



Public Consultation on Main Modifications to the Proposed Submission North London Waste Plan (NLWP)

Representation Form and Guidance Notes

Please save and return to feedback@nlwp.net by the end of Thursday 10th December 2020.

This form has two parts:

Part A – Personal details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Guidance notes are available at the end of the Representation Form. Please read the advice in the guidance notes on making a representation attached to the consultation before completing this response form.

Please note that any comments you make will be made publicly available and attributed to your name. Please see the [Privacy Policy](#) for details of how we use your information. We are required to share your information with the Planning Inspector for the purposes of the Examination.

Part A: Personal Details:

Name: Ursula Taylor

Job Title: Head of Legal and Governance
(where applicable)

Organisation: North London Waste Authority
(where applicable)

Part B – Your representations

Please use a separate sheet for each representation

1. To which Main Modification does this representation relate?

(one modification reference per form)

Main Modification reference: MM113

Paragraph number: Appendix 2: Haringey Area Profiles – A22-HR Pinkham Way

2. Do you consider the proposed Main Modification to be:

Legally compliant (Y/N): Y

Sound (Y/N): N

3. If you consider the proposed Main Modification to be unsound, please identify which test of soundness your comments relate to:

Positively prepared ✓

Justified ✓

Effective

Consistent with national policy

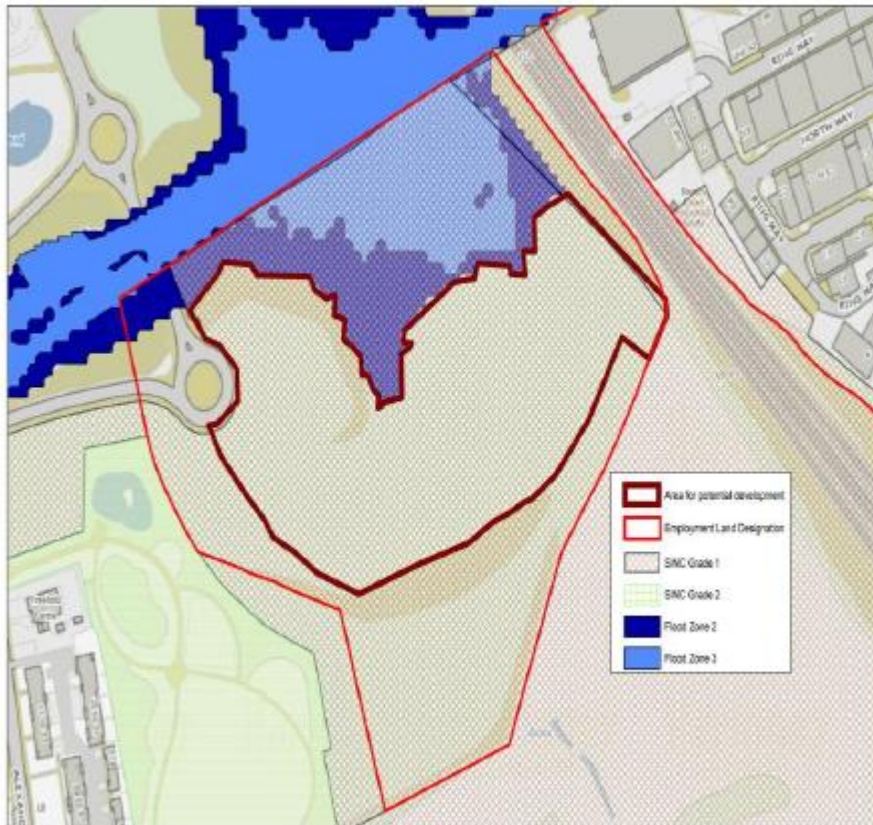
4. Please give details of why you consider the proposed Main Modification is not legally compliant or is unsound. Please be as precise as possible.

The proposed modifications to Appendix 2: Haringey Area Profiles – A22-HR Pinkham Way are considered unsound in two respects.

The **first issue** relates to the inclusion of a map and supporting text to suggest a reduced area for potential development, excluding the whole of flood risk area. This approach is not **justified** by the supporting evidence submitted by the NLWA and therefore the modification is considered unsound.

The proposed further modification text and accompanying map are as follows:

‘Given the land is in two ownerships, development would be better suited on land in the control of the NLWA to ensure deliverability. New development should be located in areas with the lowest risk of flooding. The map below shows the area of the Priority Area within which a site could come forward once land at risk of flooding and land outside NLWA ownership has been removed.’



The submitted evidence for the Plan includes the Flood Risk Sequential Test (2019), which states (Table 6) that the Pinkham Way site falls in Flood Zone 1, 2 and 3a. The report goes further to state that the proposed use at Pinkham Way is acceptable within the Flood Zone. At no point, does it suggest that the site area should be reduced to exclude land that is subject to flood risk.

The Flood Risk Addendum (2020) published with the Main Modifications clearly states that for all the sites/ areas under consideration (i.e. including Pinkham Way):

'As shown in Flood Risk Sequential Test (October 2019), not all of the required development can be located within the available area of Flood Zone 1, therefore development in Flood Zone 2 is appropriate. Not all the development can be located exclusively within the available areas of Flood Zone 1 or 2, therefore development in Flood Zone 3a is appropriate. Development in Flood Zone 3b is not appropriate.' (paragraph 3.3)

...

'The Flood Risk Sequential Test (October 2019) has shown how the Sequential Test has been applied to the proposed development and the conclusion of that report is twofold, firstly to conclude that it is necessary and appropriate to locate the proposed development in Flood Zone 1, 2 and 3a, and secondly that due to the proposed use consideration under the "Exception Test" is not required. They therefore pass the Sequential Test and may be considered further as areas for allocation in the NLWP.' (paragraph 6.4)

Again, at no point does the report suggest that site area should be reduced to exclude land that is subject to flood risk. In fact, the Flood Risk Addendum (2020) goes on to say that site layout should take account of flood risk and that this detailed matter should be addressed at the planning application stage (paragraph 4.12).

The map included in the Main Modification 113 excludes not only flood zone 2 land but also all of flood zone 3, with no differentiation made as to whether this is Flood Zone 3a or 3b. This does not reflect the evidence prepared in support of the Plan.

The proposed modifications directly contradict the evidence and conclusions presented in the Flood Risk Sequential Test and the Flood Risk Addendum. Excluding all land which is subject to a higher risk of flooding has resulted in a much reduced and awkward shaped site, which could compromise the ability of the NLWA to bring forward an appropriate scheme and reduces the options for wider site benefits, for example the introduction of an enhanced ecological corridor. Instead, the detail of site layout including the implications for flood risk should be considered at the planning application stage including any mitigation measures required.

The Authority notes that the land in the ownership of London Borough of Barnet is also excluded from the site area in the Main Modifications. The Authority has not submitted any evidence to say that land in their ownership should not be considered. In the submitted Sites and Areas Report Appendix 6 – Haringey Area Proformas (2019), no particular issue was flagged with respect to deliverability /landownership. The report simply notes that the land is owned by two public bodies (Barnet Council and NLWA).

The **second issue** relates to the inclusion of wording about public concerns. This is contrary to the fact that a plan must be **positively prepared**. Therefore, this modification is considered unsound.

Revised text has been added about community concerns:

'There are community concerns around the development of a waste facility within this Area and how this will affect the natural environment, flood risk and biodiversity in the Area.'

This is not considered to be a helpful / appropriate statement in a policy document. Community concerns are a matter of record, the Plan should be confined with setting out the appropriate mitigation to address agreed concerns. Such statements do not help the plan be effective in its operation nor can it be seen as a positive approach to planning.

- 5. Please set out what change(s) you consider necessary to make the proposed Main Modifications legally compliant or sound, having regard to the test you have identified in Q3 above where this relates to soundness. You will need to say why this change will make the proposed Main Modification to the Proposed Submission NLWP legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

The following text is proposed to align the plan with the evidence base and to ensure the Plan is fully justified by removing any references to reducing the site area and leaving such decisions to be determined in the planning application process.

The removal of the text regarding community concerns will ensure that there is a positive approach to planning.

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| <p>Potential mitigation measures</p> | <p>The Area covers land owned separately by the North London Waste Authority and the London Borough of Barnet.</p> <p>There are a number of policy, environmental and amenity issues facing this area, although it previously accommodated a sewage treatment works. The Area has revegetated, contains a number of mature trees and is designated as a SINC.</p> <p>Due to the number of designations affecting this Area, only a proportion of the overall area will be suitable for development. Given the land is in two ownerships, development would be better suited on land in the control of the NLWA to ensure deliverability. New development should be located in areas with the lowest risk of flooding. The map below shows the area of the Priority Area within which a site could come forward once land at risk of flooding and land outside NLWA ownership has been removed.</p> <p><u>The map below shows the current Local Plan policy designations and the extent of the flood zones.</u></p> <p><u>[MAP – The map should be updated to expand the ‘area of potential development’ to include the flood risk zones]</u></p> <p>.....</p> <p>Any new waste facility in this Priority Area will need to be in line with the Haringey’s Local Plan and the London Plan. There are community concerns around the development of a waste facility within this Area and how this will affect the natural environment, flood risk and biodiversity in the Area. Specific policy considerations on this topic <u>in relation to natural environment, flood risk and biodiversity</u> are set out below.</p> <p>.....</p> |
|---|--|

6. Do you require notification of any of the following to your email address stated in Part A:

The publication of the inspector's recommendations following the independent examination (Y/N): Y

The adoption of the Local Plan (Y/N): Y

Part B – Your representations

Please use a separate sheet for each representation

7. To which Main Modification does this representation relate? (one modification reference per form)

Main Modification reference: MM46

Paragraph number: 8.20

8. Do you consider the proposed Main Modification to be:

Legally compliant (Y/N): Y

Sound (Y/N): N

9. If you consider the proposed Main Modification to be unsound, please identify which test of soundness your comments relate to:

Positively prepared

Justified ✓

Effective

Consistent with national policy ✓

10. Please give details of why you consider the proposed Main Modification is not legally compliant or is unsound. Please be as precise as possible.

MM46 introduces new text regarding appropriate land for waste facilities:

‘Waste facilities are considered to be industrial uses and are therefore considered suitable, in principle, to be developed on any industrial land in North London. This is in line with policies in the NPPW and London Plan which direct new waste facilities towards industrial land. However, in preparing the NLWP, the North London Boroughs have sought to take this approach a stage further and identify the most suitable land in North London for a range of new waste facilities: “Priority Areas”.’

As currently drafted, the new text is not **consistent with national planning policy** and it also raises questions in terms of **justifying** the subsequent spatial strategy promoted in the plan

While it is true that waste facilities are industrial uses and therefore potentially suitable on industrial land, as directed by the NPPW and London Plan; this paints only a partial picture of the wider policy framework. The NPPW sets out that a ‘broad range of locations including industrial sites’ should be considered and that priority should be given ‘to the re-use of previously developed land, sites identified for employment uses...’

(paragraph 4). This wider definition is acknowledged in the evidence base (Sites and Areas Report, 2019, paragraph 3.7) but has not been taken forward to the Plan itself.

The adopted London Plan states that industrial locations and employment areas are suitable (Policy 5.17). It is acknowledged that the emerging London Plan recommends industrial sites only (Policy SI 8); however, on the basis of the new footnote in the modifications (AM, section 1.7 -clarifying the naming conventions for the adopted and emerging London Plans), it is assumed that the authority are referring to the adopted Local Plan in this instance.

The modifications make no explicit reference for waste facilities to be considered on other locations, such as employment areas, despite the inclusion of Pinkham Way (a designated employment site) in the NLWP. The modifications simply state that rather than directing all waste facilities to industrial land that the North London Boroughs 'sought to take this approach a step further and identify the most suitable land'. However, the Sites and Areas Report (2019) makes it clear that the methodology for identifying suitable land was far wider than just considering industrial sites. For example, in identifying a long list of potential sites, a wide variety of sites / areas with different land uses were considered not just industrial sites (Sites and Areas Report, Table 2). The supporting text needs to better reflect the selection process followed to avoid the Plan being internally inconsistent and to better align with the evidence base.

11. Please set out what change(s) you consider necessary to make the proposed Main Modifications legally compliant or sound, having regard to the test you have identified in Q3 above where this relates to soundness. You will need to say why this change will make the proposed Main Modification to the Proposed Submission NLWP legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To bring the NLWP into conformity with national policy and to provide a clear link between the evidence base and the spatial strategy, it is proposed that the majority of the new text is deleted. The proposed text is considered superfluous as the subsequent section (paragraph 8.21 onwards) sets out more accurately and in more detail the actual process followed to identify sites and areas. Paragraph 8.20 would thus read:

~~Waste facilities are considered to be industrial uses and are therefore considered suitable, in principle, to be developed on any industrial land in North London. This is in line with policies in the NPPW and London Plan which direct new waste facilities towards industrial land. However, in preparing the NLWP, the North London Boroughs have sought to take this approach a stage further and identify the most suitable land in North London for a range of new waste facilities: "Priority Areas".~~
The proposed site and area search criteria used in the NLWP site and area selection process were developed based on the requirements of national waste planning policy. Both planning and spatial criteria were discussed with key stakeholders through a focus group session in spring 2014. Following the introduction of the NPPW

in October 2014, the site and area search criteria were reviewed to ensure compliance with this document.

12. Do you require notification of any of the following to your email address stated in Part A:

The publication of the inspector's recommendations following the independent examination (Y/N): Y

The adoption of the Local Plan (Y/N): Y