reliability and flexibility.

Located within the heart of New Southgate, our client’s site is in a prime location for a builders merchants use – located within close proximity of the North Circular Road (to the south). The excellent location makes the business very accessible to a wide range of customers across North London and beyond. As such, it is imperative that the NLWP Inspector understands that the subject site’s new policy allocation as a priority **waste area** has the effect, potentially, of jeopardising our client’s business in the future.

Notwithstanding the fact the subject site is in an ideal location (for our client and the businesses it serves), it should be noted by the Inspector that Fitzgerald & Burke is a significant local-scale employer. In the event the NLWP is found sound and subsequently adopted in its current guise, the jobs that Fitzgerald & Burke support may be threatened at some point in the future.

In our professional opinion, the NLWP does **not** meet the tests of *soundness* set out in Paragraph 35 of the National Planning Policy Framework (NPPF), nor does it meet the defined “*principles*” for Plans set out in

Paragraph 16. If approved in its current form, the NLWP would not only lead to adverse impacts for our client, but it might well impact deleteriously on a number of local residents and businesses, i.e. those who are reliant on the goods and services offered by our client's long-established business.

2. Client Representations to the NLWP Main Modifications

Our client wishes to formally object to the NLWP – and we set out the Company's response here, across five main modifications, as follows:

a) Main Modification 45 (MM 45)

It is noted that that this Main Modification states that North London Boroughs have assessed a range of sites and areas to meet future waste needs, where assessment criteria have been developed using waste planning policy and in consultation with key stakeholders in a series of focus groups.

As we have confirmed previously, our client's site has been allocated within the ***Oakleigh Road safeguarded priority waste area*** – one of four priority areas within the London Borough of Barnet earmarked for future new waste management facilities. On the basis that our client is directly affected by the proposed policy allocation, it is perplexing to find that the business was not consulted directly throughout the NLWP process, nor was the Company notified of any formal consultation. As such, we refute the claim that assessment criteria has been developed in consultation with key stakeholders, given that our client was not suitably informed nor consulted.

Following discussions with LB Barnet Officers, it has come to light that properties located within defined Strategic Industrial Land (**SIL**) and/or Locally Significant Industrial Site (**LSIS**) zonings were not specifically consulted (note: our client's site is located within the *Oakleigh Road South LSIS*) because designated industrial areas have been regarded by the planning authorities (across the NLWP area) as well suited, in principle, for proposed waste uses. Consequently, by allocating these sites as safeguarded waste areas, the NLWP does not propose any land use policy changes to the areas in question.

Given our client has a longstanding local business and an established customer base, it is our opinion that the business ought to have been consulted properly, and directly, through the course of the Plan preparation process (especially considering that the provision of new waste management facilities has the potential to jeopardise the future operation, management and growth of the business). On this basis, it is our opinion that the NLWP is **not** consistent with national policy as it does not accord with NPPF Paragraph 16, which states that Plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.

Notwithstanding the lack of direct consultation and engagement highlighted above, we would like to reiterate that we have a particular concern with regard to the proposed policy allocation and how it might impact on our client's business in the future. Given the NLWP has allocated our client's site for safeguarded waste uses, if the Inspector finds, like we do, that the intended zoning could threaten the future of the business, the NLWP may conflict with NPPF paragraph 80, which states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Here, that approach is conflicted.

b) Main Modification 76 (MM76)

Whilst it is welcomed that there has been some thought to creating a better geographical spread of waste facilities in North London, we refute that claim that the revised approach is sufficient in ensuring that there is a spread of waste facilities around North London.

It is noted that in Section B of the Spatial Framework, the NLWP is underpinned by a spatial approach which seeks a geographical spread of waste sites across North London, consistent with the principles of sustainable development. On this basis, whilst the NLWP has been revised to show that developers should seek sites in

Priority Areas outside of Enfield in the first instance, we question why this shouldn't be strengthened to say that sites in Enfield should be disregarded in any instance and why this shouldn't be extended to Barnet sites.. There is recognition in Main Modification 7 (MM7) that, whilst Enfield contributes the highest amount of land to the NLWP (62%), that Barnet is in a clear second place (18%), with Haringey (12%) and other boroughs (5% or less) contributing significantly less land.

As such, and as can be identified in Figures 5 and 6 in the Plan, our client is also perplexed that the NLWP continues to allocate a further four priority waste areas in LB Barnet, whilst other Boroughs such as Camden and Islington have no proposed allocated areas, especially considering both authorities have only one existing waste site each.

The proposed geographic spread of waste sites continues to clearly contradict the NLWP's own objectives in attempting to reduce movements of waste, including waste exports, and increase the amount of waste managed in proximity to its source, in accordance with the principles of sustainable development. With respect to the proposed Oakleigh Road policy allocation, crucially, one notes that the Brunswick Industrial Park and Friern Barnet Pinkham Way allocations are located nearby, and so the Oakleigh Road safeguarding does not increase the geographical spread of waste sites in North London.

We would request that the Inspector call into question the proposed allocation of Oakleigh Road, given the approach followed by the planning authorities responsible for the new Plan, where there will evidently be a cluster of proposed waste sites within close proximity of one another. In our view, the allocation of potential waste sites and that waste should be apportioned rather more equitably across all of the local planning authorities. If the NLWP is to be adopted in its current form, the strategy will continue to result in the majority of North London's waste being dealt with in Barnet and Enfield – contradicting, in our view, one of the NLWP's core objectives, whilst placing extra burden on the amenity of businesses and residents that reside in these areas.

c) Main Modification 52 (MM52)

Whilst we note as part of this Main Modification that there has been thought about using a sequential approach to ensure developers consider siting facilities in certain locations in the first instance as opposed to others (which in our view is a step in the right direction), it is our opinion that the NLWP needs to go further in promoting existing waste sites for intensification of waste uses, rather than placing emphasis on allocating new safeguarded areas for waste uses. We support the addition of the reference to draft New London Plan Policies E4-E7 in Paragraph 4.8, insofar that they provide policy support for the concept of intensification of existing uses, which is something that should be explored and promoted further in this Plan. We strongly agree with Policy 1 '*Existing waste management sites*' and its '*in-principle*' support for expansion or intensification of operations at existing waste sites, however, we note that only three existing sites are proposed to be expanded.

On this basis, we would like the NLWP to be amended so that the sequential approach as outlined above be expanded, so that it directs development to existing waste facilities and sites in the first instance, followed by looking at new sites in other boroughs other than Barnet and Enfield. By following this approach, the NLWP will ensure that there will be less disruption generally to neighbouring amenity in North London, whilst also ensuring that there will be a better spread of facilities around North London.

In addition to the above, and as we have mentioned previously, it can be seen by Figure 5 in the NLWP that there a number of existing waste sites in the Plan and we would query whether the stakeholders of the NLWP have targeted existing waste operators thoroughly enough, in order to promote the principles of expansion and intensification of waste uses on their sites. It is our assertion that this might not be the case. We note that in the previous iteration of the Plan that Paragraph 8.3 (now a reference which has been removed) stated that two "call for sites" exercises were undertaken through the NLWP process and that only three existing sites were put forward; however, we would again question whether this level of engagement was extensive enough. It is our opinion that the stakeholders of the NLWP should have directly targeted existing waste operators, promoting and incentivising the intensification and expansion of their sites, rather than allocating new waste areas in more sensitive locations, like Oakleigh Road South, which have the potential to negatively impact

neighbouring amenity. We would like to request that stakeholders approach existing waste operators, in order to see if they would be keen to expand / intensify their site for waste uses, in line with our proposed sequential approach as outlined above.

d) Main Modification 84 (MM 84)

We note that there is reference in the paragraph where this Main Modification is made to “*Some of the areas Priority Areas identified in Policy 2 may become unavailable over the Plan period because they will be used for other purposes or affected by future development proposals such as Crossrail 2 and Opportunity Areas*”. As such, we would invite the Inspector to query the appropriateness, suitability and deliverability of the Oakleigh Road South area for future waste uses, given that this is the only priority area which is safeguarded to deliver part of the construction of Crossrail 2.

Paragraph 8.14 of the NLWP directly references Oakleigh Road South and how it has been identified in the Crossrail 2 safeguarding directions issued in January 2015 to deliver part of the construction of Crossrail 2. On this basis, we would query whether the area should be allocated in the NLWP, given that its deliverability for waste uses in the future is questionable and that there is a direct land use conflict with the aims and objectives of Crossrail 2.

In addition to this, we would again like to bring to the attention of the Inspector the *Employment Land Review* conducted in 2017 by Barnet Council. This study informed the emerging Local Plan and also influenced draft London Plan Policy E7 ‘*Industrial intensification, co-location and substitution*’, both of which promote flexibility of land uses within the Oakleigh Road South LSIS, including the potential of co-locating sensitive uses with industrial uses, such as residential. The ELR’s recommendation for the LSIS was to “leave it to the market” to decide what land uses are suitable. As such, by allocating the site for future waste safeguarding, the policy is restrictive in its nature, directly conflicting with the Barnet’s own evidence base and the GLA’s future vision for LSIS in London, as it hinders the flexibility of achieving a range of land uses on site in the future.

e) Main Modification (MM78)

We note that this Main Modification (which states that the priority areas in the NLWP have been assessed against national, regional and local criteria, including the Strategic Objectives and Spatial Principles, and represent the most suitable areas for new waste facilities in North London) has been made to demonstrate that the Plan is positively prepared and justified. However, we refute this claim as there is a need for to look at the Oakleigh Road South policy allocation at a more granular level, and our client wishes to query the methodology used for identifying sites/areas. The Company continues to contend that the assessment, evaluation and selection exercise has not been robust enough.

(....Representations continue overleaf)



Figure 1: Footpath and dense tree belt separating our client's site (to the right) with the rest of the LSIS (to the left) (Source: Google Streetview, 2019)

As can be seen from Figure 1 above, it is clear that our client's site is physically divorced from the rest of the proposed safeguarded area. Bluntly, it has little relationship with the rest of the industrial estate to the south – and the builders merchants site lies on its own, being effectively self-contained and located at the very apex of the proposed safeguarded zone. The site is segregated by an existing footpath, used regularly by people walking from the residential flats to the east on Beaconsfield Road to travel to New Southgate and Arnos Grove Stations and the New Southgate Recreation Ground, alongside a dense tree belt.

Frankly, our client is perplexed as to why the subject site has been allocated for waste safeguarding, along with the rest of the industrial estate, given the property's segregated nature, as described.

In addition to this, we note that the NLWP in Table 9 states that the Oakleigh Road South allocation is suitable for recycling, integrated resource recovery facilities / resource parks and waste transfer, where we query whether our Client's site is suitable for these uses, given the close proximity of the site to residential development to the north east. This can be seen more clearly in Figure 2.

(...Representations continue overleaf)



Figure 2: Google streetview of map looking south showing the close proximity of our client's site and the neighbouring residential properties (Google Streetview, 2020)

Given the close proximity of the site, it is clear that the introduction of new waste uses on our client's site would directly conflict with the neighbouring sensitive residential uses on the other side of the road. It is obvious that little thought has been placed on assessing the suitability of Oakleigh Road South site for waste uses at a more granular level, as it is clear by the characteristics of the site and its surrounding context that our client's site should be removed from the policy allocation.

We would suggest that the parties responsible for drawing up the NLWP have not assessed the suitability of proposed safeguarded waste areas at site specific, detailed level, taking account of factors such as the surrounding site context. This is a flaw in the Plan's preparation calling into question its soundness and evidence base. Based on the proposed policy allocation of Oakleigh Road South, it is our view that allocated waste areas have been looked too simplistically and, in short, the individual sites proposed for safeguarding ought in our professional view to be afforded more detailed scrutiny, during the formal examination process.

3. Summary Conclusion

Our client objects most strongly, questioning the soundness of the NLWP, as set out here. We find the proposed allocation of our client's site as a suitable location for waste uses illogical and unjustified. Such zoning is set wholly against the objectives and the broader thrust of national and Borough-wide planning policies – and in this case – the intended safeguarding is not underpinned by satisfactory evidence.

I trust my letter is clear and helpful, and that the Inspector will take full and proper account of our client's response and clear concerns. In the meantime, if the Inspector or Programme Officer have any immediate queries, please contact me or my colleague, Ashkan Liaghat MTRPI.

Yours faithfully,



M D Washbourne MRICS
Director

Cc. Directors – Fitzgerald and Burke Limited and Andrew Norton – Barnet Council

Appendix 1 – OS Site Location Plan

OS Site Location Plan - 87 Oakleigh Road South - Objections by Fitzgerald and Burke Limited



Legend

- Site Location Plan
- Site Leased from Network Rail

This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2019. Ordnance Survey 0100031673

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