

Victoria Manning
North London Waste Plan
Regeneration and Planning
Camden Town Hall
Judd Street
WC1H 9JE

Date: 10 December 2020
Our reference: I1080844

Dear Victoria,

Representations to North London Waste Plan (NLWP) Proposed Submission Draft with Main Modifications (October 2020)

On behalf of Henry Boot Developments Ltd (“HBD”), we hereby submit representations to North London Waste Plan (NLWP) Proposed Submission Draft with Main Modifications (October 2020).

As part of a Joint Venture with LB Enfield, HBD are currently preparing an Outline Planning Application for the redevelopment of Montagu Industrial Estate, a Strategic Industrial Location. The proposed development will deliver circa 37,000 sq. m. E(g), B2 and B8 floorspace. Full planning permission was granted for the first Phase of development in October 2019, comprising the erection of 9no. B1/B2/B8 units.

In accordance with Draft London Plan Policy E7, HBD are required to intensify the quantum of business uses (falling under Use Class B1(c) (now E(g)), B2 and B8) on site at present. This will primarily be achieved by making more efficient use of land, and through increasing plot ratios.

The existing Site comprises a range of general industrial floorspace, alongside two large cement batch plants, and a number of waste facilities, including:

- ENF 6 – AMI Waste, 17 Stacey Avenue
- ENF 10 – Euro Metal Recycling (“Rooke Site”), 22-26 First Avenue
- ENF 13 – PHS Services, 10 Princes Road
- ENF 14 – Former Lee Valley Motors, Second Avenue
- ENF 35 – Redcorn Ltd, 22a – 24 Stacey Avenue
- ENF 37 – GBN Services Ltd, Gibbs Road

Whilst HBD would contest that not all these sites are operational waste sites (as explained below), they are nonetheless identified in the North London Waste Plan (NLWP) as existing safeguarded sites.

HBD’s plans for Montagu Industrial Estate are at an early stage and have recently been subject to pre-application discussions with both the LB Enfield and the GLA. This is the first time that HBD were made aware of the intention to safeguard such sites.

Having now reviewed the NLWP, HBD have identified a number of inaccuracies and inconsistencies with the Plan. They also believe that certain policies, as a result, are unjustified and unsound. As drafted, these policies (and particularly Policies 2 and 3), will frustrate HBD’s and LB Enfield’s aspirations to comprehensively redevelop Montagu Industrial Estate (as encouraged by LB Enfield’s Local Plan, and the adopted and emerging London Plan).

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Representations

We have reviewed the Main Modifications Draft, supporting evidence and other associated documents that have informed the Main Modifications Plan, and provide the following comments for consideration. Whilst broadly supportive of the North London Boroughs' stance on protecting, and enhancing waste sites, our client has a number of concerns which can be summarised as follows:

- There are a number of inaccuracies within Appendix 1 (Schedule 1: Existing Safeguarded Waste Sites in North London);
- Policy 1 incorrectly and unnecessarily requires Applicants to calculate the potential capacity of vacant sites, to ensure that equivalent provision is provided elsewhere;
- Policy 1 is overly prescriptive as to the way in which alternative waste capacity needs to be secured prior to planning permission being granted; and
- Clarification is sought as to whether the sequential approach to relocation, highlighted within Policy 2, applies to waste facilities currently located within Enfield, that would like to relocate to alternative locations within the Borough.

Existing Safeguarded Waste Sites

Appendix 1 (Schedule 1: Existing Safeguarded Waste Sites in North London) contains a number of inaccuracies relating to existing waste sites, including but not limited to: the use of premises (i.e. whether sites are indeed being used as a waste facility); and the operators of premises. This has led to some sites being incorrectly protected under the NLWP, despite not being "existing waste sites".

Site ENF10 "*Rooke and Co Ltd, Edmonton*" is listed as a Metal Recycling Site. Whilst planning permission was granted in 1994 (Ref: TP/93/0977) for use of the site for the storage, processing and sorting of scrap metal, the Site is primarily used for commercial vehicle maintenance and storage. The Site does not encompass any waste facilities. The operator, EMR, use their more substantial facility at Albert Works, Kenninghall Road, Edmonton, as their recycling plant. In consideration of the above, this Site should be removed from the list of existing waste facilities.

Site ENF13 "*Personnel Hygiene Services Ltd*" is listed as a Clinical Waste Transfer Station. It should be noted that the Site now accommodates PHS Teacrate Ltd, following the relocation of PHS Washroom Ltd to Hayes and Huntington. PHS Teacrate Ltd operate the Site as a wash facility only. There is no element of waste handling. As such, this Site should be removed from the list of existing waste facilities.

Site ENF14 "*Former Lea Valley Motors Ltd*" comprises a vacant industrial unit, located within Montagu Industrial Estate. The Site does not provide any waste uses, and should therefore be removed from the list of protected facilities.

In consideration of the above, it is clear that Appendix 1 needs to be reviewed to ensure that it contains accurate, and up-to-date evidence. At the very least, the above sites should be removed.

Protection of Existing Waste Facilities

Policy 1 (Existing Waste Management Sites) states that:

"Applications for non-waste uses on safeguarded waste sites will only be permitted where it is clearly demonstrated by the developer to the satisfaction of the relevant borough that compensatory capacity will be delivered in line with the spatial principles on a suitable replacement site in North London, that must at least meet, and, if possible, exceed, the maximum achievable throughput of the site proposed to be lost and help to promote the increased geographical spread of waste sites across the plan area" (our emphasis).

Supporting Text Paragraph 9.4 explains that Policy 1 "*applies to sites with existing operational waste facilities*". As discussed above, not all of the Sites included within Appendix 1 are operational waste facilities, and as such, we understand that Policy 1 will only apply to "*existing waste sites*", rather than all sites listed within Appendix 1.

Calculating Capacity on Vacant Sites

HBD are concerned as to the way in which Policy 1 requires Applicants to calculate the potential capacity of vacant sites, to ensure that equivalent provision is provided elsewhere.

Paragraph 9.7 indicates that where a site has been vacant for “a number of years”, “the potential capacity of the site should be calculated using an appropriate and evidence throughput per hectare”.

Firstly, “a number of years” should be defined within the Plan. It is unclear as to whether this applies to all vacant units, including those that have experienced long-term vacancy.

Secondly, we contend that it would be unreasonable and unnecessary to require Applicants to measure the capacity of a vacant facility, and require this capacity to be relocated elsewhere, if it is not providing a waste function at present, and if there is no pressing need for the facility in that location (as evidenced by the fact that the unit is vacant).

Whilst a site may be physically capable of accommodating waste facilities, and providing waste capacity, there may be no demand / need for that type of facility; or the facility could be unviable.

This approach to vacant waste facilities could result in long-term vacancies, which undermine efforts to regenerate existing industrial estates. HBD contend that there needs to be a greater degree of flexibility, to ensure that vacant, unsustainable, unsuitable and unviable waste sites are not necessarily protected.

Replacement Waste Capacity

Paragraph 9.7 to Policy 1 further states that, in securing the loss of waste sites:

“Applicants will need to demonstrate that provision of replacement capacity is secured before permission is granted for an alternative use”.

This approach is overly stringent, and would ultimately hinder the comprehensive redevelopment and intensification of large SIL and LSIS sites, as supported by the adopted and Draft London Plan. Whilst we appreciate that Applicants will need to demonstrate the provision of a replacement facility in cases where there will be a loss of a waste facility, this does not need to take place prior to planning permission being granted. Rather, as part of larger planning applications, it may be suitable and beneficial for the relocation of waste facilities to be secured via a Section 106 Obligation. For example, a Section 106 Obligation could require details regarding the relocation of waste facilities prior to the development of a particular building / phase. Thus, allowing the development of the wider site, whilst the Applicant continues to plan for the relocation of waste facilities.

Priority Areas

Policy 2 identifies 13 “Priority Areas” where new and replacement waste facilities will be directed. Eley Industrial Estate (Ref: A12-EN) is allocated as a Priority Area for all types of waste facilities, and is the only Priority Area located within LB Enfield.

Supporting Text Paragraph 9.11 explains that:

“To help redress the high proportion of North London’s waste facilities already in Enfield (62%), and help deliver a better geographical spread of sites (Spatial Principle B), developers are required to demonstrate that no land is available or suitable in Priority Areas outside of Enfield before considering the Priority Area identified within the Borough. The exception to this is for Recycling and Reuse Centres (RRCs) where there is an identified need in Enfield and Barnet to improve the coverage across North London (see Policy 4). The evidence will need to demonstrate an adequate search has been undertaken which takes into account the type of waste facility proposed, the criteria set out in Table 10 and the criteria set out in Policy 6” (our emphasis).

We welcome the aspiration of ensuring a greater geographical spread of waste facilities across North London; however, it remains unclear as to whether this sequential approach applies to existing waste facilities within Enfield which need to be relocated to deliver on Local Plan policy objectives, or only existing waste facilities located within other North London Boroughs.

It should be noted that relocating existing facilities within Enfield would not alter the concentration of waste facilities in LB Enfield, and thus would not be contrary to the aspirations of Policy 2. Furthermore, applying a sequential approach to waste facilities currently located within Enfield could cause substantial disruption, and result in either increased unemployment within Enfield, or greater travel distances between employers and employees (contrary to sustainable development initiatives).

In consideration of the above, we request that Policy 2 is reworded to confirm that the sequential approach does not apply to sites currently located within LB Enfield, and that its purpose is to restrict alternative Borough’s from relocating to Enfield.

Conclusion

As set out throughout these representations, HBD has a number of concerns regarding the evidence base that underpins the Draft London Waste Plan. Chiefly, there are three sites within Montagu Industrial Estate which should not be included within the list of “*Existing Safeguarded Waste Site*” (at Appendix 1), by virtue of them either being in non-waste use, or vacant. It would be unsound and unjustified to include these sites within Appendix 1, and as such, we request that these are removed.

HBD also has a number of concerns relating to Policy 1. Whilst HBD support the overarching principle of protecting viable and sustainable waste facilities, the policy is overly restrictive in terms of how it applies to vacant units. The policy is also overly prescriptive as to the way in which alternative waste capacity needs to be secured prior to planning permission being granted.

HBD has concerns with regards to the sequential approach to relocation, highlighted in Policy 2. Clarification is sought as to whether this approach applies to waste facilities currently located within Enfield, that would like to relocate to alternative locations within the Borough.

We look forward to receiving confirmation of receipt of these representations, and being notified of any further consultation or relevant publications.

We trust that these representations have been duly made, but should you wish to discuss any of the issues raised, please do contact me.

Yours sincerely,



Nick Diment

Partner, Planning

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