Revised NPPF (July 2021):
Comments from EiP participants on the implications for the NLWP and responses from the North London Boroughs

August 2021

Participant	NPPF Section	Participant Comments	North London Boroughs' Response
Natural England	N/A	Natural England have no comments to make on this consultation	N/A
PWA	Paragraphs 2 and 4	<u>Paragraph 2</u> The Framework should be read as a whole <u>Paragraph 4</u> The Framework should be read in conjunction with the Government's planning policy for waste. The policies in the Framework are applicable to the preparation of the NLWP. There is little or no evidence in the preparatory documents that the boroughs have considered NPPF policies – especially in relation to the site assessment and decision to include the Pinkham Way site. We have raised this omission throughout the consultation process. The fact that Pinkham Way SINC is still in the NLWP, and that there is no record of the policies applied to the site assessment process, raises doubts that the boroughs gave any regard to the relevant NPPF policies, particularly the ones that protect the natural environment, open space and green infrastructure. All policy references in the NLWP preparatory documents are to NPPW and London Plan.	No changes have been made to NPPF paragraphs 2 and 4.

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PWA	Paragraph 7	<u>Paragraph 7</u> This key principle has been expanded to incorporate the 17 Sustainable Development Goals and 169 associated targets in the UN's 2030 Agenda for Sustainable Development - all stated to be of equal value. We draw particular attention to **SDG 15 "**protect, restore and promote sustainable use of ecosystems, sustainably manage forests, combat desertification and halt and reverse land degradation and halt biodiversity loss" **Target 15.5:** "Take urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity and by 2020, protect and prevent the extinction of threatened species" Target 15.9: "By 2020, integrate … biodiversity values into national and local planning development processes … The full integration of the UN's 17 SDGs and 139 Targets into paragraph 7 of the NPPF reflects the growing urgency and importance of these issues There is clear evidence that the Boroughs see no relevance in the revisions to this section of NPPF for the NLWP. SDG 15 is particularly relevant to the inclusion of the Pinkham Way site but the response dated 5 August makes no mention of it. Target 15.5 highlights the urgency of halting the loss of biodiversity and preventing the extinction of	The NLWP already includes policies and objectives to protect and enhance the natural environment and biodiversity. NLWP Strategic Objective 5 is "to protect and, where possible, enhance North London's natural environment, biodiversity, cultural and historic environment". NLWP policy 5 states that applications for waste management facilities will be required to demonstrate "the development has no adverse effect on the integrity of an area designated under the Habitats Directive and no significant adverse effect on local biodiversity or water quality". The NLWP forms part of the 'development plan' which also includes Borough Local Plans and the London Plan. These documents include a number of policies which reflect the SDGs, including halting the loss of biodiversity. All planning applications will be assessed against policies in the development plan and it is therefore not necessary for the NLWP to repeat them. The Boroughs remain of the view that this change has no implication for the NLWP

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		threatened species. Pinkham Way has high biodiversity value, and endangered species have been recorded as breeding and foraging on the site. This policy indicates it should be removed from the NLWP Waste Plans are not excluded from the requirement to integrate biodiversity values. There is little evidence any were applied in the assessment of Pinkham Way's suitability for inclusion in the NLWP.	
PWA	Paragraph 8	Paragraph 8 c) The environmental objective has been firmed up and now requires positive protection and enhancement of the natural environment, improving biodiversity and mitigating and adapting to climate change. The Boroughs see the firming up of paragraph 8c as merely a "change to the syntax of the sentence rather than the meaning…" concluding therefore it has no implication for the NLWP. We disagree. These changes, combined with others in the NPPF which we discuss below, clearly indicate a strengthening of concern about protection of nature and the environment in the context of climate change and are relevant when assessing whether sites such as Pinkham Way should be exposed to harm from development or protected.	The Boroughs do not consider that the changes to paragraph 8c) amount to a fundamental change in the meaning of the objective. The NLWP has a similar Strategic Objective 5: "to protect and, where possible, enhance North London's natural environment, biodiversity, cultural and historic environment". The North London Boroughs have provided justification for the selection of sites and areas in the NLWP as part of the evidence base submitted with the NLWP. Assessment criteria for sites and areas were developed in consultation with focus groups. PWA Association were involved in this process. The Boroughs remain of the view that this change has no implication for the NLWP.

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PWA	Paragraph 11	paragraph 11 (a) All plans should promote a sustainable pattern of development that seeks to: meet development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects. The NLWP does not comply with this requirement. The Boroughs claim that the NLWP promotes a sustainable pattern of development by planning for waste management capacity within North London to meet the equivalent of waste generated in North London. However, in approaching this through a strategy of net self-sufficiency then, as the NLWP states, "net self-sufficiency means providing enough waste management capacity to manage the equivalent of the waste generated in North London, while recognising that some imports and exports will continue", confirming that imports and exports are merely recognised rather than employed as facts of influence. The resultant is that for those waste streams deemed to have surplus capacity no action is taken while for those deemed to be in deficit incremental land / capacity is sought. The overall position is then guaranteed to be of surplus capacity at the aggregate (gross all waste stream) level. Repeating	The Boroughs have already addressed the issue of net self-sufficiency in their response to comments by PWA on the Main Modifications (see MM2 and MM3 of the Consultation Report). The Boroughs remain of the view that this change has no implication for the NLWP.

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		such an approach across all WDA's compounds the approach to guarantee excess capacity at London / UK / other chosen level. It is inconceivable such an approach can be deemed to be classed as a sustainable pattern of development; it is precisely the opposite. Imports and exports must be more than "recognised" and become facts to be employed in the NLWP's derivation of its true waste management requirement. The only means to avoid the issue under a NSS strategy is to assess NSS at the aggregate (gross) all waste stream level. Employed similarly across all WDA's, the inevitable – and continuing – imports and exports across the WDA's would net out and a sustainable pattern of development achieved. Several PWA submissions have covered this issue from various angles. We note the London Plan employs this approach when calculating its own NSS.	
NLWA	Paragraph. 11	**Section 2: Achieving sustainable development** **The presumption in favour of sustainable development (Para. 11, pg.6)** Despite the greater emphasis on sustainability in the revised NPPF, the designation of Pinkham Way for waste uses is consistent with the new NPPF guidance and also with the waste hierarchy. See the NLWP Appendix 2 area profiles – Haringey which sets out the possible uses for the Pinkham Way site.	The Boroughs agree that the changes to paragraph 11 of the NPPF has no implications for the NLWP.

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		The NPPF 2021 doesn't change our view on the suitability of this site for waste use and therefore its inclusion in the NLWP. It is essential that the NLWP allocates sufficient land for the sustainable development of waste facilities that are of the right type, in the right place and provided at the right time to enable the North London Boroughs to meet their waste management needs throughout the plan period.. Area A22-HR is an essential component of this. (Please see the NLWA representation received and set out in the 'Additional Submission Documents' and entitled 'Representations received at Regulation 19-representor order August 2019' pg.100 – available at https://www.nlwp.net/document-centre/).	
NLWA	Paragraph. 22	**Section 3: Plan making** **Strategic policies (Para. 22, pg.9)** If the NLWP is adopted in 2021/22 the strategy will fall short of the minimum 15-year period for strategic policies set out in the NPPF 2021. Given the late stage of the plan making process and the urgent need to have an adopted strategic waste planning framework in North London, we do not think this should be a reason to delay or defer. To ensure compliance with the NPPF 2021, we recommend that the NLWP is extended to 2036.	While this section of paragraph 22 has not been subject to change, the Boroughs acknowledge that the long Examination process means that the plan period for the NLWP will need to be extended to 2036. The Boroughs are prepared to make this change to the plan, although it should also be noted that NPPF para 33 states that policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.

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			The NLWP is very likely to be updated before 2036.
PWA	Paragraph 35	Paragraph 35 d) Plans are sound if they are Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework ….. The NLWP is not consistent with the policies in NPPF21 which are material considerations for plan development, particularly in regard to the allocation of Pinkham Way as a Priority Site. PWA has provided examples where this is the case in its previous submissions and in its responses to the MMs consultation. If the NLWP is not consistent with the policies in the NPPF21, it cannot be found sound.	The Boroughs have demonstrated that the plan is consistent with national policy and have proposed updating some of the wording in the Plan's supporting text to better reflect the language in the revised NPPF. These updates are very minor in nature and are not considered to affect the approach of the NLWP. See Letter to Inspector 5th August 2021 for details of the changes. The Boroughs remain of the view that this change has no implication for the NLWP.
PWA	Paragraphs 98 and 99	Paragraph 98 now references wider benefits for nature and support efforts to address climate change Paragraph 99 Existing open space …. Should not be built on unless a) An assessment has been undertaken which has clearly show the open space … to be surplus to requirements This change indicates the increasing concern about climate change and the need to take urgent action to protect our natural resources and mitigate its affects.	Planning for open spaces and opportunities for sports is done through each borough's Local Plan. However, the NLWP reflects borough Local Plans and protected open space through the site selection criteria (see NLWP Table 10) and Policy 5f). Pinkham Way is not designated as Open Space. The NLWP reflects designations in the Haringey Local Plan.

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		Para 99 has not changed but it is relevant for the NLWP and should have been taken into account when Pinkham Way was being assessed and designated as a Priority Area. This policy is reflected in the London Plan and all the Boroughs' local plans, yet it did not protect Pinkham Way from exposure to harm in the NLWP. Pinkham Way is an existing open space with public value. It is not brownfield land and it falls four square within the protection of policy 99. Yet it is being treated in the NLWP as if it were an industrial site, contrary to this and other policies in the NPPF which were designed to protect it. No assessment has been undertaken to show it is surplus to requirements. Haringey Council refused to include Pinkham Way in the Open Space review in November 2016 on grounds it did not have public access. It transpired later that it had included other open spaces without public access, but offered no explanation for excluding this important SINC.	This repeats matters which have been raised previously and are already being considered by the Inspector. The additional wording is not considered to affect the approach of the NLWP. This change has no implication for the NLWP.
NLWA	Paragraph. 119	**Section 11: Making effective use of land (Para. 119, pg. 35)** The NPPF 2021 states that planning policies and decisions should make "as much use as possible of previously developed or 'brownfield' land". Whilst Pinkham Way is not brown field it was previously developed as a sewage treatment works and so the allocation of the site for waste use would be entirely consistent with para. 119 and makes as much use as possible of previously developed land. We don't	No changes are proposed to NPPF paragraph 119

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		believe there to be a conflict with footnote 47 which states "Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity". There is the possibility of mixed schemes which are specifically supported in para. 120.	
PWA	Paragraphs 119 and 120	<u>Section 119</u> Planning policies should promote effective use of land while safeguarding and improving the environment ……. 120 b) planning policies and decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production In their comment on paragraph 11 a) the Boroughs claim that Policy 2 in the NLWP makes effective use of land because it identifies Priority Areas for new waste facilities. We disagree and consider that Policy 2 is likely to cause harm to environmentally valuable land, contrary to paragraph 119 and 120 b), for the following reasons: Only 3 of the 10 Priority Areas listed in Policy 2 are identified as suitable for recycling. Of the 3, one is in Enfield (26+ ha), one in Waltham Forest (26+ha) and Pinkham Way (5.95ha).	No changes are proposed to NPPF paragraphs 119 or 120

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		Policy 2 requires developers to first seek Priority Sites outside Enfieldand to demonstrate that no sites are available or suitable before considering the Priority Site in Enfield. So, of the 10 Priority Areas, only Pinkham Way and Waltham Forest will be available for recycling. This is not an effective us of an environmentally valuable SINC that has been contributing to nature conservation for the last 45 odd years. The Pinkham Way site is exactly the type of undeveloped land recognised by 120 b) and for those reasons should not be included in the NLWP. The whole of the Pinkham Way site is a designated Grade 1 SINC part of which is designated MOL and part designated as Ecological Corridor. The SINC status was reviewed in 2015 and found to be Grade 1 Borough importance. Ecological Surveys have found many species of birds, insects and flora, some rare, on the site. The site functions as a wildlife habitat, flood risk mitigation, cooling/shading and carbon storage because of the large number of trees and its past use as landfill. The Boroughs have treated this as a brownfield industrial site and no recognition appears to have been given to its environmental value during the site assessment for the NLWP contrary to 119, footnote 47 …. Use as PDL is encouraged unless it causes harm to designated sites of importance for biodiversity	

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PWA	Paragraph 131	<u>Paragraph 131 - new</u> Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined50, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users. This new policy is relevant to the NLWP. Pinkham Way site is substantially covered in trees and is listed as Forest on the NFI woodland map. This covers all forest and woodland areas over 0.5 hectare with a minimum of 20% canopy cover and a minimum width of 20 metres. The trees on PW comprise 4% of the trees in the borough of Haringey. Identifying the site as suitable for waste development is almost certain to result in the loss of a large number of trees contrary to this policy.	The NLWP is a planning policy document with a focus on strategic waste planning. It forms part of the development plan which also include Borough Local Plans and the London Plan.. While the NLWP identifies existing trees within the NLWP Priority Areas in the Area Profiles, it does not include policies specifically on trees. These are already set out in each Borough's Local Plan as well as the London Plan. Para 131 largely relates to planning applications. All development proposals for waste facilities in North London will be assessed against local policies as well as London Plan policy G7: 'Trees and Woodland', which states that development proposals should ensure that, wherever possible, existing trees of value are retained. Therefore the additional wording is not considered to affect the approach of the NLWP. This change has no implication for the NLWP.

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		The Boroughs response that "This change has no implication for the NLWP" is implausible.	
Environment Agency	Paragraph 161	We have no detailed comments to make at this time as much of the policy wording we based our comments on previously remains unchanged. However we would like to point out that in our response to the Reg 19 consultation dated 11 April 2019 we made reference to Paragraph 157 of the NPPF. This paragraph is now Paragraph 161 and changes have been made to part c of this paragraph. This should not change our response as it looks like our reference was to part a) of this paragraph, which remains unchanged.	N/A
PWA	Paragraph 161	<u>Paragraph 161</u> All plans should take account of all sources of flood risk and the current and future impacts of climate change … a) … using opportunities provided by new development and improvements in green and other infrastructure to reduce cause and impact of flooding … We refer the Inspector to the submission from the Freehold Community Association with which PWA is happy to associate itself	See response to Freehold Community Association.
Freehold Community Association	Paragraph 161-163	The removal, in Para 163 NPPF 21, of the jump from "flood areas" to "Flood Zones" contained in the previous NPPFs, provides a welcome and needed clarification that Flood Risk Areas and Flood Zones were and are the same and present the same risks. It	The NLWP has taken into account **all sources of flood risk** when assessing Areas for new waste facilities and this is set out in the Flood Risk Assessment. The NLWP is therefore in line with the NPPF

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		also brings into line the requirement to carry out the strategic Sequential Test as set out in Paras 161 and 162 for flood risk "**from all sources**". Assuming that the NLWP will continue to conveniently confuse the site building location test as laid down in Para 167 (a), a test clearly required at the planning application stage, with the strategic Sequential Test, a test clearly required at the plan making stage, then the Plan is, and will remain, in breach of policy and unsound.	new wording. A modification is proposed to update the wording in paragraphs 9.48 to better reflect the language in the NPPF. See Letter to Inspector 5th August 2021 for further information. Further details on the strategic sequential test for the NLWP is available in the NLWP Flood Risk Sequential Test (October 2019) and the NLWP Flood Risk Addendum (September 2020).
PWA	Paragraphs 174 and 175	Paragraph 174 Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing …. sites of biodiversity …. (in a manner commensurate with their statutory status or identified quality in the development plan) b) recognising the …. wider benefits from natural capital and ecosystem services – including the economic and other benefits of …. trees and woodland Paragraph 175 Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and	No changes have been made to NPPF paragraphs 174 and 175.

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		green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries Green infrastructure: A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity. The Boroughs have commented that this is not referenced in the NLWP, that "the additional wording is not considered to affect the approach of the NLWP" and that the change has no implication for the NLWP. As a matter of information the term green infrastructure is referred to in the NLWP SA comments on Objectives re Pinkham Way. <u>174</u> Policy 5 f) of the NLWP appears to comply with this section as it protects, inter alia, open space from development. f) there is no significant adverse impact on …. open spaces or land in recreational use or landscape character of the area …. However it is clear that the Boroughs took little notice of this section themselves when deciding to allocate an open space covered in woodland as a	

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		Priority Site in the NLWP considering the potential adverse impact that was likely to have 175 NLWP is not compliant with this policy. The allocation of Pinkham Way as a Priority Area, is contrary to the requirement to allocate land with least environmental or amenity value. All other sites identified in the NLWP (and some that have been removed) are existing industrial sites with little or no environmental value. The case for so much additional land has not been made out and therefore the allocating of Pinkham Way is not justified. The section also now promotes maintenance and enhancement of Green infrastructure. The Pinkham Way site is part of green infrastructure itself as it is an important link in a chain of SINCs, from Parkland Walk and Alexandra Park via Albert Road Rec, Muswell Hill Golf Course and allotments, Tunnel Gardens and Bluebell Wood, through to Coppetts Wood and Glebelands LNR and is a Habitat Mosaic, now rare in London. It comprises a variety of interconnected habitats arising from the various usages of the site over time. The poor quality sparse grassland over the old entrance road has created a habitat immediately inside the site access that is ideal for and very rich in invertebrates, some of them rare in London. (Invertebrates are considered the best test of the true conservation value of a	

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		site.) It has capacity to absorb surface water so acts as greenfield land. It fits four square into the definition of Green infrastructure and allocating it as a Priority Area is not in compliance with this policy.	
NLWA	Paragraphs 174 - 177	**Section 15: Conserving and enhancing the natural environment (Paras 174 -177, pg. 50-51)** The 2021 NPPF strengthens its position on biodiversity which we support. However, we do not believe this means that the Pinkham Way site should be removed from the NLWP. The site is a locally designated SINC and para. 175 of the 2021 NPPF states that the hierarchy of international, national and locally designated sites should be taken into account when considering policies and decisions. As a locally designated site, it is less significant in term of preserving the natural environment than a national or international site.	No changes have been made to NPPF paragraphs 174 and 175.
Swift Conservation	Paragraph 180	Paragraph 180 (page 52) of the National Planning Policy Framework (2021) states: • *"180. When determining planning applications, local planning authorities should apply the following principles: d) … opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity* ***or enhance public access to nature*** *where this is appropriate."*	Any application for a new waste facility will be assessed against criteria in the Borough's Local Plan and the London Plan. These documents already include a requirement to provide artificial nesting and roosting habitats in new development. It is therefore not necessary to repeat this policy within the NLWP. The Boroughs remain of the view that this change has no implication for the NLWP.

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		We believe that this requirement should be reflected by please adding the following line to Paragraph 9.44: • Public access to nature should be enhanced, e.g. by including artificial nesting and roosting habitats such as Swift bricks and Bat boxes where possible.	
NLWA	Glossary / General	In line with your email of 27th July and recognising the late stage in the inspector's examination of the submission version of the NLWP, our observations are limited to the NLWA area of Pinkham Way. Pinkham Way is a fenced site on the border of Barnet, Enfield and Haringey which is in public ownership. It is referred to in the NLWP as 'Site A22 – HR Friern Barnet sewage works / Pinkham Way'. Part of the site is owned by the North London Waste Authority (NLWA) and part by London Borough of Barnet. This site is not open space according to the definition of open space in the NPPF 2021. "Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity."	The Boroughs agree that Pinkham Way is not designated as Open Space.