

**North London Waste Plan
Proposed Main Modifications to the
North London Waste Plan (January 2019)**

Consultation

29 October – 10 December 2020



**The Pinkham Way Alliance
Representor No 36**

 **Pinkham Way Alliance**

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1 Introduction

These representations are submitted on behalf of the Pinkham Way Alliance (PWA) in response to the public consultation on proposed Main Modifications to the North London Waste Plan following its public examination in November 2019.

Pinkham Way (site A22-HR) is an ecologically valuable green space within the local area that warrants protection both for its nature conservation value and its value to the local community as an open space. It has no place in the NLWP.

Its value as a No 1 Borough SINC was confirmed in 2014 when it was included in the Haringey Council's Biodiversity and Open Spaces review. Its proposed allocation in the NLWP as an Area with potential for development of waste facilities is not justified.

PWA is a community campaign group which came together in early 2011 when local people living in the vicinity of the Pinkham Way SINC became concerned about plans by the North London Waste Authority (NLWA) to develop the site for a large scale MBT waste facility.

Since then, PWA has taken an active interest in and has participated in the preparation of the original Submission version of the North London Waste Plan, the Haringey Local Plan: Strategic Policies document; the Haringey Site Allocations DPD, and the Proposed Submission NLWP (January 2019) having made representations to and appeared at the examinations in public of all those plans.

PWA has approximately 3000 supporters. Its membership is drawn not only from the residential areas that would be most directly affected by the loss of this important local asset but covers a wide area across three boroughs.

As a consequence of its work to date, the PWA has a detailed knowledge and understanding of the Pinkham Way SINC and of how greatly it is valued

2 Summary

2.1 Options Appraisal for Sites and Areas to be taken forward in the Proposed Submission NLWP Updated October 2020

The PWA notes that, although this above mentioned document purports to be an update of a draft Sites and Areas Options Appraisal prepared to support the Proposed Submission NLWP, the draft referred to “was never finalised and agreed for publication by the Boroughs”¹

This begs the question about what rationale was used to justify the selection of sites and areas prior to the publication of this document. It is difficult to see how it can be considered an updating document as the document which it purports to update does not exist.

Were this document to be accepted as an updating document it would be tantamount to creating retrospective supporting evidence for the Plan.

The conclusion we have reached is that the Boroughs have failed to justify the selection of sites and areas in previous iterations of the NLWP.

PWA is surprised to note from this document that as a result of *further work undertaken to assess additional information on the proposed sites and areas*,² that no fewer than 15 sites, previously considered suitable for inclusion in the Plan, were removed. The explanation for removal of eight of these was lack of SIL or LSIS designation and four were removed because they were located in Enfield. We looked at the sites that were removed and all of them are in industrial locations.

Site A22-HR, Pinkham Way was not amongst them. Pinkham Way is also not designated SIL or LSIS nor is it located on industrial land. It is an open green space with a substantial area of woodland and it is designated SINC of No 1 Borough value as well as Employment Land. However, because it has not been used for over 40 years it has no established planning use other than its contribution to nature.

We have had difficulty reconciling the decision to remove 15 industrial sites from the plan whilst not only keeping a protected nature conservation area in it but also designating it a ‘Priority Area’ for future waste development.

We found no justification in the NLWP, nor in the current documents and MMs for keeping Pinkham Way in the Plan. We found three reasons in this document which might explain why it is there

¹ Email from Victoria Manning to Stephen Brice 6 Nov 2019 - 9:09 AM

² Options Appraisal for Sites and Areas to be taken forward in the Proposed Submission NLWP Updated October 2020 – Section 4 A page 7

- it was the only site received from the call for sites
- it was submitted by the NLWA
- it was not located in Enfield

None of those justify Pinkham Way SINC being there.

2.2 Sustainability Appraisal Addendum Report – Main Modifications

We note that the framework within which the SA modifications have been prepared in this document has prohibited re-assessment of the site selection process prior to the NLWP 2015. We also note the claim that the SA is considered an iterative and ongoing process of the Plan as it evolves.

PWA does not agree that it has been in this instance. There was a monumental failure of the Plan at the November public hearing last year and it would be unrealistic to say that the failure only happened because of problems that were limited to the consultation on the Proposed Submission NLWP (January 2019).

Some of the issues we raised in submissions in 2019 and at the EiP hearing in November were ones that we had raised consistently throughout the whole process, but which the Boroughs have ignored, including in this current MM consultation.

The refusal by the Boroughs to address errors and issues has resulted in the problems compounding rather than going away.

We take issue with the comment in Appendix B of this Report³ (that following the EiP the Options Appraisal for Sites and Areas has been “updated”. As we point out above, no such document existed prior to the one produced for this consultation. Referring to its contents as an updating of something previously published is misleading.

2.3 NLWP Schedule of Proposed Main Modifications

We have commented on the MMs rather than propose further changes to them. Our comments are set out in Table 1 below.

In our view the list of conflicts and misunderstandings are of such a scale and frequency that to attempt to definitively edit suggestions across all MM’s is not sensible; neither is it possible in those cases where it is unclear what the desired approach of the NLWP actually is.

³ second last paragraph-page 92),

Such matters mean that we view the complete plan itself unsound as presented: there is a stated aim, yet the plan goes on to follow an alternate route in determining capacity need so as to undermine its positive preparation; while evidence often has been excluded, misinterpreted or is simply wrong. The plan's justification thus also falls.

Commentary has nevertheless been included under relevant MM references. This does mean key themes such as NSS and capacity occur across multiple references. (An attached schedule identifies our key commentary sections by category, showing page number in the Schedule of Modifications Document and MM number where relevant.)

We summarise below the position we found as it applies to some of these more significant aspects.

Early in the analysis we conclude clarity concerning the future of the now expired Joint Municipal Waste Strategy is required.

The issue of Net Self Sustainability (NSS) remains subject to confusion, non-consistency of presentation and has then been implemented in a manner different to the stated aim:

- Despite a single definition, there are many different summaries of the NSS approach, frequently lacking consistency and in some cases representing fundamentally different things;
 - For the individual waste stream approach to NSS the plan purports to seek, the data is not available (supplied);
- Fundamentally (substantial) cross-boundary imports and exports have been ignored in the analysis and resulting approach;
- The NLWP's approach is focused on Self Sufficiency (SS) rather than NSS;
- On a NSS basis, North London already stands at 114%, ie the stated aim is achieved; and so
- No fresh land is required.

By MM3 we concluded the NLWP sat as an incoherent strategic muddle of such a scale that we were unable to unpick and create a sensible form without requiring a major rewrite of the plan. The most surgical we can suggest would be to amend the Aim to reflect the plan's actual implementation, thus:

(The Aim is) To achieve self-sufficiency of potential management capacity independently across each of the following waste streams:

- LACW

- C&I
- C&D
- Hazardous.

Imports and exports will continue but will not be addressed.

Rather than following the aim, and so to manage NSS towards 100%, the plan looks at capacity gaps by waste stream / managed type and concludes capacity shortfalls in both the LACW and Hazardous streams. Both conclusions do not stand up to evidenced examination:

- The LACW forecast commences from a “Year zero” which is far too high versus actuals;
 - This “Year zero” inflation is revealed to be at a level commensurate with the claimed capacity gap;
- Valid site capacity has been excluded (Powerday c280ktpa; GBN c200ktpa);
- Total site capacity is revealed as falling over the 2019 / 2020 submission period from 4.4mtpa to 3.5mtpa without adequate explanation;
- 29 individual, active, sites are revealed as having unexplained capacity drops over the brief period between EIP and this submission;
- In the case of hazardous waste, identified capacity is taken to be lower than is evidenced in site listings;
 - One site at c 64ktpa has been recategorised as non- hazardous, others are simply excluded;
 - Hazardous waste management facility which forms only a part of a sites wider capability has been ignored.

We concluded that whichever route is being followed, NSS, SS, or the plans occasional hybrid mix of the two, no fresh land capacity is required when evidenced data and policy is followed.

We are also left with a substantive question based on the plan’s latest numbers:

- 3.5mtpa capacity (based on throughput)
- 2.9mtpa waste arisings.

We have previously tended to highlight the capacity headroom thus available. The alternate we now raise is the unlikelihood of this scale being left fallow in an efficient industry, a view supported by figures being based on actual throughput rather than capacity. Such a difference can then only reflect net imports.

With exports at a stated 1.4mtpa, the only conclusion is rather than being “approximately 1mtpa” imports must be closer to 2mtpa.

Be it NSS (which would increase to 160%) or SS, once again the implication has to be that no fresh land is required. The implication for the overall robustness of the plan’s data is much more fundamental.

This conclusion of no fresh land needed would still leave the plan with policies as well as preferred areas it would wish to see any future waste sites brought forward to. The Options Appraisal for Sites and Areas October 2020 highlights how all of North London’s industrial land (ie SIL and LSIL) will be available to the industry for such a purpose. As we also conclude, any wish to direct sites should be based on the stated intent of geography - as well as waste source / flow considerations - rather than the chosen proxy of administrative (political) boundaries.

The many levels of hierarchy in the plan – and their changing definitions – add confusion without commensurate benefit. We suggest a simpler, focused, aligned plan skeleton.

LACW, C&I and Municipal waste recycling targets are revealed as not being achieved by the plan.

2.3 a) Commentary on selected NLWP Proposed AM’s

We have additionally commented on several AM’s in a separate Table 2 below. In the case of three AM’s we have retained commentary in the MM section so as to assist with understanding of our broader conclusions.

2.4 Policy

We have commented on the policy changes to Policy 2 and 3 in the MMs section. We note in relation to the change proposed to Policy 2 that although land in Enfield is ranked as a Priority Area there is a double ranking introduced in Policy 2.

Eley Estate in Enfield stands out as the most suitable area by far in the Plan. It is large and can facilitate every type of waste identified. A small proportion of the area would be sufficient to absorb all of the predicted waste needs in North London with a relatively small proportion of the area impacted.

Enfield, as a Planning Authority would have control over the type and size of any proposed development in the Area.

We consider the obstruction to its accessibility created by the proposed ranking of Priority Areas in Policy 2 is irrational. (see MM52 and MM53 below)

2.5 Crossrail

The cancellation of plans for Crossrail 2 means that the plan's several references will no longer apply. We specifically point out the reference to A22-HR Pinkham Way, with an anticipated station and Opportunity Area nearby, highlighted as benefitting. No such implication can now apply.

Such matters mean that we view the complete plan itself unsound as presented: there is a stated aim, yet the plan goes on to follow an alternate route in determining capacity need which undermines its positive preparation; while evidence often has been excluded, misinterpreted or is simply wrong. The plan's justification thus also falls.

2.6 Pinkham Way site

Key Considerations for the Pinkham Way Site's designation as a Priority Waste site in the NLWA

PWA believes there is no sound basis for including the site in the Plan at all and particularly not for designating Pinkham Way as a Priority Waste site as recommended in the Options Appraisal for Sites and Areas.⁴

There is no identified proposal for its use. The NLWA, who own part of the site have attended the examination hearing and stated they had no plans for its use for the foreseeable future but wished to retain it as an asset.

Barnet Council who own part of the site stated in their response to the call for sites in 2014 that they do not wish to have waste facilities on the site.

The number and extent of errors that needed to be corrected in Main Modifications Sustainability Appraisal Addendum Report indicates how little care was taken with assessing the site throughout the process. Only at this late stage, when considering Main

⁴ Options Appraisal for Sites and Areas to be taken forward in the Proposed Submission NLWP Updated October 2020 page 17, second last paragraph

Modifications following the public hearing have the Boroughs been forced to address the realities of the real value and constraints of this site.

We note that there are errors and omissions in the information on pages 81 – 89 of the SA Addendum and we have addressed these in our comments on Main Modification 113 in the Table below.

In the event that the Inspector is minded to consider designating this site as a Priority Area for Waste we request that the following matters be taken into account:

- The unsuitability of the site in terms of the accessibility and sustainability for any development
- The importance of the trees and woodland on the site
- The importance of the site as part of a Green Chain of open space and an ecological corridor
- the potential harm to the adjacent SINCs and MOL
 - The desirability of opening up the culvert across the site
- The need and opportunities for the enrichment of the biodiversity of the site.

In all of its past decisions with regard to the designation of the Pinkham Way SINC, Haringey Council appears to have proceeded on the basis that the site's status should be regarded as having been previously developed (brownfield) because of its historic use as a sewage works.

PWA believes that such an assumption and approach is erroneous.

The use of the site as a sewage works ceased in the 1960s and the buildings and surface plant associated with the former use were subsequently demolished and removed. The vestigial foundations in the north east corner, which are substantially covered and hidden by vegetation, occupy approximately 1% of the site.

The historic lawful use has, therefore, been abandoned and the site now has a nil use for planning purposes. Both the NPPF and the London Plan include definitions of what is meant by "previously developed land" and set out the basis on which certain categories of land should be excluded from these definitions.

The PWA considers that the site falls clearly within the exclusions to the definition of previously developed land in both because the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

A site visit was conducted in December 2013, which was attended by the Council's Cabinet Member with responsibility for Planning and Enforcement, the Head of Place and

Sustainability, the Head of Development Management and the Conservation Officers from both the Council and the NLWA, together with the Head of Waste Services and the Press Officer from the NLWA.

Three representatives from the PWA also attended. Although this site visit provided a full opportunity for exploration of the site features, none of the officers in attendance were able to identify any building elements, hard standing areas or fixed structures remaining from the site's historic use as sewage works, other than the vestigial foundations mentioned above. Although there was some evidence of rubble and other materials that are believed to have been unlawfully tipped on the site since the decommissioning of the sewage works, these do not constitute "remains of the permanent structure" or "fixed surface structure" for the purposes of either of the definitions. We have discussed this in our comments on MM113.

PWA is of the view that the current Employment designation on this site should be removed. It has not generated any local or other employment over the past 50 years.

There was no evidence to justify the Council's previous attempt to redesignate the site as a LSIS and no new evidence has been produced since that would justify such a designation.

An allocation of the site in this Plan as a Priority Area for Waste would be little different to an allocation of LSIS. There was no case for it in then and there is no case for it now.

The PWA considers that the open space and ecological value of the site and its contribution to the important green chain that links the site with other areas of open space and nature conservation value should be given the greatest weight by the Inspector in accordance with the strategic priorities for the neighbourhood. Not only are these attributes of the site rightly protected under Policy SP13 but the site also provides an opportunity, through physical enhancement and more effective management, to further the objectives of the policy with regard to improving and enriching biodiversity, protecting and improving existing areas of woodland, and meeting the known shortfall in public open space.

Table 1 NLWP Proposed Main Modifications

We have dealt with the Proposed Modifications in this table in numerical order. In the content below page number references, unless otherwise stated, relate to the NLWP Schedule of Proposed Modifications October 2020 document. Applicable MM / AM numbers follow plus a reference to the relevant section from the North London Waste Plan Proposed Submission (January 2019) with Proposed Modifications October 2020.

We have also made comments on number of AM's which we hope will be helpful.

Page	MOD	NLWP	PWA Comment
2	MM1	1.3	<p>The proposed MM does provide clarity about the purpose of the Spatial Principles, however there is no evidence to support the claim that, "The spatial principles flow from the Strategic Objectives". In reality the spatial principles are a set of objectives in their own right simply with the exclusion of the initial construct, "To ...</p> <p>As raised earlier in the NLWP process, there is no "flow", evidenced or logically, from any of the Strategic Objective's (SO's) to SP B, "better geographic spread".</p>
2	MM1	1.3	<p>The absence of a thread linking the levels of the NLWP into one coherent hierarchical skeleton was examined at the EIP. We suggest an addition reflecting the importance of the SO's:</p> <p style="padding-left: 40px;">The spatial principles flow from the Strategic Objectives and, along with the Strategic Objectives, provide the strategic direction for the detailed policies of the NLWP and inform site/area selection.</p>
2	MM1	1.3	<p>We suggest the referencing of the aim and the (strategic?) objectives in the preceding paragraph of the NLWP as (overarching) principles adds to confusion / lack of clarity.</p>
2	MM1	1.3	<p>The reference is to objectives in one paragraph and strategic objectives in the following. It should be made clear that these are one and the same, if that is the intent.</p>
??	??	1.11	<p>We can find no reference in the Schedule of MM's / AM's for the changes made to this paragraph.</p> <p>We note the JWS document referred to expires in 2020. That is more relevant that its quoted start date (2009).</p>

			<p>How and if a new JWS is expected, when, and how it contributes, if at all, to the NLWP should be made explicit. We note in NLWP Figure 3, which follows 1.11, that a JWS is a core element of the Hierarchy of Planning Guidance Policies and Strategies relating to the NLWP, yet at this stage there doesn't seem to be one, and the prospect of one in future has been indicated as being both a yes and a no / maybe.</p> <p>The importance or otherwise of the (now expired) Joint Municipal Waste Management Strategy is also highlighted as a key plan hierarchy item for developers (NLWP 1.12 and shown in NLWP Fig 3). It has however been replaced with "national planning policy and guidance" in the summary paragraph (1.12) relating to the Figure.</p> <p>We suggest consistency is required for both clarity and necessary understanding.</p> <p>NLWP 3.2 includes references to elements, in particular waste prevention and reduction strategies, which "influence but are outside of the planning framework". Such elements are integral to the (existing) JWS and the anticipated new JWS (EIP, NLWA representative verbal input) – an integral part of the NLWP planning framework.</p> <p>It is not possible to reflect and suggest on the standing of certain MM's until it is clear what the boroughs / NLWA intend in respect of the future JWS.</p> <p>In this regard, the position of the JWS will be a fundamental driver of NLWP 3.4 / Strategic Objective 3, "taking into account ... the requirements of the North London Waste Authority." Having those requirements evidenced in the JWS will support the soundness of a NLWP; without such clarity it is difficult to view it as being positively prepared or justified.</p> <p>We note that the plan does reference (5.12), "The NLWA's long term waste management solution is based upon the continued use of the existing Edmonton facility until 2025 and the development of a new energy recovery facility on the same site to be operational from 2025 onwards". This gives the impression NLWA's totality of interest will be in residual waste (only); something not in keeping with the broader thrust of the plan.</p>
5	AM	2.31	Summarised into 2.27 and moved to Chapter 4

			<p>The section noted below has been removed from the revised NLWP. Such is the scale of change in the approach to sites, moving from an optimal environmental outcome to an approach effectively excluding one borough, that the section should be a MM and approached as such.</p> <p>“The priority of the NLWP will be to direct new development to sites which deliver a better overall environmental outcome.”</p>
6	MM2	3.3	<p>The aim “To achieve net self-sufficiency for LACW, C&I and C&D waste streams, including hazardous waste,” should be amended to remove conflicts with the approach taken elsewhere in the NLWP; or alternatively those conflicts should be corrected to ensure consistency of the aim with the actions of the plan.</p> <p>We highlight that:</p> <ul style="list-style-type: none"> • Net self-sufficiency for LACW, C&I and C&D waste streams, including hazardous waste <p>is <u>not</u> equivalent to</p> <ul style="list-style-type: none"> • Net self-sufficiency for LACW, C&I, C&D and hazardous waste streams. despite the NLWP using them, and occasionally other derivatives, interchangeably. <p>We are unable to suggest changes because the chosen path of the boroughs is uncertain, specifically:</p> <p>By not listing hazardous waste as a waste stream in its own right, along with LACW, C&I and C&D, the implication is that NSS will be considered with the hazardous elements of these individual streams being considered within its respective master stream, eg hazardous C&I within overall C&I.</p> <p>This approach is supported by NLWP 1.4 where hazardous waste is defined as, “A sub category of all waste streams where the material produced is hazardous and requires specialist treatment”. This approach is also found in:</p> <ul style="list-style-type: none"> • Strategic Objective 3 where hazardous waste, unlike the others, is not highlighted as a waste stream. • NLWP 5.8 where hazardous waste is specifically covered as a sub type of waste arising within the main waste streams.

- NLWP 6.5, where the position of hazardous waste as being different to – a part of – the main streams is brought out by the use of parenthesis.
- In eg 7.1 the overarching policy for north London’s waste, NLWP 7.3.
- MM19 re 6.31 / Table 5 where hazardous waste is, “included in LACW, C&I and C&D targets”.
- While in MM40 / NLWP 6.8 the identified land gap is stated as being based solely on the waste streams of LACW, C&I and C&D; that is by implication, including hazardous waste as a sub stream captured therein.

The counter to this understanding and approach is evident in NLWP NEW 6.6 page 53 where it is indicated hazardous waste is a main waste stream in its own right equivalent to the others:

- “the aim of the NLWP is to deliver the equivalent capacity for LACW, C&I, C&D and hazardous waste within its administrative borders”

This latter choice appears to be the route followed in the plan and eg drives NLWP Revised Table 8 page 54, in which hazardous waste is taken as a waste stream in its own right and new land is planned for as such, irrespective of capacity surplus elsewhere.

The submission should decide which of the two conflicting approaches it is to follow and amend throughout as required, for it cannot be both at the same time.

At that time we would suggest consistency also be made throughout the plan documentation on two alternate routes frequently stated:

- To achieve net self-sufficiency for LACW, C&I and C&D waste streams
- To achieve net self-sufficiency for LACW and C&I and C&D waste streams

We do not see these as being equivalent, and suggest the plan mostly follows the latter in its execution, albeit wrongly in our opinion and point out how London’s approach to NSS instead looks across all these waste streams in aggregate.

6 7	MM2 MM3	3.3 and 3.4	<p>Commentary in the Sustainability Appraisal Addendum September 2020 in respect of MM2 indicates how the wording now reflects that of the draft London Plan. (We assume Policy S18 A).</p> <p><i>“In order to manage London’s waste sustainably: 1) the equivalent of 100 per cent of London’s waste should be managed within London (i.e. net self-sufficiency) by 2026”</i></p> <p>Draft London Plan 9.8.1 goes on to add: <i>“The term net self-sufficiency is meant to apply to all waste streams, with the exception of excavation waste.”</i></p> <p>The draft London Plan’s definition could be tighter in specifying that when it excludes excavation waste whether the resultant, “all waste streams” refers to them in aggregate, or individually, and if individually what then constitutes a waste stream (rather than a sub waste stream).</p> <p>It does however go on to adequately clarify the position when highlighting a specific example, for the draft London Plan 9.8.1 gives an example of a London NSS calculation, based on:</p> <ul style="list-style-type: none"> • 7.5mt of London’s own waste managed within London • 11.4mt of London’s waste exported • 3.6mt imported waste managed within London. <p>Logic would therefore suggest that London’s own facilities were managing 11.1mt (ie 7.5 + 3.6). It would also suggest that London was producing 18.9mt of waste (7.5+11.4).</p> <p>NB: both imports and exports are fundamental to the London Plan’s approach to NSS, not solely inherent arisings and capacity as is assumed in the NLWP.</p> <p>The London Plan calculation (9.8.1) concludes a NSS figure of “approximately 60%”, or, based on the logical flow outlined above: 11.1 / 18.9 %, following the formula, NSS is - (Own produced waste managed PLUS managed imports) / (Own produced waste managed PLUS exports).</p> <p>The equivalent NSS figure for North London, following the London Plan approach is 114%. The calculation is shown in Appendix 1.</p> <p>The NLWP thus starts from a basis of significantly achieving its core aim, without any need for extra land / capacity. We find this as no</p>
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surprise, having previously highlighted a capacity base of circa 4.4mtpa versus an arisings level of circa 2.9mtpa.

We note that the draft London Plan definition (or more specifically its execution) of NSS is at an aggregate level across all of the non-Excavation waste streams. This is instead of addressing each individual waste stream independently as taken by the NLWP. In going on to target actual land need rather than NSS we see the NLWP as seeking actual self-sufficiency (SS), albeit suggesting in the case of hazardous waste that the resultant fresh identified land may not be employed for that purpose. In previous submissions we have termed this implied capacity strategy, "virtual self-sufficiency". It ignores exports and imports.

The data is insufficient to develop a NSS calculation for each main waste stream plus one for hazardous despite it being the stated aim of the NLWP. It therefore cannot be targeted or managed.

The latest SA assessment confirms the NLWP's chosen NSS definition is in line with the draft London Plan; the NLWP in its execution however has taken a different route. That is now being reflected in the additional wording to MM2 and also deleted from MM3.

There is a conflict between the capacity strategy of the core NLWP document and that in the SA Addendum October 2020. The Appendix of this latter document (page 95) highlights four capacity strategy options, as included in the SA January 2019. The following page (page 96) has Table C with five capacity strategy options. There is no alignment.

The chosen strategy from Table C, Option 5, does not reflect that taken forward in the plan:

- Option 5: Meeting the North London's arisings, net self-sufficiency for C&D and hazardous waste

This is more than simply a permutation of several themes already outlined in commentary on other MM's and instead is a fusion of self-sufficiency for some waste streams, net self-sufficiency for others.

Meeting North London's arisings for LACW and C&I, while targeting NSS for the other two mentioned waste streams (C&D and Hazardous) is not the Aim of the NLWP.

			<p>Moreover, facts on the ground further undermine the intent, for consider LACW in the range of 800-1,000ktpa, a recycling target of 50% and yet a planned EfW plant of 700ktpa. A plan should be a guiding document and with the intent that it be achieved.</p> <p>Across the SA’s capacity strategy option appraisal analysis, “don’t know” holds a clear majority. On this, we concur.</p> <p>Looking at the matter from a strategic level, the approach of targeting SS (not NSS) based on individual waste streams has inherent risks of driving sub optimisation. Even basing capacity on the current figure of 3.5m tpa, rather than 2019’s 4.4m tpa, when compared to an arisings figure of 2.9m tpa, it evidences considerable slack in capacity utilisation. Why operators would choose to maintain such a position is unclear. Why the plan then seeks further economic, efficiency and effectiveness burdens by seeking to generate yet more capacity through ignoring this considerable headroom is not clarified.</p> <p>We suggest the answer lies in not considering exports (1.4m tpa) and imports (“approximately” 1m tpa). These considerable volumes indicate a highly active, developed, and so very likely, efficient, market in waste management operating at a regional level – and beyond – rather than simply within North London, the focus of the plan’s SS approach.</p> <p>There is nothing in the plan, or any clear rationale, why or how such considerable cross-border volumes – inevitable moving to specialist, or more efficient, or superior located sites – would, should or could be reversed. As we conclude elsewhere, administrative boundaries are effectively irrelevant versus other factors.</p>
7	MM3	3.4	<p>Having been previously highlighted as “overarching principles” of the NLWP (NLWP 1.3), the (strategic) objectives are now shown as being “the steps needed to achieve the aim”.</p> <p>Confusion concerning the plans skeletal hierarchy appears endemic. We would suggest a simplified approach is all that is required (and would be more helpful in understanding and execution) with a much simpler hierarchy of:</p> <ul style="list-style-type: none"> • Aim • Objectives

			<ul style="list-style-type: none"> • Policies • Measures <p>The existing Spatial Principles would be assessed against and then incorporated into (possibly slightly enhanced) objectives and the Overarching Policy dropped: the aim drives objectives which drive policies and aligned measurements are tracked.</p>
10	MM4	2.27	<p>An addition is suggested (bold).</p> <p><i>The North London Boroughs are all focused on the challenges posed by climate change. Borough strategies are driven by the requirements to mitigate and adapt to all effects of climate change. The NLWP aims to deliver effective waste and resource management which makes a positive and lasting contribution to sustainable development and to combating climate change. <u>In particular this includes reducing the reliance on disposal to landfill sites outside London, lowering CO2 emissions from road transport, ensuring new waste facilities generating energy meet the Mayor’s Carbon Intensity Floor, directing new development to the most appropriate sites</u> and whilst taking into account the greater occurrence of urban flood events and the inseparable links between sustainable development, climate change and biodiversity.</i></p>
10	MM5	4.2	<p>“The Spatial Principles Framework flow from the Plan’s Strategic Objectives and provides the strategic direction for the detailed policies of the NLWP and informs site/area selection. The principles take account of the spatial and wider policy context, the Plan’s evidence base and the views of stakeholders. “</p> <p>It is far from clear what this section actually means: NLWP 4.1 indicates that the SP’s provide the strategic direction for the policies; NLWP 1.3 that the (strategic) policies will be the means through which the SP’s – as well as the aim and SO’s – will be delivered, 1.3 having already highlighted that the aim and SO’s have steered the direction of the NLWP.</p> <p>We suggest there to be an absence of clarity and consistency. That should be corrected.</p>
10	MM5	4.2	<p>In its fourteenth year of development, and when noting the informing nature of the SP’s and SO’s in site / area selection (above), the need to reappraise sites / areas so fundamentally post EIP</p>

			<p>suggests a major weakness in approach, for as the Options Appraisal for Sites and Areas October 2020 Page 7 points out:</p> <p>“In order to better inform the choice of sites and ensure the site/area assessments are more detailed, holistic, robust and sensitive to a wider range of issues further work was undertaken to gather and assess any additional information on the proposed sites and areas”</p> <p>(Similar comments can relate to the dropping of the previous NLWP Base Option on Page 10 of the same informing document.)</p> <p>That is a big miss for thirteen years’ work.</p> <p>The SA Addendum October 2020 is no less revealing when the earlier Base Option for Site / Area selection purposes is highlighted as being inferior to all five “new” options.</p> <p>The analysis goes on to choose an option that is no better than joint third best.</p> <p>It becomes difficult to reconcile 2019’s apparently “sound” submission with such fundamental, but thinly argued, rethinks.</p>																																
13	MM7	New after 4.11	<p>Given that the plan says it will focus on capacity rather than land it would be more appropriate to quote capacity use in this section rather than actual land despite it making only minor differences to the position, eg (using WDS Part 3 2019 Tables 1-7) the capacity equivalents (%) become:</p> <table border="1" data-bbox="470 1370 1476 1928"> <thead> <tr> <th></th> <th>% North London waste land in use</th> <th>As capacity % rather than land</th> <th>London Plan apportionment % share for comparison</th> </tr> </thead> <tbody> <tr> <td>Enfield</td> <td>62%</td> <td>59</td> <td>27</td> </tr> <tr> <td>Barnet</td> <td>18%</td> <td>21</td> <td>17</td> </tr> <tr> <td>Haringey</td> <td>12%</td> <td>10</td> <td>15</td> </tr> <tr> <td>Islington</td> <td><5%</td> <td>5</td> <td>8</td> </tr> <tr> <td>Waltham Forest</td> <td><5%</td> <td>5</td> <td>15</td> </tr> <tr> <td>Hackney</td> <td><5%</td> <td>0</td> <td>8</td> </tr> <tr> <td>Camden</td> <td><5%</td> <td>0</td> <td>10</td> </tr> </tbody> </table> <p>We would emphasise that rather than focusing on a “better spread”, the NLWP as currently presented may have been better with a</p>		% North London waste land in use	As capacity % rather than land	London Plan apportionment % share for comparison	Enfield	62%	59	27	Barnet	18%	21	17	Haringey	12%	10	15	Islington	<5%	5	8	Waltham Forest	<5%	5	15	Hackney	<5%	0	8	Camden	<5%	0	10
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			stated intent to “move waste management primarily to the outer London boroughs and seek a geographical coverage therein”.
13	MM7	New after 4.11	<p>At no point does the NLWP address geographic spread; rather it focuses on the administrative boundaries of the boroughs in considering site / area spread. This difference becomes other than minor when geography rather than administrative boundaries is considered, for eg:</p> <ul style="list-style-type: none"> • The site A22-HR Pinkham Way runs alongside the border of Enfield. While categorised within Haringey for the plan’s purposes, from a geographic perspective it may as well be in Enfield (or Barnet, where it also sits on the administrative border). • Waste formation does not follow administrative boundaries, rather geography. • Waste routes, key to eg SO2 and reducing movement, do not follow administrative boundaries, rather geography. (Although some administrative boundaries, at all levels, do follow geography.) • The commercial waste industry will assess geography rather than local government boundaries. • Local amenity (SP E) will tend to follow geography. • The Greenwich ruling identified geography rather than administrative boundaries as having the primacy in determining catchment⁵. <p>Conversely the boroughs decided not to follow the (borough focused) route of the London Plan apportionment when planning, instead choosing to pool the same in a geographical approach.</p> <p>As in many other examples throughout the NLWP we advocate consistency of approach.</p> <p>As the plan summarises (NLWP 4.9), “The objective is to reduce movements of waste, including waste exports, and increase the amount of waste managed in proximity to its source.” This is a specific, quantifiable, <u>geographic</u> based objective – albeit it appears no evidence to support the objective has been used to assist in identifying solutions, for the plan is waste-source location data free.</p>

⁵ The Greenwich Judgement of 1990 declared as unlawful a decision by Greenwich Local Education Authority (LEA) to give priority in school admissions to its own residents over residents from neighbouring LEAs, clarifying that applicants must be treated equally, whether they reside inside or outside the authority

			<p>The plan thus targets geography but addresses that target, incorrectly we conclude, by instead considering borough administrative boundaries. That is something not related to waste formation or the related actions of the waste management sector.</p> <p>This critical mismatch risks building in substantively sub-optimal decision criteria and subsequent conclusions.</p>
15	MM8	4.12	<p>The combined Priority Areas and existing waste sites “...will help reduce movements of waste, including waste exports and increase opportunities for waste to be managed in proximity to its source.” Yet see comments on Section 4.11 above</p>
15	MM8		<p>This MM should be removed</p> <p>Elys Estate in Enfield stands out as the most suitable area by far in the Plan.</p> <p>It is large and can facilitate every type of waste identified. A small proportion of the area would be sufficient to absorb all of the predicted waste needs in North London with a relatively small proportion of the area impacted as pointed out by the Boroughs.</p> <p>Enfield, as a Planning Authority would have control over the type and size of any proposed development in the Area.</p> <p>We consider the obstruction to its accessibility created by the proposed ranking of Priority Areas in Policy 2 is irrational. (see MM52 and MM53 below)</p>
18	MM9	New after 4.17	<p>We would comment on the proposed MM9 but fail to understand what it means and so what it is seeking to achieve. We do note that Policy 2 contains no references to the collocation of facilities, nor can see how it encourages co-location of complementary facilities and are at a loss in seeing it providing a spatial focus towards land with similar uses, whether that be close to sensitive receptors or otherwise.</p> <p>We do however note that SP C is co-location centric.</p>
22	MM11	4.25	<p>“Rail and road transport is particularly desirable when waste is travelling long distances.”</p>

			<p>We would fundamentally question this view regarding road transport. In a plan rooted in seeking sustainable transport (eg SP F: Support sustainable modes of transport; and SO7: To support the use of sustainable forms of transport) long distance travel by road would not appear “desirable”.</p> <p>Beyond contradicting such core tenants of the plan, road transport’s well-known pollution aspects such as climate impacting carbon generation and health impacting exhaust pollutants (PM10, PM2.5 plus smaller), particulates from brakes / tyres, plus road transport based externalities including the adverse health impacts of noise, congestion enhancement as well as an inevitable increase in overall road traffic accident risk through the use of more vehicles, do not suggest it as being “particularly desirable”.</p>
24	MM 12	New after 5.3	<p>The suggestion is that the Data Study Addendum represents little more than clarification to ease understanding. We find it much more far reaching and fundamental in its realignment.</p> <p>Specific comments as they relate to the findings of the Data Study Addendum are incorporated in relevant sections of this submission where they apply to a MM or AM. On the Data Study Addendum itself however we would wish to make the following observations:</p> <p><u>Re Data Study Addendum- Executive Summary II</u> This suggests that the conclusion of the EIP was for greater clarity in how the data was presented. To the contrary, PWA believes it was not the issue of presentation that was the problem, rather one of approach. NSS was the matter of substantive discussion over both days of the EIP. As pointed out elsewhere in this submission, we believe that situation remains unresolved.</p> <p><u>Re Data Study Addendum- Executive Summary IV</u> This indicates incorrectly that revisions have resulted in an increase in capacity. The capacity in the January 2019 NLWP of circa 4.4m tpa (NLWP January 2019 Table 3) is a great deal higher than the circa 3.5m tpa now revealed in Table 4.2 Revised NLWP Table 3 of the Data Study Addendum and now taken as the appropriate base. We therefore presume the summary should have read, “ a <u>decrease</u> in capacity”, and ideally go on to explain how that was counter to policy which works to maintain a future-floor on prevailing site capacity.</p>

Appendix 2 is a breakdown based on a site by site comparison between the last two NLWP submissions. Unexplained capacity loss by twenty nine individual sites over this brief period can be seen.

January 2019 NLWP site data is listed in WDS3 2019 Tables 1 through 7, sourced from EW WDI 2007-2016⁶ and represents the maximum throughput over that period. “Updated information”, contained in Data Study Addendum October 2020 Appendix B indicates more recent data is sourced “over the last five years”, however as headlined on the Appendix sheets, this is actually the (same) period 2012-2016. Why so many active sites are revealed with a marked drop in capacity is not explained, nor is clear why this might be the case.

Re Data Study Addendum 1.4

The inspector will naturally decide on data soundness but we suggest the conclusion of EIP discussions regarding both LACW (too high) and C&I (too low), yet argued by the boroughs that in aggregate were fine since that was in line with London Plan figures, was viewed as not being a satisfactory position.

We also note there was no conclusion as to why the London approach of the apportionment, as was highlighted at EIP as being used successfully in the completion of the West London Waste Plan, had been ruled out without comment.

Re Data Study Addendum Table 3.1: Growth Option

This would benefit from reasons for changes and differences (where significant) from other tables to ensure robustness of the plans supporting evidence base. In particular:

LACW 2020 Table 3.1 vs LACW Table 2.1 Revised NLWP Table 4, both in the Data Study Addendum, indicate a 16.7% increase (141,265t) in LACW from the 2016 base to the 2020 start point (845,776t increasing to 987,041t). This does not appear credible when compared to the NLWA’s latest AMR (2018/19 s21 showing LACW at only 818,285t) and which

⁶ WDS3 2019 2.8

reveals a general decline in the same waste stream over recent years.

Re Data Study Addendum Table 3.1: Growth Option

The assumed 2020 LACW start point in Table 3.1 at 987,041t is a full 168,756t (21%) above the latest actual figure (being for the previous year). We do not believe that is a remotely credible position to hold.

This difference (error) is of the scale of the plan's identified LACW capacity shortfall and which translated into a need for fresh land. We therefore do we see that as a credible position to continue.

Re Data Study Addendum 3.3

“Net self-sufficiency means providing capacity for the equivalent of waste generated and not for the actual waste generated” is precisely not what the NLWP followed in its approach to NSS. See eg Table 3.2 Revised Table 8 where the actual waste generated is indeed the chosen key determinant.

Re Data Study Addendum 3.3

Regarding, “While it is important to understand how North London's waste is actually likely to be managed in the future, it is also key that the NLWP shows how much waste is expected to be managed within the area”, we fully agree but do not see this evidence anywhere within the NLWP.

To determine this matter requires and understanding of exports and imports and how they impact on the result of just how much waste will actually be managed within the area. We suggest this matter is the heart of NSS, not the self-sufficiency based capacity strategy which is followed in the NLWP.

Re Data Study Addendum Table 3.2 Revised NLWP Table 8

We believe the approach presented is fundamentally at odds with the principle of NSS.

			<p>The table contradicts the combined management approach agreed elsewhere as being appropriate for combining LACW and C&I waste streams for waste management / capacity purposes.</p> <p>The separation out of Hazardous waste contradicts some statements in the plan.</p> <p><u>Re Data Study Addendum 4.4</u></p> <p>WDS Part 2 2019 Table 4 (and elsewhere in the 2019 submission) corrected previous NLWP assumptions that transfer stations were not undertaking any waste management function. Considerable extra capacity was added when this assumption was corrected.</p> <p>The plan now concludes that the London Plan does <u>not</u> see transfer capacity as managing waste contributors. That is very dependent on the function undertaken, but the London Plan is broad in what it does capture as “managed”⁷. Waste is deemed to be managed in London if any of the following activities take place within London:</p> <ul style="list-style-type: none"> • it is sorted or bulked for re-use (including repair and re-manufacture) reprocessing or recycling (including anaerobic digestion) • It is reused, recycled or reprocessed. <p>WDS2 2019 3.30 specifically references the draft London Plan requirements of “manged waste” when completing its derivation of capacity. Two approaches taken in successive submissions of the NLWP and based on the same London Plan requirement resulting in immensely different capacity outcomes cannot both be correct.</p> <p>The London Plan does highlight transfer stations as being particularly suitable locations to manage waste⁸.</p> <p>We have been unable to reconcile managed / not managed data from site listings with other tables in the plan (see commentary under MM27/28) but suggest that if transfer stations are <u>excluded</u> for the purposes of identifying current</p>
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⁷ Draft London Plan 9.8.4

⁸ Draft London Plan Policy S18B 3a)

capacity, then under London Plan policy they should be included for the purposes of identifying suitable land to fill any apparent gaps.

We would therefore conclude no fresh land is required whichever reading is chosen as being correct.

Re Data Study Addendum 4.7

Different approaches have been taken across the plan: “LACW and C&I waste streams are grouped together for this purpose for two reasons. Firstly, LACW and C&I waste is of a similar nature and facilities often manage both waste streams without differentiating them. Secondly, these two waste streams make up the waste apportioned by the London Plan, and therefore it is useful to count joint capacity for monitoring purposes.”

However, the contrary approach of separating the two waste streams was taken in Table 3.2 Revised NLWP Table 8.

Implications follow, including the identified land need calculation, which would differ depending on which of the two approaches was being followed consistently across the plan.

Re Data Study Addendum Table 4.2 Revised NLWP Table 3

This table reveals a total capacity of 3,536,019t in 2016.

NLWP Table 3, pre-revision, revealed a capacity of 4,421,723t (dated 2018, but effectively the same date for comparison purposes).

This update therefore represents a reduction of 885,704t, or 20%. We would expect to see evidenced rationale for such a fundamental change.

Appendix 2 reconciles the two sets of data. It reveals numerous instances of the capacity of individual sites having been listed as reducing 2020 submission on 2019 submission (Column, “capacity change since 2019 submission”).

			<p>Appendix 2 goes on to add an additional column (extreme right), using the maximum capacity for each site from either source. We would argue that since policy requires no reduction in capacity at individual sites such an analysis should better reflect the capacity under the plan’s policies. At 4.517mtpa this figure is circa 1m tpa greater than the plan’s latest claimed capacity figure for North London.</p> <p>As occurs in several instances we go on to highlight, data differences of a scale sufficient to remove the apparent capacity gap and hence need for fresh land are either unexplained or simply wrong.</p> <p><u>Re Data Study Addendum 5.3</u></p> <p>We note the NLWA’s stated intent not to build a replacement compost facility. This contradicts the intent to build a compost facility in NLWP 7.11 and NLWP New 7.11</p> <p><u>Re Data Study Addendum 6.7</u></p> <p>The latest data submission points out that it is unable to understand a key aspect of the previous data submission. Our own previous submission tackled the issue in detail. The greater issue is whether any of the two conflicting NLWP positions are themselves correct.</p>
26	MM14	Revised Table 4	<p>The table includes casting errors in C&D (25,755t) and E (10,979). It is not clear whether the total arisings figure is correct and its allocation incorrect, or the allocations are correct and the totalling incorrect. The overall difference, being of the order of 1%, however suggests no risk to fair conclusions being drawn.</p> <p>It would be sensible to highlight percentages to tie in with quotes in the preceding explanatory paragraph (MM13).</p>
28	AM	5.8	<p>“Exports of waste arising in North London will need to be balanced out by an equivalent amount of additional capacity within North London.”</p> <p>There is a one-sided logic in this sentence when viewed through the requirement of NSS: for it ignores any (potential) balancing or</p>

			<p>mitigating effect from imports into North London. (See London plan approach outlined in MM2 commentary and Appendix 1.)</p> <ul style="list-style-type: none"> • Earlier versions of the NLWP were probably closer to this necessary reality: <ul style="list-style-type: none"> ○ “On the face of it, current capacity of waste management facilities in North London appears to be more than enough to deal with the total waste generated in the area. However, this does not take into account imports to the area. “⁹ <p>In the specific case of the NLWP, exports have been stated at around 1.4m tpa. The plan however does not go on to balance this with an equivalent amount of North London capacity as the comment indicates should be the case – and nor should it in our view.</p> <p>The issue of whether any such balance, while also reflecting imports and arisings, should be at the aggregate level of all waste streams, solely the main waste streams or all individual waste streams so as to include both main and sub streams, has been thoroughly covered in earlier submissions, EIP and elsewhere in this submission. It is unfortunate such confusion plainly remains in an area central to the plan’s main aim.</p>
29	MM15	5.29	<p>“Some of this capacity will be provided by existing facilities which import waste from outside North London.”</p> <p>However, when calculating any fresh capacity requirement(s) no allowance for this element was made (as ultimately revealed in Table 3.2 Revised NLWP Table 8).</p> <p>The import figure is quoted only as “around 1 million”. This total is not broken down into main and sub waste streams which form the core of the plan’s NSS / land need calculation. If NSS is to (rightly) include imports in its derivation, then such a split would be required under the individual waste stream by waste stream approach followed by the NLWP.</p>
30	MM16	5.27	<p>The latest plan marks a 16.5% increase in recorded exports for 2016 from the previous NLWP submission (NLWP 5.27). This scale of adjustment after so many years is unnerving. There should be</p>

⁹ North London Waste Plan Draft 6 May 2015 5.8

			<p>satisfaction that such core data is accurate, timely and is being tracked accurately.</p> <p>675,788t is quoted as going to landfill, whereas Revised Table 4 (MM14) reveals this total to be 624,672t, a difference of over 50,000t.</p> <p>The same table reveals the proportion of LACW/C&I going to landfill as 51% rather than the 33% figure quoted ($\{68,900+251,600\}/624,672$ %). If the 33% figure is correct then total landfill would have been 915,714t, considerable larger than revealed in the table.</p> <p>Reconciliation, consistency, and tracking have often proven to be difficult or impossible on plan provided data. Accuracy is compromised.</p>
30	MM17	New after 5.27	<p>“North London is planning for capacity to meet the equivalent of 100% of its waste arisings”.</p> <p>North London already has capacity far exceeding 100% of its waste arisings. (Earlier NLWP process submissions refer in depth.) Should planners have an alternate in mind they should clarify the wording, otherwise the comment should be dropped.</p>
30	MM17	After 5.27	<p>“It should be noted that exports from and imports into North London are not a measure of North London’s net self-sufficiency. Net self-sufficiency means providing enough waste management capacity to manage the equivalent of the waste need in North London, while recognising that some imports and exports will continue.”</p> <p>We agree that imports / exports alone are not a measure of NSS, but conversely neither can their exclusion result in a satisfactory measure of NSS, as is being proposed. (See for instance draft London Plan 9.8.1.)</p> <p>We also note that the derivation of NSS as used in the draft London Plan does not include capacity as a metric, instead only its implied use as one means of managing waste to achieve NSS. The approach taken by the draft London Plan example, a NSS definition supported in the SA Addendum commentary, is: NSS is determined by (Own</p>

			<p>waste managed in the area PLUS managed imports) / (Own waste managed in the area PLUS exports).</p> <p>We view that as being logically robust, for:</p> <ul style="list-style-type: none"> • Were imports and exports to be nil then the area would be in perfect NSS • Were managed imports to exceed exports then the area has a NSS above 100%, ie exhibiting more than enough capacity to notionally meet its own arisings; whereas • Were exports to exceed managed imports then the area has a NSS below 100%, suggesting fresh capacity, existing site intensification, alteration in the balance between exports and imports, or some other action may be appropriate to achieve NSS balance. <p>We have the view from the evidence presented that the NLWP confuses and intertwines in its approach NSS and SS, follows both routes in parallel, and is unclear at what specific set of waste streams it seeks to base its analysis on.</p> <p>The implication (risks) of not following London’s requirement on North London (the apportionment) has been explored in a previous NLWP submission.</p>
35	MM19	6.3 and Table 5	<p>The mayoral target of 65% recycling of municipal waste by 2030 warrants a line of its own rather than being subsumed in individual targets for LACW and C&I which contribute to it. These individual targets should however also remain.</p> <p>Other targets highlighted in MM20 / NLWP 5.13 should also appear in the Table 5 of plan targets.</p> <p>We note that nowhere in the plan does it reveal that these targets will actually be achieved by its suggested implementation.</p>
36	MM20	5.13	<p>We suggest inserting a broader and relevant context to the EC’s work (bold):</p> <p>The European Commission has put forward a Circular Economy Package’. This includes a 65% recycling target for municipal waste (LACW and C&I) by 2030. Notwithstanding the UK leaving the EU, the UK has signed up to delivering these targets as part of Brexit. In addition, the Commission will put forward waste reduction</p>

			<p>targets for specific streams as part of a broader set of measures on waste prevention in the context of a review of Directive 2008/98/EC. The Commission will also enhance the implementation of the recently adopted requirements for extended producer responsibility schemes, provide incentives and encourage sharing of information and good practices in waste recycling. All this shall serve the objective to significantly reduce total waste generation and halve the amount of residual (non-recycled) municipal waste by 2030. The Circular Economy package</p>
37	AM	5.18	<p>Wording should be clarified as to whether it is the municipal (65%) target or the C&I (75%) target that is a London collective aim.</p> <p>The section would also benefit from highlighting any intent of the NLWP to achieve the target within North London or whether an “apportioned” element of the London target is being intended.</p>
40	MM23	New Table after 6.4	<p>The table suggests a fundamental misunderstanding: Row 3 refers to “Net self-sufficiency Options”, and goes on to list these as:</p> <ul style="list-style-type: none"> • Meeting the London Plan Apportionment • Net Self Sufficiency • Self – sufficiency <p>All of these are capacity options, only the second is a NSS option. (Options Appraisal 2019 1.5 correctly identifies this choice as being one of capacity strategy.)</p>
40	MM23	New Table after 6.4	<p>Row 1 refers to “options considered for forecasting North London’s waste arisings”. NSS is certainly not a means to this particular end. The heading for the table should reflect what it actually presents</p>
40	MM23	New Table after 6.4	<p>The listed Management Options bear no relation to objectives or targets set elsewhere in the plan, eg:</p> <ul style="list-style-type: none"> • why is 9% Treatment a scenario? • <u>Median</u> C&I recycling of 80% actually appears to be a stretch versus the plan target of 75%. • The Maximised targets for C&D and E are actually core plan requirements.

			A management option with the required plan targets developed as a scenario (see MM19 / Table 5) would certainly seem an appropriate option to assess.
40	MM23	New Table after 6.4	<p>The LACW target of 44% recycling by 2035 falls short of the requirement of the plan.</p> <p>MM19 / Table 5 specifies the requirement at 50% by 2025. The 50% target is highlighted as a major contributing element of the 65% municipal target, when combined with C&I.</p> <p>We note this is said to be “Maximising Recycling” scenario.</p> <p>Despite a plan scenario based on 44%, against a plan target of 50%, Table 3.2 Revised NLWP Table 8 reveals a projected 2035 plan outturn of only 43%.</p> <p>This adds weight to the previous (EIP) evidence that the use of the NLWA forecasting model is not fit for the purposes of the NLWP.</p>
41	MM24	6.4 (part)	The plan’s development considered capacity strategy options rather than net self-sufficiency options, as has been mistakenly adjusted in the wording.
41	MM24	6.4 (part)	<p>“Maximised Recycling was chosen as the preferred option for the management strategy because it aligns with national, regional and local recycling targets.”</p> <p>As outlined in our commentary on MM23, it doesn’t.</p>
42	MM25	New below 6.6	<p>“Therefore Table 8 also shows the total amount of waste arising in North London which the Boroughs need to provide capacity for (net self-sufficiency).”</p> <p>Rather than showing NSS, this – as well as the resulting land identification – is based on self-sufficiency, one of the capacity options <u>not</u> taken forward from the options appraisal exercise.</p>
43	MM26	Table 8 Revised	There are four totals indicating “...capacity required for net self-sufficiency”. In each case the total sum is not that required for NSS but instead for achieving self-sufficiency.

43	MM26	Table 8 Revised	<p>The table reveals a LACW recycling result of 43% in 2035 and an equivalent for C&I or 71%. Both projected outcomes fall noticeably short of the required targets. We calculate the 2035 combined recycling outcome at 56% versus a 65% target requirement.</p> <p>Proposing a plan which fails to meet its targets, and one that is so heavily specified as maximum recycling centric, should realistically be viewed as inadequate.</p>
44 45	MM27 MM28	5.5 AND Table 3	<p>We have highlighted the unexplained drop in capacity from c 4.4mtpa in the previous submission to the current c 3.5mtpa.</p> <p>Separately it has not been possible to reconcile Table 4.2's split between managed and not-managed waste with a satisfactory degree of accuracy. Appendix 4, based on identified plan source data, suggests a managed waste total of 2,429,775t rather than the 2,310,951 for the equivalent figure from Table 4.2: Revised NLWP Table 3. (Or a slightly lower figure from NLWP Table 3 owing to the plan's incorrect translation between documents highlighted below.)</p> <p>At 118,824t (Data Study Addendum basis) the difference is of a scale to substantially or completely close the apparent capacity gap.</p> <p>Table 4.2 (the source document for NLWP Table 3) has been translated into the NLWP with an unexplained 13,705t loss of LACW capacity.</p>
45	MM28	Table 3	<p>The description is of capacity at the start of the plan period (2020?) but the data is quoted as being from 2016.</p>
45	MM29	5.6	<p>Comments made under Waste Data Study Addendum 4.4 are pertinent.</p> <p>We do not believe this MM is reflective of the actual or required position.</p>
46	MM29	5.6	<p>The following section has been deleted, yet it remains true and in our view highly pertinent to the plan. (Table references would require updating.)</p> <p>“When considering the overall amount of waste generated identified in Table 2 against the current capacity of waste management facilities in North London identified in Table 3, there appears to be</p>

			<p>more than enough waste management capacity. However, this does not take into account the specialism of each type of facility or importantly, since North London is a net exporter of waste in terms of tonnage, imports to and exports from the area.”</p>
47	MM31	8.5	<p>The site specific data for the Edmonton EcoPark does highlight annual throughput peaking at close to 600,000 tpa but in referencing the DCO it is worth pointing out that the NLWA owners in their submission specifically referenced the capacity as being 540,000tpa¹⁰ .</p> <p>It would thus appear to be a good example of an existing site being intensified to absorb greater capacity, in line with London Plan guidance.</p> <p>Previous versions of the plan have worked with 550,000tpa, so adding net 150,00tpa capacity as a result of the planned new EfW facility referenced in the DCO rather than the currently revised 100,000tpa. No resulting plan issues, other than an absence of consistency, would seem to apply to this recent change.</p> <p>We do however record the intent to import waste to the DCO based plant in which case NSS implications may occur. We are not commenting on that given the absence of clear information and the deep uncertainty over the NSS approach being followed.</p>
47	MM32	8.6	<p>Rather than 2020 the composting facility was closed in 2018.</p> <p>Irrespective of the date policy requires compensatory capacity be identified rather than a loss simply being “booked” as is highlighted here.</p>
47	MM32	8.6	<p>“The development also includes a Resource Recovery Facility (RRF) including a new Reuse and Recycling Centre (RRC), a relocated transfer hall and a bulky waste/fuel preparation facility on the site.”</p> <p>This section has been deleted but we understand remains the intent for the site.</p>

¹⁰ NLWA North London Heat and Power Project Needs Assessment October 2015 Paragraph 1.55a
Document source: PINS EN010071-000390-AD05.04_Need_Assessment

			As such the related capacity should also be included in the calculation to determine any capacity gap (or not, as the case may prove).
48	MM33	8.10	<p>Powerday is listed having throughput of 49,754 tpa¹¹. This latest figure is approximately half the 93,900 tpa capacity quoted for the same site in the previous NLWP submission.¹²</p> <p>Powerday has a capacity of 330,000t.</p> <p>This capacity, enhanced when moving up the waste hierarchy from the previous WTS to a MRF, is the correct total to be incorporated into the calculation to determine any capacity gap (or not, as the case may prove) for consider:</p> <ul style="list-style-type: none"> • The MM correctly identifies that the new facility was opened in 2015. The development can be viewed in a time lapsed video <ul style="list-style-type: none"> ○ https://www.youtube.com/watch?v=0vAmVKxr4IU • Opening was undertaken by the host borough's Cabinet Member for Economic Regeneration <ul style="list-style-type: none"> ○ https://www.circularonline.co.uk/news/powerday-commences-operations-at-enfield-facility/?gclid=EAlalQobChMli_i0x-ij7AIVD9d3Ch0kYgCNEAAYASAAEgKbjvD_BwE • The company themselves confirm the 330,000t capacity <ul style="list-style-type: none"> ○ https://etfc.london/sponsor/powerday • They further identify it as one of the two largest MRF's in Southern England. • In 2018 they intensified their approach via the commencement of 24 hr working <ul style="list-style-type: none"> ○ https://www.letsrecycle.com/news/latest-news/powerday-switches-to-24-hour-opening-in-enfield/ <p>The MM thus appears to have insufficient context versus the actual position.</p> <p>Previous derivations of the NLWP have used the 330,000t MRF capacity of in their calculations and evidence is strongly in favour of</p>

¹¹ Site ID ENF 26 Max throughput - manually identified for years 2012-2016 inclusive from Data Study Addendum October 2020 Appendix B

¹² WDS 3 2019 Table 3 ENF25 maximum capacity 93,900 tpa.

			<p>retaining the previous plan submission assumption of this capacity rather than “monitoring throughput”.</p> <p>We note the planner’s site visit was undertaken on 23rd August 2013.</p> <p>Our own approach to the company CEO in November 2020 confirmed our position.</p> <p>We further note that this change will have significant implication for the apparent land gap calculation - to the extent that it will be removed.</p>
48	MM33	8.10	<p>We note that Powerday provides hazardous waste facility</p> <ul style="list-style-type: none"> • https://powerday.co.uk/hazardous-waste/
51	MM36	Table 6	<p>The explanation that two facilities have closed in Waltham Forest to be replaced by equivalent capacity in Enfield does not align with the data supplied:</p> <p>Appendix 2 of this submission shows sites listed in Data Study Addendum October 2020 Appendix B alongside the equivalent data from WDS Part 3 2019. There is an (unclear) small difference between the listed capacity for the two sites in question (WA4 and WA17), but both sites are in evidence across both lists.</p> <p>Appendix 3 of this submission compares the site list from the Data Study Addendum with the SA Addendum listing of September 2020.</p> <p>In this SA listing there is an element of double counting and a mix up of certain Enfield site names with capacity from different Enfield sites, but under ENF37 GBN is clear reference to a capacity of 276,855t. At this point both sites WAF4 and WA17 have been reduced to nil – transferred to ENF37 is the suggestion in the text.</p> <p>However, the implied net increase of capacity so revealed, circa 200,000tpa, has not been incorporated into calculations. The MM indicates the site may provide capacity on top of what has been replaced. The SA Addendum would indicate rather this is indeed the case, as does Table 4 WDS2 2019.</p> <p>A correction of significant scale therefore appears warranted in several areas of the plan’s documentation.</p>

			<p>The wasted resource and proven inconsistency from generating individual versions of site listings is an ongoing, unnecessary, feature of the NLWP process. It has long been grossly inefficient and so was subject to our input as part of an earlier consultancy exercise. Like much else that eventually comes round again, it was ignored. In July 2014 we submitted:</p> <p><i>The first NLWP (1) identified 68 (protected) waste sites within North London. The current NLWP (2) highlights 55 operating waste sites (text), or 60 Waste Data Study Section 3 Table 2 or 61 (Data Study Part 2 Appendix 2). Whichever is deemed the appropriate figure, at this rate of implied attrition, all operating waste sites would disappear within the plan period suggesting a greater focus on the protection requirement of the London plan may be warranted.</i></p> <p><i>NLWP (2) and waste planners may find learnings from developing and specifying a single site audit / knowledge bank document, starting from the early documentation supporting NLWP (1) through to the present. Tracking for instance the near 6mt waste capacity identified across the sub Region in earlier papers to the current understanding; overlain with what is / is not countable under certain criteria such as London Plan calculable sites could only be useful as well as, I suspect, resource efficient.</i></p> <p><i>A single document of such form, including aggregated totals and relevant sub totals, unlike Tables and Appendices in the current NLWP (2) which suffer from the absence of simple aggregates being included, would make for an improved planning base.</i></p> <p>In this cycle for instance we note no consistency of site listings between, eg:</p> <ul style="list-style-type: none"> • Appendix B Data Study Addendum October 2020 • Tables 1-7 WDS Part 3 2019 • Table 17 Schedule 1 NLWP January 2019 • Appendix 7 Sites and Areas Report January 2019 <p>We would now add to the suggestion that it should be a controlled document.</p>
52	MM39	New para	The staleness and sparsity of contact with existing operators has been highlighted at earlier stages of the plan preparation and EIP.

		after Revised Table 6 now Table 8	It would be appropriate if “The North London Boroughs contacted existing waste operators to find out if there are any current plans to upgrade or intensify their facilities”, refers to current as in the present day, or merely relates to previous attempts to fulfil this need.
53	MM40	6.8	We would suggest removal of the section, “In order for net self-sufficiency to be achieved by 2026, in line with the London Plan, new capacity will need to be delivered by this date”, for as we point out, the NSS approach of the NLWP is not that of the London Plan, we do not even believe it to be NSS, and as we also cover, the evidence base does not indicate a need for new capacity (land).
53	MM40	6.8	<p>We note the SA Addendum comment relating to this MM concludes that NSS should be achieved earlier (2026) than expected in the previous submission (2035). The point has been raised previously but it is not evident how and by when NSS is being shown to be met.</p> <p>The comment goes on to say that post 2026, after which it is assumed the plan will have achieved its NSS aim, Priority Areas can be assessed for necessary waste use or released for other development purposes.</p> <p>If the aim of NSS has been achieved, then there is no further necessary waste use requirement. If there are indeed other aims of the NLWP – and see Page 2 AM NLWP 1.3 – those should be made explicit.</p>
53	MM41	New Table	<p>We note Powerday has a 60,000tpa hazardous waste capacity based on 3.9h of land (See MM33 commentary). That indicates a tonnes / hectare conversion factor of 15,000 may be a more appropriate figure, rather than the plan’s use of 10,000t/h for hazardous recycling and treatment.</p> <p>Were there to be any hazardous capacity gap this would then have the effect of reducing fresh land needs.</p>
54	MM42	Table 7	<p>The table should be removed.</p> <p>As covered elsewhere, aspects such as:</p> <ul style="list-style-type: none"> • An incorrect approach taken to NSS • An incorrect LACW figure used in the year zero start point

			<ul style="list-style-type: none"> • An inflated LACW forecast • The exclusion of Powerday capacity <p>Individually, but certainly in aggregate, remove the calculated capacity gaps and thus any resulting land need.</p> <p>The circa 200,000tpa ENF37 GBN capacity also identified as missing from the plan is C&D related and so will have no impact on the LACW/ C&I calculation. It may however, depending on the features of the site, have hazardous waste calculation implication.</p> <p>There will be many related changes required elsewhere in the plan documentation.</p>
54	MM42	Table 7	<p>Considering Table 7 and its apparent LACW shortfall of 174,579t (year 2035) / 1.5h and the comment within AM 5.4 Table 2, “Waste arisings vary from year to year and these figures represent a snapshot in time”, to put the near 175,000tpa apparent shortfall in perspective versus other metrics covered in this submission:</p> <ul style="list-style-type: none"> • Year zero LACW figure is of the order of 168,756t too high • 280,000t of Powerday capacity has been incorrectly removed • Close to 1 million tonnes of capacity has been removed since the plan presented for EIP in 2019 <p>The LACW year zero capacity gap (MM38 / Table 6), would disappear with any of the above corrections.</p> <p>In addition, the LACW forecast additionally has the potential (trend) to be several hundred thousand tons above actual. (See previous submissions / EIP)</p> <p>We have previously argued that for LACW the future trend will be one of dampening of arisings rather than the upward trend long presented in plans - and equally long shown to be incorrect. The NLWA finally appears to be taking a similar forward view since their residual waste reduction plan of 13 February 2020, summarises, the objective of that plan is “To reduce local authority collected waste arisings in north London”¹³.</p>

¹³ NLWA Authority Meeting Residual Waste Reduction Plan 2020 Purpose of Plan 1.4

			<p>We would suggest that while the plan (rightly) looks at matters of recycling, key trends, such as prepared by ARUP to inform the London Plan on the anticipated impact of an economy embracing the circular economy, also have substantive impact on the volume of end use arisings. The NLWA’s own forecasting was undertaken prior to the ARUP analysis used to inform the London Plan.</p> <p>Options Appraisal for Sites and Areas October 2020 page 10 highlights the 2019 submitted land base of 316.32h. The LACW 1.5h – identified for 2035 – is therefore less than 0.5% of this total.</p> <p>Being as it is stated, a snapshot in time, we believe that should be well within the realms of intensification potential of the existing network. It is certainly well within the realms of NLWP data errors.</p>
55	MM43	6.10	<p>The section refers to a need for additional land to manage hazardous waste. As argued elsewhere, that need is unproven and so the section should be removed.</p>
57	MM44	New after 8.1	<p>“North London’s identified waste need and capacity gap is set out in section 6 and summarised in Table 6 above. Additional facilities to meet the capacity gap would require approximately 6.4ha of land, depending on the type of technology used.”</p> <p>The section refers to a need for additional land. As argued elsewhere, that need is unproven and so the section should be removed.</p>
58	MM45	8.2 Restructured	<p>An insertion is required to bring this MM into line with MM44.</p> <p>An 'area' comprises a number of individual plots of land, for example, an industrial estate or employment area that is in principle suitable for waste use, <i>and is in line with London Plan guidance identifying existing waste sites, Strategic Industrial Land (SIL) and Locally Significant Industrial Sites as a focus for new waste capacity</i>, but where land is not specifically safeguarded for waste.</p>
58	MM45	8.2 Restructured	<p>“North London Boroughs assessed a range of sites ...”</p> <p>a) It might have been more accurate to retain the reference to identification of sites rather assessed sites</p>

			<ul style="list-style-type: none"> • A summary look at the basis of the “assessment criteria” mentioned in the Sites and Areas Report (Jan 2019) shows that no consideration was given to policies in the NPPF which protect biodiversity, open space, brownfield sites with high environmental value. It is not mentioned once in the Report. The Report drew particular attention to the requirement in 041 PPG to “give priority to the re-use of previously developed land” but failed to mention the rest of that paragraph which states that “Not all brownfield sites will be suitable for the range of waste management facilities required to support the Local Plan and some may be of high environmental value...” <p>b) It would be more accurate to leave in the reference to “only one site was brought forward by landowners if that was the fact. Artificially upgrading the Pinkham Way site into an Area seems meaningless. It is not an area like the other areas in the Plan - industrial areas with buildings and hardstanding on different parts of them. There are no buildings or different areas on Pinkham Way, it is one large open green site mainly covered in woodland.</p>
60	MM46	8.20	<p><u>“Waste facilities are considered industrial uses suitable for development on any industrial land in North London in line with policies in NPPW and the London Plan ... which direct new facilities to industrial land”</u></p> <p>Again, no reference to policies in the NPPF although NPPW makes clear it should be read in conjunction with NPPF. Difficult to see how Pinkham Way could be properly assessed for any use without taking account of the NPPF. This omission has been raised in all our submissions during the Plan preparation. (We now also know that there was no Options Appraisal for Sites and Areas document in place that recorded the basis on which sites were selected etc.)</p> <p><u>“The North London Boroughs have sought to take this approach a stage further and identify the most suitable land in North London ... Priority Areas”</u></p> <ul style="list-style-type: none"> • There is only one non-industrial site in the Plan that requires the Boroughs to look for an alternative approach to the clear policies in the NPPW and the

			London Plan that industrial land should be used for waste facilities and that is Pinkham Way.
61	MM47	8.21 and 8.21 x	<p>This relates to the way in which the site and area selection process has been undertaken – see also comments at MM50 and MM51</p> <p>If this MM were to be agreed, it would have the effect of retrospectively creating supporting evidence for the sites and areas selection process where none existed. We respectfully request the Inspector not to permit it.</p> <p>The original NLWP para 8.25 (now substantially rewritten) stated ... “Further details are set out in Options Appraisal for Sites and Areas to be taken forward in the Proposed Submission NLWP (2018 printed. “</p> <p>No such document was ever published.</p> <p>The introduction to “Options Appraisal for Sites and Areas” document received as part of this consultation explains that a draft Sites and Areas Options Appraisal was prepared to support the Proposed Submission NLWP in 2019 but was not published.</p> <p>The second paragraph doesn’t make sense.</p> <p>The last paragraph states that “This Sites and Areas Options Appraisal has therefore been updated to reflect the new information and data since the public hearings”</p> <p>This doesn’t make sense either.</p> <p>On receipt of the consultation documents we requested a copy of the draft Options Appraisal and were informed by the Manager of the NLWP project that we could not have it as it had not been finalised and could not be published “because the Boroughs were unable to agree on its contents”</p> <p>We respectfully request that the Inspector gives no weight to the consultation document Options Appraisal for Sites and Areas to be taken forward in the Proposed Submission NLWP document as evidence for any content in the NLWP prior to these MMs and little if any weight to it as evidence to support the MMs made to the selection of sites and areas set out in the MMs</p>

			<p>We have noted and commented on the contents of the current document circulated with this consultation but, we have no way of knowing what was in the original so we are unable to judge it as an updating document it claims to be.</p>
65	MM50	8.25 restructured and split	<p>If this MM were to be agreed, it would have the effect of retrospectively creating supporting evidence for the sites and areas selection process where none existed.</p> <p>We respectfully request the Inspector not to permit it. See comments at MM 47 above</p>
65	MM51	New after 8.25	<p>“An update to the Data Study to support the Proposed Submission NLWP reduced the indicative land required to meet the capacity gap from 12ha in the Draft NLWP to 9ha in the Proposed Submission NLWP. This has since reduced further to 6.4ha in light of the Data Study Addendum (2020). For the Plan to provide confidence that sufficient land is available in the right place and at the right time a quantum of land and number of Areas has to be identified.”</p> <p>In the light of comments made elsewhere, this section is suggested to be amended to read:</p> <p>“An update to the Data Study to support the Proposed Submission NLWP reduced the indicative land required to meet the capacity gap from 12ha in the Draft NLWP to 9ha in the Proposed Submission NLWP. This has since reduced further to 6.4ha in light of the Data Study Addendum (2020). For the Plan to provide confidence that sufficient land is available in the right place and at the right time a quantum of land and number of Areas has to be have been specifically identified, however 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.”</p> <p>In line with the NPPW, this change continues to ensure the identification of sufficient opportunities to meet all the evidenced needs of the sub region.</p>
65	MM51	New after 8.25	<p>In the light of comments made elsewhere, this section should read:</p> <p>“The work set out in the Options Appraisal for Sites and Areas document produced for this consultation to be taken forward in the Proposed Submission NLWP’ resulted in reducing the total amount</p>

			<p>of land identified as most suitable for new waste facilities from 351.8 in the Draft Plan to 102.38ha in the Proposed Submission Plan. While 102ha is a large area when compared to the need for 6.4ha, this land is currently occupied by existing industrial uses. There is strong competition for industrial land in North London and this is reflected by low vacancy rates (an average of 4.8%). The Boroughs will rely on business churn for release of individual sites which could come forward for waste uses. The most recent analysis of business churn in London suggests that around 20% of land could be released in this way. Analysis of business churn and vacancy rates is included in the Sites and Areas Report. To provide 6.4ha, 6% of the Priority Areas would need to be developed for waste management to meet the capacity gap, if no additional capacity is provided on existing sites. It should be noted that 6.4ha of land is indicative only and throughput on a site will depend on the operational technology used. New capacity to meet North London’s needs will be monitored rather than land take.”</p>
68	MM52 and MM53	8.23 -26	<p>The construct of Priority Areas appears to have been introduced to deal with the inclusion of Pinkham Way, an awkward non-industrial, non-policy compliant, site in the Plan</p> <p>It does not “improve clarity on the sequential approach” given that amended Policy 2 now introduces a third layer to the sequential approach by unequally ranking what are otherwise supposedly equally ranked suitable sites.¹⁴</p> <p>It is not sound planning to protect suitable Enfield sites (Policy 3) from development at the expense of exposing a nature conservation site to harm.</p> <p>The Boroughs need to push the proper policy approach “a stage further and identify the best land” is in reality a need to identify not the best land but the least suitable land in the Plan and call it a ‘high performing’ or Priority Area.</p> <p>Only the Pinkham Way site requires the ‘proper policy approach’ to be pushed ... all the other sites are compliant with the proper policy approach.</p>

¹⁴ Options Appraisal for Sites and Areas to be taken forward in the Proposed Submission NLWP Updated Oct 2020 p 17 3rd^d para

			<p>We remind the Inspector that the Boroughs admit “the Plan does not provide a robust rationale that clearly demonstrates why all of the proposed new waste areas are necessary.”¹⁵</p> <p>We have seen no justification for keeping Pinkham Way in the Plan and this change clarifies nothing except the determination of the Boroughs to keep an unsuitable site in the Plan</p>
71	AM	Strategic Policy	<p>What had been an overarching strategy for the NLWP (2019 version) has now become an overarching policy (2020 version). This insertion:</p> <ul style="list-style-type: none"> • Adds nothing incremental to the plan • Is not evidenced to align with the eight policies • Risks further confusion, eg the NSS requirement laid out in the Aim is not exactly mirrored in the suggested Overarching Policy • Highlights further - by jumping from being a strategy to a policy - earlier comments regarding the inappropriate hierarchy of the NLWP, including how spatial principles are effectively objectives. The section could just as easily be headed “Overarching Spatial Principle” without losing, or adding, anything. <p>Page 85 of the Main Modification Schedule document, AM relating to NLWP 9.2, only adds to the confusion by listing what elements the policies will deliver, those differing from that outlined in the main introductory / explanatory section of NLWP 1.3.</p> <p>Rather than adding clarity as suggested, instead it adds confusion to the overall position. It should be removed in totality; everything it says is covered elsewhere in the hierarchy, and we believe more appropriately. References elsewhere in the NLWP would also be removed as a consequence.</p>
72	MM54	7.2	<p>“The Boroughs are seeking a sustainable network of waste facilities which helps reduce movements of waste, including waste exports and increase opportunities for waste to be managed in proximity to its source.”</p>

¹⁵ Options Appraisal for Sites and Areas to be taken forward in the Proposed Submission NLWP Updated Oct 2020 p 17 2nd last para

			<p>For clarity, boroughs should explain this section in comparison with their proposal to build a single-site EFW facility, which is not centred on the sub region, nor we anticipate on the weighted centre of its (LACW) waste generation, and more specifically is being planned to manage imported waste to the sub region. While the DCO is not being contested here, the approach being followed is in direct contradiction to the plan’s otherwise stated intent. World leading scale economies are available at 400,000tpa, as promoted at a recently proposed EfW in Hampshire, which at such a lower level would help mitigate the import requirement, and hence benefit waste movements and potentially NSS aim.</p> <p>We note that while there are references throughout to managing close to source, the plan is bereft of any evidence of actual waste source location. It is unclear how specific objectives and spatial principles can be met without such basic, core information, being evidenced.</p>
75	MM56	7.8	<p>“Local Authority Collected Waste (LACW) and Commercial and Industrial (C&I) waste streams comprise similar types of waste. Most facilities which manage these waste streams do not differentiate between them and so it is reasonable to group them together when assessing existing capacity and planning for additional capacity.”</p> <p>The MM may be correct but the NLWP actually follows an alternate route and separates out LACW and C&I when assessing existing capacity and planning for additional capacity (eg Table 3.2 Revised NLWP Table 8). The plan says one thing but goes on to undertake precisely the opposite.</p> <p>We would suggest the plan should follow the general direction of the MM as the more appropriate course of action.</p>
76	MM57	New after 7.8	<p>The MM should be removed. Comments have been made elsewhere regarding the LACW / C&I apparent gap, as well as corrections concerning the Edmonton EfW and composting facility.</p>
76	MM58	7.9	<p>There is no consistency of the proposed MM and targets quoted elsewhere in the plan. We are unable to conclude which the boroughs intend to follow / target, but note the 50% LACW recycling target by 2020 does not match the 50% target by 2025 quoted elsewhere, or the 44% maximum recycling target taken as the core plan scenario.</p>

			<p>The MM indicates that the (JWS) 50% target may be aligned with the equivalent Mayor’s targets. NLWP Table 2 would indicate that main decision has already been taken. We have pointed out the need to clarify the position of the JWS in connection with the NLWP.</p> <p>Rather than adjusting the MM, the systemic nature of such confusion over actual targets suggests a more radical overhaul of the approach be taken and a final agreement should then flow consistently throughout the plan.</p> <p>The linked commentary in the Sustainability Appraisal to this MM is uncertain regarding the future of a new JWS. We do not know how or if the existing JWS 50% target will be revised but a commitment was given at the EIP that a fresh JWS would be finalised once HMG’s requirements for the post Brexit landscape were made clear. With ever growing climate crisis awareness, even since the recent EIP, we would not expect this direction to prove other than providing a further dampener on overall waste levels.</p>
77	MM59	7.10	<p>The comments made under MM56 apply equally here. They are therefore not repeated suffice to say the proposed MM does not align with the approach taken in the plan.</p>
78	MM60	New after 7.11	<p>The plan’s derivation lays out great detail in identifying sites and then within those individual sites the categories of waste management facility deemed suitable. This partial summary of that process captured in a MM does not bring clarity as suggested; Table 7 Schedule 2 for instance is both clear(er) and substantially more comprehensive than the suggested MM.</p> <p>The MM should be removed.</p>
78	MM60		<p>“There is an opportunity to bring forward new LACW waste recycling/composting capacity on the Friern Barnet Pinkham Way site which is owned by the North London Waste Authority, although presently there are no plans to do so.”</p> <ul style="list-style-type: none"> • Who owns the site is not relevant. But for the record, the site is partly owned by the NLWA and partly by Barnet Council • The NLWA has made it plain on many occasions, the most recent being at the November hearing last year that it had no plans to develop this site for the foreseeable future • In its response to a call for sites by Haringey Council in 2014 Barnet Council stated that it did not propose to use the site

			<p>for waste facilities. Subsequently Barnet Council has had discussions with Haringey planning officers about a potential housing development on their part of the site</p> <ul style="list-style-type: none"> • Substantial changes have been made to the site profile of A22-HR (MM113) and there is no indication in MM60 that those have been taken into account when the opportunity to bring the site forward was being assessed
79	AM	8.7 moved here after 7.13	<p>“Delivery of this facility will see the NLWA continue to manage LACW from the North London Boroughs”</p> <p>The facility is intended to also process waste from London boroughs outside of North London, and beyond. This would benefit from being made clear as a factor driving imports, and we would therefore suggest NSS.</p>
80	MM61	New after 7.14	Comments made under MM60 are pertinent here also.
80	MM62	New after 7.15	Comments made under MM60 are pertinent here also.
84	MM66	7.26	<p>“The amount of hazardous waste managed in North London varies from year to year with a maximum capacity of around 4,250 tonnes over the last five years.”</p> <p>Earlier submissions have highlighted the variability of hazardous waste levels, including the 246,062t deposited in North London’s waste sites in 2016¹⁶ versus the 10,352t exported in the same year¹⁷, a near twenty-five fold difference.</p> <p>Reconciliation of base data reveals a different picture to that being presented. Waste Data Addendum 4.6 concludes a North London capacity of 4,250 tpa. We note this small capacity versus the near 250,000t processing implied in earlier documentation (2016 net imports less exports above) and we also note:</p> <ul style="list-style-type: none"> • Site ID ENF25 (Environcom) Data Study Addendum October 2020 Appendix B identifies hazardous waste capacity of 11,400tpa

¹⁶ WDS 2019 Part 1 6.14

¹⁷ NLWP R19 January 2019 Table 4

- Site ID ENF35 (Redcorn) Data Study Addendum October 2020 Appendix B identifies hazardous waste capacity of 6,557 tpa.
- Site ID ENF 4 (Chase Farm) Data Study Addendum 2020 Appendix B identifies hazardous waste capacity of 2,396 tpa

Additionally, the exclusion of Powerday (see MM33 – current site ID ENF25, changed from ENF26 in 2019) has the consequence of excluding any contribution it makes to hazardous waste capacity.

A change to this MM should certainly reflect the evidenced capacity position. Implications would then flow through to a fresh land capacity requirement.

More significantly we note the current exclusion of the previously identified hazardous waste capacity at site ID35 in WDS 3 2019 Table 8 and Appendix 2 and Appendix 4 Site Profiles.

A total of 64,132t of hazardous throughput (vs a licensed capacity of 75,000t) has been simply recategorised between the 2019 and current submissions.

The effect of re-including this capacity, into its previous category, adequately provides for the plans otherwise identified capacity shortfall in hazardous waste.

Data Study Addendum October 2020 4.5 and also WDS 2019 3.31 refer to mixed site use, specifically to include hazardous waste in the case of the former. More particularly NLWP January 2019 7.25 is specific on the matter on sites permitted to include a “certain amount of hazardous waste”. No recognition of this (unknown scale) capacity is made in any calculation, but the scale of the 2016 data quoted (above) suggests the scale could be considerable.

Despite a constant hazardous waste base assumption, the land requirements for exactly the same waste stream over the previous four NLWP formal submissions have been:-

- Nil
- Nil
- 2h
- 4.9h

Over the period it has moved from being not relevant to apparently requiring over three quarters of all fresh land.

			<p>Net surplus capacity, before exports and imports is 1.5m tpa (based on 2019 submission capacity assumption), or 0.6m tpa (based on 2020 submission capacity assumption). Even in the extreme of seeking coverage of all identified hazardous waste, that capacity gap is no more than 0.05m tpa, no more than a data-error scale element of the total capacity headroom available. (3% of the total available).</p> <p>In either case – 2019 as presented, or 2020 then with fresh land / capacity available from the capacity-excluded waste transfer stations – the available opportunity is 1.5m tpa. That appears more than adequate to balance against an apparent shortfall of up to 0.05m tpa not least in an area where national and pan-regional specialisms exist and are apparently not planned to be usurped within North London.</p> <p>Outside of specifically stating North London seeks to become a centre for hazardous waste management and making that case in a NLWP, the weight of evidence from several directions is that a call for fresh land is not justified.</p>
85	MM67	7.27	<p>Noting comments in this submission, which together conclude there is no identified land need based on the approach followed and / or accurate capacity listing for sites, the MM is suggested to be modified as below.</p> <p>“There is a capacity gap for the recovery management of around 49,000 2,500tonnes per annum, this is considered too small a figure to plan for provision of a new facility and as such a specific land requirement is not identified for this management option. There is a requirement for recycling of around 17,000 tonnes per annum, requiring an estimated 4.92ha of land. The North London Boroughs support the provision of such facilities for hazardous waste in principle in the Priority Areas appropriate locations and will work with the GLA and other Boroughs across London to meet this need. It is noted in the sites and area profiles in Appendix 2 of the NLWP where a site or area Priority Area is not suitable for hazardous waste recycling and recovery facilities. Any applications for hazardous waste facilities in North London that do come forward will be considered on a case by case basis. However, in the short term it is likely that hazardous waste will continue to be exported to the most appropriate specialist facilities.</p>

89	MM72	9.8	<p>An addition is suggested to avoid any timing issues:</p> <p>“Compensatory capacity should be provided within North London unless the NLWP Monitoring Report demonstrates that waste capacity in North London is sufficient to meet net self-sufficiency for LACW, C&I and C&D waste, including hazardous waste (<i>NSS clarification required, see several other references</i>) over the remaining period of the NLWP or five years hence whichever is the greater”</p>
89	MM72	9.8	<p>An addition is suggested to ensure the ongoing robustness of the wider planning system.</p> <p>“If sufficient capacity has been achieved in North London, compensatory capacity should be provided elsewhere in London. If it can be demonstrated that there is sufficient capacity in London to meet London’s apportionment and net self-sufficiency targets, it may be possible to justify the release of waste sites for other uses. In either case, permanent, balancing, apportionment and other adjustments should be agreed and implemented.</p>
89	MM72	9.8	<p>While this section is focused on the scenario of a capacity surplus in North London, it will be the case that other London WDA’s may find themselves in such a position and potentially at a time when North London registers a capacity shortfall. The reverse situation may therefore also apply. The plan should be explicit in showing that as one option available to close any capacity gap.</p> <p>This approach would be in line with the addition to draft London Plan 9.8.6.</p> <p>There is no evidence the approach has or will be considered as a part of the NLWP.</p>
89	MM72	9.8	<p>“During the Plan period, where waste sites shown in Schedule 1 are lost, but compensatory provision has been made and can be identified, this will be noted in the NLWP AMR”</p> <p>Since compensatory capacity must be identified prior to the loss of a site, this section is suggested to instead read:</p> <p>“During the Plan period, where waste sites shown in Schedule 1 are lost, the compensatory provision will be noted in the NLWP AMR”</p>

			An equivalent position applies to MM73.
89	MM72	9.8	The MM includes a reference to the tracking via the NLWP Monitoring report. It is suggested that a form of this report is included in the NLWP which also highlights the base case start point in its presentation
90	MM73	9.9	<p>“Where existing waste sites are lost, but compensatory provision has been made to the satisfaction of the Borough, this will be noted in the AMR.”</p> <p>Since compensatory capacity must be identified prior to the loss of a site, this section is suggested to instead read:</p> <p>“Where existing waste sites are lost, compensatory provision made to the satisfaction of the Boroughs, will be noted in the AMR.”</p>
92	MM77	Schedules 2 and 3	<p>As a result of the revised approach there is minimal choice for potential waste facility types B and D and no available choice for waste type facility C.</p> <p>The approach taken by the plan may have yielded a sub optimal or at least highly restrictive outcome with little room for manoeuvre as future circumstances and demands may require.</p> <p>We contrast this result with MM82, “The ability of Priority Areas to accommodate a range of types and sizes of waste management facility is important to the flexibility of the Waste Plan.”</p>
92	MM77	Table 1	Site A22-HR (Pinkham Way) should be removed from Schedule 2. See comments at MM 60 and MM78
94	MM78	9.11 rearranged	<p>“These Priority Areas 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.”</p> <p>We have seen little evidence that all relevant policies and advice has been applied to Pinkham Way site/area. See Section 1 of our submission MM5 Q63. We believe this site was assessed as if it was an industrial site with no reference to NPPF or relevant policies for</p>

			its status as a SINC and as a brownfield site with high environmental value.
97	MM83	Policy 3	<p>new addition after (a)</p> <p>This MM should be removed as it is contrary to the London Plan and out of step with the Mayor’s letter to the NLWP identifying Enfield as the ‘go to’ borough for industrial development in London</p>
97	MM83	Policy 3	<p>In addition to adding to a better geographical spread (Spatial Principle B) the MM now also suggests the policy will add to co-location (Spatial Principle C).</p> <p>If co-location occurs on or adjacent to an existing site then it appears implausible that a better spread has been achieved, rather it would suggest a hardening of the existing spread.</p> <p>The alternate is that a windfall site is being proposed for more than one waste management process type, which is possible, but appears to be a scenario of sufficient low expectation that the inclusion of “and C” appears unwarranted, certainly unnecessary.</p> <p>We note the commentary in the Sustainability Appraisal Addendum to this MM indicates that the changes will result in less waste movements and less waste related travel. We say again that there is no evidence presented at any stage of the NLWP process regarding waste movements or waste miles which would help support such an assumption.</p>
98	MM84	9.23	<p>While we can understand a purist wish to include, “Developers of windfall sites are required to demonstrate why it is not possible to use, expand or intensify an existing waste site set out in Schedule 1”, but have to question if such a requirement is feasible since any developer most likely has no link to the site(s) in question and may well be a commercial competitor to some or all of them.</p> <p>It may thus prove to be such a high bar that no developer is ever able to scale it, making this element undeliverable.</p>
99	MM85	9.24	<p>In a similar vein to commentary regarding the achievability of MM84, we point out the proposed requirement that, “developers will need (sic) demonstrate ... that the proposed site can deliver the spatial principle of balanced geographical distribution of waste</p>

			<p>facilities across North London, taking into account the concentration of existing waste sites in Enfield.”</p> <p>To be able to meet this requirement developers will require guidelines on what would / will constitute a balanced geographical distribution. Again, it may thus prove to be such a high bar that no developer is ever able to scale it, making this element undeliverable.</p>
148	MM113	Appendix 2 Haringey Area Profiles	<p>The justification given for the amendments to the Pinkham Way site Profile is “to ensure the plan is consistent with national policy and address community concerns about the loss of biodiversity and flood risk”</p> <p>The amendments do not achieve either of these objectives</p>
148	MM113	Appendix 2 Haringey Area Profiles	<p>Relevant Local Plan Policy</p> <p>There remains confusion about the name, size and planning status of the site</p> <ul style="list-style-type: none"> • ‘Friern Barnet site Area – • Proposal 5 no longer exists • The Pinkham Way site is not ‘allocated’ it is designated SINC. An attempt to allocate it in the Site Allocations DMP in 2016 failed when it was thrown out of the SA by the Inspector at the EiP who recommended the Employment designation be reviewed in line with NPPF as it had been in place a long time, was not required to contribute to Haringey’s employment needs and the site was contributing to nature conservation
150	MM113		<p>Flood Risk</p> <p>We draw the Inspector’s attention to Mr Chris Faulkner’s submission on behalf of the Freehold Community Association.</p> <p>PWA has the following additional comments relating to errors in MM113 and the SA Addendum.</p> <p>SA Addendum p 80, commentary (shaded green) para 1 states: <i>Updated flood mapping shows that a portion of the northern part of the area now falls within Flood Zone 3</i></p> <p>Over several consultations the boroughs have chosen to ignore evidence-based advice from both the EA and PWA relating to errors</p>

in identifying correct flood zones, and have routinely blinded themselves to the fact that FZ 3 extends on to the site. Whilst the map is up to date (the EA produced it for Barnet Council in August 2018, and PWA submitted it as Appendix 12 to its response to the Inspector's Question 63), it does not alter known local flood zone data in any way, and is thus not *'updated'*.

The final para of SA Addendum p 81 states: *'a small area to the north of the site falling partially within Flood Zones 2 and 3'*.

This statement is inaccurate. As the map shows, the FZ 2 / 3 area fills a significant part of the NLWA portion. Savills 2018 site valuation for NLWA routinely describes the FZ 2 / 3 area as *'large'*.

The penultimate para of SA Addendum p 87 omits part of the reality of the flood risk on the site: *'As parts of the area are at a medium risk of flooding ...'*

As the boroughs know, *'Medium Risk'* refers to FZ 2. They have omitted mention of FZ 3 which has *'high probability'*.

As we explain above, the EA map in Appendix 12 noted above was produced for Barnet Council in August 2018.

Between last November and the present consultation, however, the map has altered. The version in MM113 (p156) and the SA Addendum (p84) shows clearly that FZ 2 / 3, corresponding to the two different blues in the legend, are confined to the north side of the A406, on the Alan Day showroom site. We compare the two maps in Appendix 5¹⁸

The lighter colours describing the Pinkham Way FZ area do not correspond to anything in the legend. In PWA's opinion, these ask the reader to infer that there is less flood risk on the south side of the A406.

We view this as yet another deliberate attempt to mislead.

¹⁸ Appendix 5 Flood Map Comparison EA August 2018 / SA Addendum, October 2020

155, final para	MM 113	<p>‘Given the land is in two ownerships, development would be better suited on land in the control of the NLWA to ensure deliverability ...’</p> <p>The fact that the land is owned by two public authorities should have no bearing on the Council's decision as to the need for, or suitability of, the site's allocation. The PWA believes that the Haringey Council was influenced by other public bodies in its failed attempt to reclassify the site as a LSIS, and would urge the Inspector to resist all such influence and pressure on this occasion. Indeed, since all public authorities have a general duty with regard to the preservation and enhancement of the natural environment, the public ownership of the land should, if anything, reinforce its value and potential as a Grade 1 SINCC.</p> <p>The site area is stated erroneously as 5.95 ha; this figure includes the 1.88 ha owned by Barnet Council. Not only do the boroughs fail to make it clear that the NLWA portion, and thus the site area for the purposes of the plan, is c 4.07 ha, but they repeat the error throughout the SA Addendum, the Sites & Areas Options Appraisal and even in the Schedule of Modifications. This epitomises the errors that have pervaded assessments of this site.</p> <p>The NLWA land which remains once FZ 2 / 3 are taken out of consideration (c 2.5-3 ha) is predominantly woodland, identified in PWA’s Preliminary Ecological Appraisal 2013 as Lowland Mixed Deciduous Woodland, a UK BAP Priority Habitat, albeit, as the Appraisal states, not a significant example.</p>
157,	MM 113	<p>“These modifications are required to ensure the Plan is consistent with national policy...”</p> <p>The NPPW states that it ‘... <i>should be read in conjunction with the NPPF</i>’. As PWA pointed out at Reg 19, virtually the only mention of the NPPF was its requirement of a sound plan. Thus the boroughs ignored NPPF guidance on environmental value, biodiversity and open space.</p> <p>If the plan truly aspired to be consistent with national policy, the boroughs would have addressed footnote 44 to NPPF Section 117, which gives an important qualification to NPPW guidance on using brownfield land: ‘<i>Except where this would conflict with other policies</i></p>

		<p><i>in this Framework, including causing harm to designated sites of importance for biodiversity'</i></p> <p>NPPW Appendix B - Land Instability, states: <i>'Locations, and/or the environs of locations, that are liable to be affected by land instability, will not normally be suitable for waste management facilities'</i>.</p> <p>The lack of cohesion in the different fill layers of unregulated landfill may well result in land instability – to Mr Chris Faulkner's lifelong knowledge of Pinkham Way, there are significant voids there. It is not however apparent in any of the Plan documents that the boroughs have taken this into account.</p> <p>If a plan's intention is to build in some certainty about the deliverability of waste sites, including a site which is likely to throw up serious problems at a later planning stage seems pointless. In our opinion, postponing serious issues such as land instability and flooding to the planning application stage is not responsible plan making.</p> <p>From MM113 it appears that the boroughs also failed to take into account NPPF Section 118(b), that planning policies and decisions should: <i>'... recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.'</i></p> <p>Pinkham Way has performed four out of those six functions since its designation as SINC in 1979. In the decades after the sewage works closure it also provided recreation for local residents with such continuity that in 1988 Haringey gave planning approval to its own application to have the site designated <i>'... for leisure, open space, recreation and other community purposes.'</i>¹⁹Please see Appendix 6 LBH planning permission.</p> <p>PWA considers that this designation would have informed Atkins' assessment of the site in Haringey's Open Space and Sports Assessment 2003, as <i>'Private Recreational Open Space'</i>.</p> <p>Atkins' remains the extant Open Space assessment, Haringey having excluded the site from its Open Space and Biodiversity Study 2014.</p>
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¹⁹Appendix 6 - LBH Planning Permission 1988 – leisure, recreation, open space and community

		<p>The RTPI guidance <i>'Rising to the Climate Crisis'</i>,²⁰ crystallises some of the functions of undeveloped land listed in NPPF 118 b) into its criteria for site selection, which, it states, <i>'... is a foundational component of dealing with climate change ... Where sites perform poorly against any of the criteria identified, local authorities should consider alternative site allocations'</i>.²¹</p> <p>Two criteria apply particularly to Pinkham Way, <i>'... whether development would result in the loss of a significant carbon sink'</i>, <i>'... the effect of developing the site on the capacity of biodiversity to adapt to likely climate change.'</i>, In our opinion the site fails on both.</p> <p>We commented at the hearings that we were surprised that a plan serving virtually one quarter of London had failed to take the RTPI guidance into consideration, and highlighted the two criteria above. The boroughs did not respond at the hearings, and have failed to address the points in these documents.</p> <p>The boroughs' own consultants considered that the site was <i>'unlikely to be considered as previously developed land'</i>. Both the NPPF and the London Plan include a definition of brownfield land/PDL which include exclusions from that definition. The consultants' comments quoted these exclusions directly.</p> <p>Had the boroughs bothered to read the supplemental Government advice on waste planning they would have seen that <i>"Not all brownfield sites will be suitable for the range of waste management facilities required to support the Local Plan and some may be of high environmental value. The concern is to ensure good use of suitable 'brownfield' land and avoid turning unnecessarily to greenfield locations"</i>.</p> <p>We are surprised that the Boroughs have apparently not seen fit to consider and address the importance of the site's contribution to nature conservation, as a brownfield site with environmental value.</p> <p>This is one of the unresolved issues about the Pinkham Way site that Haringey have refused to address and which continue to concern us. We have argued that the site is not a site in need of rehabilitation or</p>
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²⁰<https://www.rtpi.org.uk/practice/2019/september/rising-to-the-climate-crisis-a-guide-for-local-authorities-on-planning-for-climate-change/> *'This guide ... gives planners the knowledge and confidence to tackle climate change and improve resilience ... it is designed to inform the preparation of strategic and local development plans being prepared by local and combined authorities in England'*

²¹ <https://www.rtpi.org.uk/media/3568/rising-to-the-climate-crisis-1.pdf> , Section 4.4.2, p 29

development as it is performing its designated planning purpose as a Borough SINC and has been doing so since its designation. We have provided Haringey Council with case law on this point but the Council refuses to discuss it.

We draw this case to the attention of the Inspector now, as we believe it is relevant to this MM given that the Boroughs have still not properly assessed this site. The case is *Dodd and Hands v Sec of State for Environment Transport and the Regions* CO/3513/2001 High Court QBD 22 Jan 2002

It concerned an application for housing on a disused railway station site which the applicants claimed was PDL. The council refused on two grounds, one of which was that the site did not fall within the definition of PDL.

The site was a former railway station that had closed in the 1960s and not been reused. A station platform and another brick structure remained visible but on a relatively small portion of the site. Over time evidence of the former use had largely disappeared and blended into the landscape. The case dealt in some detail with the definition of PDL and in particular with exclusions from the definition.

At para 37 Justice Sullivan stated that

“... once the remains of any structure or activity have blended into the landscape and have become part of the natural surroundings it is difficult to see why such a site should, for planning policy purposes, be treated any differently from a green field site” and

At para 38 he said

“... if there is a clear reason that could outweigh the re-use of the site, such as the contribution of the site to nature conservation, it is difficult to see why that should not suffice to exclude the land from the definition of PDL;

In the *Dodd and Hands* case, the contribution to nature made by the site had to be implied. In the case of the Pinkham Way site, its environmental importance and its contribution to nature conservation for the past 40 odd years has been recognized by the Borough SINC designation.

		<p>We have argued for some time with Haringey Council that the Pinkham Way site should be treated as a greenfield site and as such should not be included in a waste plan.</p>
<p>157, para 2</p>	<p>MM 113</p>	<p>“Any new waste facility ... will need to be in line with the Haringey Local Plan and the London Plan”</p> <p>HARINGEY LOCAL PLAN</p> <p>In his pre-hearing letter before the 2012 NLWP EiP, Inspector Andrew Mead stated his initial aim in dealing with Pinkham Way: <i>To consider the Planning Status of the site.</i></p> <p>Eight years later, this status has still not been fully considered as we pointed out in our Submission MM5 Q63. There are a number of outstanding unresolved planning issues on this site that the Council refuses to deal with: open space status, brownfield land with environmental value, conflicting designation of Employment and Borough SINC, contamination, instability and more.</p> <p>However, the conflicting dual designation is the most important.</p> <p>Prior to the Local Plan hearing in 2012, Inspector Seaman asked the Council how it intended to resolve the conflict between the dual designations. The answer given was that the designation <i>‘had always existed’</i>. In his Report the Inspector asked the Council to review the site’s designation taking into account its environmental value, its open space value etc etc.</p> <p>The Council subsequently reviewed the site but omitted to consider its open space value. Instead it deliberately excluded Pinkham Way from the open space review that was carried. The reason given to PWA for doing so was that the site was not publicly accessible. However the Council included other open spaces which were inaccessible.</p> <p>Following the Haringey Site Allocations EiP, where the Pinkham Way site was removed from the plan, Inspector Thorby advised the Council to review the employment designation as required by NPPF. The designation has never produced employment but the SINC designation has consistently contributed to nature conservation in the borough.</p>

If the Inspector is in a position to resolve these issues we respectfully request that he considers:

- Recommending that the Pinkham Way site be removed from the plan
- that the site satisfies the definition of Open Space in the London Plan and in Haringey's local plan
- that the site cannot be considered PDL in need of remediation as it satisfies the exclusion from that definition in the London Plan and the NPPF and should be considered a brownfield site with high environmental value (we refer the Inspector to the case of Dodd and Hands²²)

The Inspector may recall that PWA made a late submission (*MM4 Q49 Supplementary Hearing Statement and Appendices*)²³ relating to the incorrect identification of Pinkham Way as an LSIS in the AECOM Report which had informed the London Plan and the NLWP.

When we asked the Boroughs why they had relied on that report to include Pinkham Way as industrial land when they knew perfectly well that it had wrongly identified the site as LSIS they replied that they were entitled to rely on the Report.

PWA then attempted to find out how and why the site had been incorrectly classified in AECOM's Report. After consulting their legal department, AECOM were unwilling to discuss it and referred us to the GLA. The GLA's opinion was that, because Pinkham Way was a site that could theoretically provide industrial / employment capacity, AECOM were right in categorising it as LSIL.

At the beginning of this consultation PWA contacted the Boroughs' Programme Manager to ask if the AECOM errors had been corrected and were advised that: '*AECOM's 'London's Industrial Land Supply and Economy Study 2015' is referenced in the Sites and Areas Report which has not been updated as part of the Main Modifications.*'²⁴

Pinkham Way remains described as an LSIS in the ~~GLA~~ Industrial Land Study, potentially misleading those who consult it and wasting their time pursuing a site that is anything but industrial land.

²² Appendix 8 - Dodd and Hands

²³ Appendix 9 - Main Matter 4 – Q 49, PWA Supplementary Hearing Statement, November 2019.

²⁴ Appendix 7 - Email from Victoria Manning to Stephen Brice

Significant time and resources have been wasted by the Boroughs, NLWA, GLA, AECOM and local residents engaged in various attempts to defend, remove or retain the Employment designation on Pinkham Way.

We would respectfully remind the Inspector that the Pinkham Way site was removed from Haringey Council's Site Allocations DPD, with the agreement of the Council, during the course of its Public Examination because it was not required to meet the employment needs of the Borough over the plan period. This was confirmed thereafter in the Inspector's Report by way of an MM

In Section 10 of our Reg 19 submission we chronicled in detail Haringey Council's treatment of the site's planning status since 2009/10, and its repeated opportunities since 2009 to conduct a sound, objective assessment of the site in the light of its own policies.

Our response to Question 63 (d) listed a raft of Council policies which conflict directly with development of Pinkham Way for waste use. The boroughs have not addressed our response and instead have postponed these issues to the planning application stage. We believe these matters should be dealt with at the plan making stage when the plan making concerns allocation of areas for a particular type of development.

THE LONDON PLAN

Prior to the hearing in November 2019, the Inspector asked at question 63 (c): *'Does the fact that this site is not a Strategic Industrial Location (SIL) or a Locally Significant Industrial Site (LSIS) preclude its use for waste management purposes?'* The councils offered no response.

In the present Sites and Areas Options Appraisal Section 2, they give a nod towards the London Plan SIL / LSIS stipulation, whilst avoiding the definitive words at 9.8.8.

They continue: *'... the boroughs have sought to take this approach a stage further and identify the best land for a range of new waste facilities.'* They offer no explanation *a)* why this sudden finesse in site selection is necessary or justified, or *b)* on what basis they have ignored the London Plan's own considered guidance - consulted

upon and publicly examined - on what constitutes *'the best land'*. They have disregarded the fact that the guidance is included in their own Local Plans, of which the NLWP is part.

We consider that, as with the category of *'High-performing Band B sites'*, this is an artifice to facilitate the progress of Pinkham Way.

The boroughs correctly quote one part of London Plan Policy G6 (D), about biodiversity net gain. However, they omit mention of the previous section, that *'... the benefits of the development proposal should clearly outweigh the impacts on biodiversity'*.

They have not acknowledged that NPPW must be considered in conjunction with NPPF. We notice they still omit reference to NPPF in the plan except to make general reference to it. It is not mentioned once in the Report on Sites and Areas. At the hearings, all the NLWA could offer (verbally) was that, towards the end of plan period, they *'... might need a site in the west of our area for something connected with the Circular Economy'*.

At 8.6.2, the London Plan states: *'The level of protection afforded to SINCS should be commensurate with their status and the contribution they make to wider ecological networks.'*

The Inspector may recall that PWA's Preliminary Ecological Appraisal 2013 was produced by the Boroughs' representative at the hearing in November 2019. He was clearly anxious to show that they had taken it into account when assessing the Pinkham Way site. However it emerged that the boroughs had only read it two weeks before the hearing.

That report was relevant to the assessment of the site and should have been considered in 2014 and thereafter, when the assessments were being undertaken. To admit that they had waited over six years, before opening it just before the Public Examination, demonstrates that they had not ~~been~~ taken it into account at all.

Had the Boroughs bothered to read the Ecological Appraisal they would have seen, amongst many other important matters that affected the site's ecological value, that *'... the site is positioned along an ecological corridor and offers an important green link between other sites. This is noteworthy within the context of inner London where well connected sites are becoming increasingly rare.'*

84	SA Addendum		<p>We make the following comments on the Sustainability Assessment of MM113</p> <p>Potential Mitigation Measures</p> <p>The boroughs list a raft of mitigation measures which were not identified when the site was originally assessed for inclusion.</p> <p>We are of the view that, given the substantial changes proposed to the overall size and available area for any potential development, together with the list of potential mitigation that would be required, the Pinkham Way site is undeliverable</p> <ul style="list-style-type: none"> • Habitat connectivity <ul style="list-style-type: none"> a) With adjacent green spaces b) With the ecological corridor, which needs to be enhanced • Extensive programmes for enhancing and protecting valuable ecological features (which only underlines the NLWA’s historic and ongoing neglect of the site) <ul style="list-style-type: none"> • Creating buffers between facility and sensitive receptors • Creating buffer between facility and ecological corridor • Creating ‘<i>acceptable access</i>’ from Orion Road roundabout. <p>Since the boroughs mention both ‘<i>access</i>’ and ‘<i>acceptable access</i>’, we assume that they have taken into consideration their duty to protect the area of OMH, UK BAP Priority Habitat, which extends around the north of the site inside the bund. PWA’s consultant found this to be very rich in invertebrates. It goes without saying that it would be impossible to relocate such an area.</p> <ul style="list-style-type: none"> • Contamination, which must take into consideration Arup’s advice to NLWA that ‘Remediation of any area will destroy nature conservation of that area’ • Ground stability and variations in height • Possible whole or part de-culverting of watercourse. • Maintaining public access to remainder of site. <p>The list omits other relevant considerations, for instance:</p> <ul style="list-style-type: none"> • PWA’s ecological consultant identified the woodland that occupies most of the available developable area as Lowland Mixed Deciduous, a UK BAP Priority Habitat, albeit not a significant example. Nonetheless it must be one of the
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			<p>‘important ecological features’ mentioned above as requiring protection and enhancement.</p> <ul style="list-style-type: none"> • The boroughs will need to address what Arup’s Scoping Report 2011 described as ‘... <i>the potential for significant adverse effects on these [surrounding] sites</i>’, ie the adjacent MOL and neighbouring links in the green chain. <p>Even as they stand, we consider that the mitigation measures suggested in the SA Addendum go far beyond a normal definition of ‘significant’, the term used to categorise necessary mitigation in Band C sites that the Sites and Areas Options Appraisal describes as ‘possibly suitable for waste use’.</p> <p>An <u>objective</u> assessment of a site that requires so much varied mitigation would, in our opinion, report that the site was not suitable for further consideration and should be placed in Band D/removed from the Plan.</p> <p>At the hearings we remarked on the anomaly of Pinkham Way’s present inclusion in Band B when Band C includes sites that are considerably less sensitive. The boroughs did not respond at the hearings, nor have they addressed the point anywhere in these documents.</p>
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Additional comments are offered below on selected AMs

Page	MOD	NLWP	PWA Comment
1	AM	2.3	<p>In seeking a “better geographic spread” it is inconceivable that geographic considerations are not highly relevant (see eg MM5 / NLWP 4.2 where geographic considerations are to the fore).</p> <p>Spatial Principle (SP) B is specifically focused on the desire of geographic spread. Removing the section as proposed neither adds to clarity, nor corrects an error as is indicated, and arguably undermines consistency. It should remain subject to the reference to Spatial Framework being replaced by Spatial Principles.</p>
2	AM	1.3	<p>We have long implied that there could be more than one aim of the NLWP but for the purposes of the document the aim should</p>

			be singular. (See eg NLWP 3.1, “The NLWP therefore includes a single overarching aim”.)
2	AM	1.3	The section refers to the delivery of a waste management strategy. What form and where that waste management strategy is should be made explicit. The Joint Waste Strategy (JWS), for instance, has expired (term 2009-2020). It is claimed to be both due to be refreshed (EIP, NLWA representative verbal input, going on to explain its anticipated form of recycling and circular economy supporting intent) and also that it may <u>not</u> be reappraised (SA Addendum September 2020 commentary box MM20 / NLWP 5.3).
11 12	AM AM	4.4 and 4.9	<p>The insertion of “better” generates the inevitable question of, better than what? The presumption is better than current, and the determination of that will be sustainable development.</p> <p>NLWP 2.1 identifies the plan’s chosen definition of sustainable development and the five guiding principles associated with it.</p> <p>“Better” would therefore imply an improvement as measured across those five dimensions.</p> <p>There is no apparent evidence within the plan that these have been identified, less proven. “Better” therefore adds nothing evidentially.</p> <p>In this context, NLWP 4.7 is relevant in looking to an even spread of sites, something arguably inappropriate for the more-clustered waste streams such as C&I; moveable ones such as CD; while in north London the inevitably more evenly spread LACW has seen the plan do exactly the opposite of seeking an even spread, instead going for one single catch-all plant. We suggest this emphasises the need to move away from words and into clearly defined and evidenced requirements and related results. For instance, recycling plant may have scale economies, but the plan does not identify them, nor consider any necessary trade-offs with factors such as proximity and reducing waste miles to achieve them.</p>
14	AM	4.11 (cont)	We contrast

			<p>“All North London Boroughs want to play their part in managing north London’s waste and therefore support a more equitable geographical distribution across the seven Boroughs.”</p> <p>With our table of share and apportionment split under MM7 and must conclude that the boroughs are failing in their intent.</p>
14	AM	New Fig 9 Existing Waste Sites	The map suggests a wide spread of existing sites - the sites to inevitably form the majority of waste management throughout the plan’s term - essentially clustered into five specific locations. What is quantifiably better than this spread based on the plans required metrics, eg close to source, reduced movement, remains unproven.
16	AM	Key Diagram NLWP Fig 6	It appears difficult to argue the demonstration of a “better geographic spread” when this figure makes it clear that the vast majority of Priority Areas sit around, over, or adjacent to the existing clusters of waste sites.
23	AM	5.1	<p>... “and how North London’s waste will be managed over the plan period.”</p> <p>Around 1.4m tpa of north London’s waste is said to be exported each year (NLWP 5.27). There is however no mention of how this (considerable) proportion will be managed, nor if it is expected or planned to reduce over the term of the plan. In the case of all London, the draft London Plan 9.8.9 indicates a desire (potentially a need) to reduce exports to achieve NSS.</p>
26/27	AM	5.10 and 5.17	<p>The data is two years stale and there seems no reason why the latest data could not have been incorporated. The argument would also be enhanced by showing a table or chart of the trends being highlighted.</p> <p>The element of C&I waste quoted as being exported from London does reflect Revised Table 4 (MM14) but can only add to overall confusion since the notion of exports in the NLWP is regarded as waste exported from North London (only) and not waste exported from all-London, that being something entirely different and relevant only at London Plan / London NSS levels.</p>
31	AM	5.28	The implication of exports to (at least) the eight main destinations for existing and / or new site plans is a noticeable gap in the plan’s preparation and conclusions. This Pareto distribution would

			<p>suggest that, as a minimum, the implication from a small numbers of external channels accounting for the majority of the volume could be assessed for implication(s) to eg proposed site selection.</p> <p>A similar comment could apply to imports. We note again that the aggregate of exports plus imports is of a comparable scale to waste arisings in North London – their movement and distribution should therefore be fundamental considerations in addressing linked objectives and spatial principles.</p>
33	AM	5.33	<p>“A further constraint for the continued export of waste has been identified with regard to hazardous waste, namely a lack of detailed data on where it ends up.”</p> <p>WDS Part 1 Updated 2019 6.11 provides a comprehensive listing (over four pages) which would appear to answer this particular problem.</p>
34	AM	5.35	<p>“The boroughs will continue to monitor hazardous waste exports from North London”.</p> <p>WDS Part 1 Updated 2019 6.11 should also be able to assist with this otherwise difficult intent.</p>
37	AM	5.18	<p>Wording should be clarified as to whether it is the municipal (65%) target or the C&I (75%) target that is a London collective aim.</p> <p>The section would also benefit from highlighting any intent of the NLWP to achieve the target within North London or whether an “apportioned” element of the London target is being intended.</p>
55	AM	6.9	<p>The section refers to a need for additional recycling to manage LACW / C&I waste. As argued elsewhere, that need is unproven and so the section should be removed.</p>
59	AM	8.3	<p>We suggest the retention of the section below adds to, rather than detracts from the clarity of the plan.</p> <p>“Existing waste management facilities are also a key part of future provision.”</p>

78	AM	7.12 including 8.4	The NLWA's view on the capacity of their plant has been noted elsewhere in this submission. We would suggest considering commenting on the DCO capacity vs maximum throughput achieved for clarity.
79	AM	8.7 moved here after 7.13	<p>The AM changes have the potential for wider impact on the plan:</p> <p>“Once the new facility has been developed, the existing EfW facility will be demolished. The associated parcel of land, on which the current plant is located, will continue to be safeguarded for future waste use as part of ENF18 in Schedule 1”</p> <p>The net capacity change of the redevelopment has been captured in the calculation of possible new land need. (Difference of 700,000tpa new less 600,000tpa existing). While the capacity of the existing site has been written out, and replaced by new capacity on fresh land, the parcel of land being freed, due to come free towards the end of the plan period, shows no evidence of having been incorporated into fresh useable land later in the plan period.</p> <p>We note that its use would be another means of mitigating any need for fresh land.</p>
79	AM	8.7 moved here after 7.13	<p>“Delivery of this facility will see the NLWA continue to manage LACW from the North London Boroughs”</p> <p>The facility is intended to also process waste from London boroughs outside of North London, and beyond. This would benefit from being made clear as a factor driving imports, and we would therefore suggest NSS.</p>
85	AM	7.28	<p>While no changes are being suggested, this section does highlight what we view as the inappropriateness of the approach being followed: despite no evident prospect of hazardous waste being managed within North London, and where balancing capacity from other waste streams is available for imports / satisfaction of other WDA's, hazardous waste specific land is being targeted.</p> <p>Without this apparent need for fresh hazardous waste based land we believe the NPPW 3 is nonetheless met, to “prepare Local Plans which identify sufficient opportunities to meet the identified needs of their area for the management of waste</p>

			streams". The plan is clear in what will continue to happen to hazardous waste and that there is no identified hindrance to that position continuing.
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