

29 October 2020

The Future of Planning White Paper: North London Waste Authority (NLWA) response

NLWA is a waste disposal authority which covers the London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey, Islington, Waltham Forest.

We manage waste transportation and disposal serving over two million people and handling around 820,000 tonnes of waste per year. This also includes the reuse, recycling and disposal of waste from north London's reuse and recycling centres.

NLWA provides over two million people with waste services and we are therefore a stakeholder with a vested interest in the current and future development of waste infrastructure treatment facilities in London.

We appreciate the opportunity to contribute to this consultation. However, we have only included responses to the questions, where in our capacity as a waste disposal authority, we have concerns about the implications of the proposed changes to the waste planning regime. These are highlighted in more detail in the LWPF response to the same consultation and are listed below.

For the consultation questions where we have an interest we are fully supportive of the response from the London Waste Planning Forum (LWPF) of which our constituent boroughs are Members. For the purposes of clarity we have summarised these responses below. However, the complete response from the LWPF provides more detail

Question responses

5. Do you agree that Local Plans should be simplified in line with our proposals?

Waste planning does not appear to have been considered when drawing up the proposals for Local Plans. Waste facilities are essential infrastructure, but waste planning is often overlooked. When considering policies related to planning as a whole, it is essential that waste planning is given due consideration as it has specific requirements which are not always aligned with those for housing development.

There is no mention of the London Plan in the white paper. The London Plan includes an additional layer of waste policy for the London Boroughs; in particular an amount of waste apportioned to each Borough that they must plan for to enable London to become net self-sufficient in managing its own municipal waste.

Most waste sites in London are on designated industrial land. It is not clear under which proposed category existing industrial land will fall, nor how industrial land will continue to be safeguarded so that they can continue to perform their important function without affecting the amenity of residents.

Any "simplification" of Local Plans will need to take into account the process and evidence required to prepare Waste Local Plans as well as the type of land needed for waste facilities and the ability of Local Plans to safeguard that land for the continued operation of waste facilities.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

Generic development management policies and design codes at national level will need to consider the specific needs of the full range of waste management facilities and industrial uses more generally. For example, ensuring waste facilities are enclosed unless an equivalent level of protection can be permanently achieved by other means. The Environment Agency and waste operators should be consulted on the design of waste facilities.

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?

7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

Waste is a strategic cross-boundary issue and is currently subject to the duty to co-operate. The white paper defers consideration of strategic planning and a replacement for the duty to co-operate and it is essential that waste planning is considered as part of this. Waste planning works best on a regional or sub-regional scale due to its strategic cross-boundary nature, wider-than-local catchment areas for waste facilities and issues with data on a local level. Some waste planning authorities, including many London Boroughs, work together to plan jointly for waste. Joint waste planning includes preparing a waste plan or a waste data study for a wider area. Joint waste planning is an option to replace the duty to co-operate.

The draft 2020 Waste Management Plan for England (WMPE) appears to be inconsistent with the planning white paper, which proposes to abolish the duty to co-operate. The draft 2020 WMPE introduces a requirement for strategic policy-making authorities to cooperate with each other in the preparation of policies which address strategic matters. However, it is also consistent with the planning white paper by stating that further consideration is to be given as to the way in which strategic cross-boundary issues can be adequately planned for. It would be helpful if the two documents aligned.

It would be difficult to “identify a stock of reserve sites” for waste uses as suggested in the alternative option. Most waste planning takes an area-based approach as very rarely do sites for new waste facilities come forward during the plan-making process. An area-based approach is one which identifies areas which comprise a number of individual plots of land, for example, an industrial estate, that is in principle suitable for waste use but where land is not specifically safeguarded for waste uses. Developers prefer the flexibility of an area-based approach.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

‘Development’ includes uses such as waste infrastructure. It is important that a mechanism is put in place to ensure that the identification of Growth and Renewal areas will not jeopardise existing waste infrastructure or the ability to find land suitable for new waste facilities. While different waste management technologies have different impacts, it will continue to be important to safeguard land (for example industrial estates) suitable for waste uses which should not be located near sensitive uses such as residential which might hinder the ability of the facility to operate successfully. For this reason the ‘Agent of Change’ principle as set out in the National Planning Policy Framework and the NPPW expectation that new non waste development should not hinder the operation of existing facilities should continue to be applied.

The NPPW requires Local Plans to “identify the broad type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area in line with the waste hierarchy, taking care to avoid stifling innovation”. It seems appropriate to continue this approach by identifying the broad types of waste management facility for use in each Growth and Renewal areas.

Some waste facilities fall under the NSIP regime and the relationship between this, the DCO process, the London Plan and Local Plans needs to be carefully considered in the context of the identified need in Waste Plans. For example, if a waste plan concludes there is no need for additional recovery capacity (EfW) in an area but there is a need for recycling capacity, a DCO for a new EfW facility which is considered under the NSIP regime can undermine both the waste local plan and the waste hierarchy.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

Waste planning is a very specialised area of planning and require technical knowledge and skills. Waste planning is often done jointly with groups of authorities planning for waste collectively, and this takes time. More resources would need to be made available to waste planning authorities to enable them to meet a 30 month timescale for a waste plan.

Waste plans often draw a great deal of attention from local communities and local politicians and the evidence base can undergo considerable scrutiny. The high level of community involvement takes additional time at both public consultation and examination stages. Proposals for planning authorities to be properly resourced and to have a Chief Planning Officer are strongly supported.

Waste Planning authorities are currently required to plan for seven waste streams. These are Local Authority Collected Waste (LACW), Commercial and Industrial (C&I), Construction, Demolition and Excavation (CD&E), Hazardous, Agricultural, Waste Water and Low Level Radioactive Waste (LLW). Waste planning relies on an evidence base using waste data which is released annually by the Environment Agency. Waste data is intrinsically unreliable because the data is only as accurate as the information recorded by individual waste carriers. For example, there is also a large amount of waste not attributed to an individual waste planning authority which means it’s often not planned for.

There are a range of different methodologies for forecasting waste arising in the various waste streams over a local plan period and standardised replicable methodologies would help speed up both the preparation and examination of this waste evidence base. The national Defra reconciled methodology does not work for all authorities at a local level and this means each individual authority, or group of authorities planning for waste collectively, must work out the methodology most suited to their area based on the available information. This can be time-consuming and resource-intensive and better guidance may help speed up the process.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify

Adequate waste infrastructure is essential to sustainable areas. Providing waste facilities in proximity to where the waste is generated is one of the tenets of waste planning because it reduces the need for journeys by road vehicle. Identifying sufficient land suitable for waste facilities to meet the needs of an area means safeguarding industrial land and protecting it from sensitive uses which can hinder the ability of existing uses, such as waste facilities, to operate successfully.

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