

PINKHAM WAY ALLIANCE

**SUBMISSIONS TO THE
EXAMINATION IN PUBLIC
OF THE
NORTH LONDON WASTE PLAN**

MAY 10TH 2012

MAIN MATTER 4

**SITE SELECTION METHODOLOGY
AND SCORING**

Main Matter 4 – Site selection methodology and scoring

1. As PWA’s previous submissions demonstrate, the adoption and application of the site selection criteria for Schedule C sites is wholly inadequate and perverse. Moreover:

Selection of criteria inconsistent with Sustainability Appraisal

2. The site selection methodology carried forward is inconsistent with the methodology advocated by the SA in a number of fundamental respects:
3. The SA recommends that all of the locational criteria in PPS10 and the London Plan 2011 be adopted as criteria for selecting schedule C sites, as “using PPS10 and the London Plan will result in positive environmental considerations”¹; but that, in addition, potential sites should be tested against all of the SA objectives which result in a positive environmental, economic and social impact. However for reasons which are not explained, and despite citing the PPS10 criteria at paragraph 3.19, the Technical Report omits air emissions including dust, odour, and noise and vibrations from the list of criteria to be applied in the site assessment process.
4. The significance of these omissions becomes apparent when one considers the “major adverse impact” on human health which is calculated to result from a centralised approach that relies on fewer but larger facilities (Option 2.1). Paragraph 5.164 of the SA explains that “large, centralised facilities are likely to result in nuisance to local residents e.g. from odour, dust, HGV movement, noise and emissions.” This list *mirrors* the PPS10 locational criteria omitted from the site selection process, yet this impact has not been adequately tested during the site selection process.
5. There is a further mismatch between the site selection criteria which have been appraised in Appendix 3 of the SA, and the criteria carried forward in the site selection exercise. Appendix 3 identifies and assesses twenty “absolute” or “showstopper” criteria including *both* “formal recreational land” *and* “other open space”. This is

¹ The companion guide to PPS10 also notes that the locational criteria “mostly focus on environmental concerns”

consistent with the preferred option, which was “To use the site assessment criteria identified in Planning Policy Statement 10 and the London Plan as a basis and to add to this with locally specific criteria *including protecting allotments and open space.*”

6. However Table 3-2 of the Technical Report does not refer to “other open space” in the list of showstopper criteria. Nor is “other open space” included in the “show stoppers” section of individual site reports.
7. Even on the basis of the “showstopper” criteria which *were* adopted, the PW site should have been immediately excluded from further consideration as formal recreation land. This is not simply the opinion of PWA: the site scoring sheet for the PW site expressly acknowledges that it is formal recreation land, and that it therefore fails to meet one of the showstopper criteria.
8. If “other open space” is included, in line with the SA, the site falls foul of not just one, but two out of the thirteen “showstopper” criteria. For this reason alone, and applying the NLWA’s own methodology, the PW site should not have been carried forward into Schedule C.

Use of GIS methodology not transparent

9. Considerable emphasis is placed on the use of an “objective” GIS to score sites against the “agreed criteria” and to determine proximity to various constraints at the primary sift stage. Both the absolute and the primary sift criteria are said to be GIS-based: see paragraphs 3.23, 3.25 and 3.27 of the Technical Report 2012.
10. However neither the NLWP nor the supporting evidence explains how the data was input into the GIS, or what methods of calculation were used. It is therefore impossible to assess the “objectivity” of the scores produced: self-evidently, the accuracy of the results will depend on the accuracy of the data which is input, and the methodology which is employed.
11. PWA is of the view that, as a bare minimum, the following information about the datasets is required:

- 11.1. The scale used for the data: for example, while datasets with scales of 1:1000 and 1:1,000,000, may both be accurate to the same degree, any margin of accuracy (e.g.10m) will be more significant on small-scale data than on large-scale data;
 - 11.2. The purpose for which the data was collected: primary data is likely to be more reliable than data collected for a different purpose;
 - 11.3. The method of digitisation: where hardcopy mapping is converted to electronic data, there is a risk that datasets may become distorted;
 - 11.4. The date of the data, and whether it remains up-to-date.
12. Moreover worryingly, paragraph 3.16 of the Technical Report 2012 explains that site boundaries were obtained by using OS coordinates and freehold and leasehold boundaries obtained from the Land Registry. However “as site boundaries were in the form of land titles, some corrections to site boundaries were made in conjunction with boroughs and Local Development Plan information”. Again, no information is provided to enable the accuracy of these “corrections” to be scrutinised.
13. Paragraph 4.2 makes a fleeting reference to “sensitivity testing... to check the scoring under the GIS-based scoring criteria”. However again, no further information about the scope, nature or basis of that sensitivity testing is provided so as to enable the Inspector to assess its efficacy.
14. Moreover far more information is required concerning the GIS *methodology* used:
 - 14.1. The thresholds of 100m and 500m in respect of the primary site criteria appear to be entirely arbitrary.
 - 14.2. Nor is there any obvious rationale behind the choice of the scores of 1, 3 and 5 which are attributed to the different primary sift criteria. Moreover for some criteria, which allow for only two answers, only scores of 1 or 5 are used, and 3 is omitted entirely. This inconsistency of approach arguably distorts the weight attributed to the “binary” criteria.

14.3. Further, the scoring system used for the primary sift criteria is inconsistent with the scoring system for the secondary sift criteria. Whereas the scores for the former range between 1 (least suitable) and 5 (most suitable), the scores for the latter range between 0 (least suitable) and 5 (most suitable). While the logic of giving secondary criteria lower scores is understood, the attribution of the same score to the most suitable sites means that the importance of the secondary criteria is distorted (the criterion being of lesser importance on a less suitable site, and greater importance on a more suitable site).

14.4. There is also no consistency as to the use of GIS-based scores in the first place: the GIS is used in respect of some apparently subjective criteria, such as “locally important nature conservation areas” where “distances chosen reflect the need to protect and/ or mitigate against negative impacts”. However the GIS was abandoned without any coherent explanation in respect of others, for example “sensitive receptors”.

14.5. Similarly, whereas the primary sift criteria were generated by the GIS database, the secondary criteria were manually added and based on an entirely subjective “visual inspection”. The explanation, that “once the sites had been scored in the primary sift they were then visited for further scoring that could not be meaningfully undertaken in the GIS”, does not stand up to a moment’s scrutiny: there is no logical basis for using the GIS to determine proximity to nature conservation areas and existing transport infrastructure, only discarding it GIS in favour of a “visual inspection” when considering proximity to residential areas, schools and hospitals.

Allocation of PW site unsound

15. Notwithstanding the overwhelming evidence that the NLWP’s assessment of need is unsound, it is also plain that the PW site is inherently unsuitable for development as a waste management facility.

16. The numerous errors in the scoring applied to the PW site are set out in PWA's previous submissions and in the separate submissions of Mr Barry James, Local Resident². To those submissions, PWA would add the following:

PW site not one of the top 30 highest scoring sites

17. The Preferred Options Technical Report 2009 explains how the long-list of sites was reduced to a shortlist, from which ten possible Schedule C sites were ultimately identified. Paragraphs 5.2-5.4 explain that in order to determine deliverability, all existing waste management and transfer sites and the *30 top-scoring potential new sites* were contacted. Thus, the methodology for reducing the long list to a short list involved a two-stage process: first, the 30 highest scoring potential new sites were identified and, second, an assessment of their deliverability was conducted.

18. However Appendix 1 of the Preferred Options Technical Report 2009 reveals that the PW site did not *even* fall within the 30 highest scoring potential new sites. The trigger for its inclusion beyond the Preferred Options stage appears to have been the poor response to the perfunctory deliverability assessment exercise, to which only 10% of owners and occupiers replied. As the Preferred Options Technical Report reveals, this involved writing to site owners and operators and asking them to complete a questionnaire. Owners/ occupiers of "top-30" sites who did not respond were not contacted again as part of the subsequent deliverability assessment described in the Technical Report 2012. Instead, *only* the sites "identified in Schedule C (potential new waste management sites)" were invited to engage in the process.

19. Moreover, it is clear from the long list at Appendix 2 of the Preferred Options Technical Report that potential sites were treated as "unlikely to be deliverable" where *any part* constituted open space: see, for example, sites 47 ("southern and eastern parts are open space") and 51 ("open space on part of site"). However the open space status of the PW site is not acknowledged. Nor, crucially, does the site scoring sheet acknowledge that the site is "formal recreation land", unlike the amended scoring sheet which accompanied the most recent Preferred Options Technical Report 2009. As such,

² Appendix 14 Submission by Barry James May 2012

the preferred options report erroneously records that the site satisfies all of the showstopper criteria and is deliverable.

20. Even on the NLWP's own evidence base, therefore, the PW site should not have been carried forward beyond the Preferred Options stage because (i) it was not one of the 30 highest scoring potential new sites and (ii) it is now acknowledged to be formal recreation land. As such, its allocation in Schedule C is unsound.

Site not an industrial location

21. Paragraph 5.82 of the London Plan 2011 states that "it is envisaged that land in strategic industrial locations will provide the major opportunities for locating waste treatment facilities (see Annex 3). Boroughs should also look to locally significant industrial sites and existing waste management sites. Existing waste management sites (including safeguarded wharves with waste use or potential) should be clearly identified and safeguarded for waste use. Suitable brownfield sites and contaminated land elsewhere may also provide opportunities". Thus the London Plan establishes a hierarchy of suitable waste management locations.

22. The companion guide to PPS10, para. 6.50, clarifies the type of industrial location which is envisaged for particular industrial uses: "Overall, within any region one or more WPA are likely to need to cater for the following range of activities... activities dealing with mixed materials *requiring enclosed industrial premises, such as mechanical-biological treatment*, anaerobic digestion and energy from waste facilities" [emphasis added]. Para. 7.30-31 states that " Most waste management activities are now suitable for industrial locations, and many fall within the general industrial class in the Use Classes Order¹² and para 7.31 explains that "With advancement in mitigation techniques, some waste facilities may also be considered as light industrial in nature and therefore compatible with residential development."

23. This is significant because a proposed MBT facility of 15,000 square metres, which will process approximately 300,000 tonnes of domestic waste a year, is plainly not "light industrial" in nature. As such, PPS10 does not envisage that it will be compatible with residential development, *even with* advancements in mitigation techniques.

24. Haringey Council's implicit acknowledgement that the facility requires an industrial location is reflected in its efforts to re-designate the site as a "locally significant industrial area" in draft Policy SP8 of the Core Strategy. While the soundness of that designation will of course be a matter for the Core Strategy process to determine, it was conceded by Haringey Council during the Core Strategy EiP that the site is not in fact currently a "well established industrial area" as previously contended. The Inspector is respectfully referred to PWA's submissions, dated November 2011, and in particular to paragraphs 3.3-3.11, which illustrate the difficulties inherent in the Council's proposed re-designation³.

Greenfield not brownfield site

As highlighted in respect of Main Matter 1 (legal issues), it is now clear that the site no longer falls within the definition of brownfield land. The PW site is not an industrial location and is not brownfield land, it is a Grade 1 SINC and its allocation as a waste management site should not be countenanced.

Metropolitan Open Land/ Open Space/ SINC designation

25. The PW site is bounded to the south and west by Metropolitan Open Land and to the east by an ecological corridor (part of which falls within the site itself). As part of the Core Strategy process, PWA has also asked the Inspector to consider designating the whole of the PW site as MOL, as an alternative to its designation as a locally significant industrial site.

26. Policy 7.17 of the London Plan 2011 establishes the criteria for designating land as MOL through the LDF process, of which the site must satisfy "at least one". The table at page 16 of PWA's further submissions for the Core Strategy EiP illustrates that the PW site satisfies at least *two* of these criteria, and partly satisfies the other two criteria⁴.

³ Appendix 3 PWA submission to LBH Core Strategy EiP November 2011 para 3.3 – 3.11

⁴ Appendix 4 PWA submission to LBH Core Strategy EiP November 2011 Table p16

This designation would therefore act as a “showstopper”, and would result in the site being immediately removed from the short-list of potential sites.

27. Moreover for the reasons set out in respect of Main Matter 1, the site’s designation as open space and the protection accorded to it as a Grade 1 SINC, also plainly act as bars to its development for a waste management facility.

28. PWA draws the Inspector’s attention to the following extract from the South London Waste Plan. “In addition to an evolution in the technologies used to treat waste, modern facilities also look very different from the old image of waste facilities. Often indistinguishable in appearance from other industrial buildings, they adhere to strict conditions and regulations imposed by the Environment Agency. Because modern facilities are tightly controlled and meet very high standards, it enables them to be mixed with other industrial uses. Indeed, national and regional policy (PPS10 and the Mayor’s London Plan), encourages the co-location of waste facilities with compatible industries.” (para 2.18 South London Waste Plan Sustainability Appraisal Report, March 2012) (emphasis added).

Human Health/ Air Quality concerns

29. PWA also has significant concerns about the adverse impact of the development of the PW site for an MBT plant, which has not been adequately considered by the NLWP. . These concerns are substantiated by evidence produced by Dr Mark Petticrew, a local resident who is also Professor of Public Health Evaluation at the London School of Hygiene and Tropical Medicine. In particular Dr Petticrew’s evidence highlights the health implications from odour and emissions, noise, loss of green space, and traffic emissions⁵. PWA refers the Inspector to para 5.409 of Sustainability Appraisal.

30. It is self-evident that these implications stem not only from the proximity of the site to residential development but *also* from the particular characteristics of the site itself. This point is well-illustrated, by the evidence produced by Mr Jeffrey Lever, a local resident, at Appendix 13, shows that the impact of odours emitted from a site depends on a number of factors, particularly a) the siting of residential developments

⁵ Appendix 15 Evidence of Dr Mark Petticrew 2012
23 Appendix 16 Evidence of Mr Jeffrey Lever, May 2012

by reference to the prevailing wind and, b) the altitude of those developments. In the case of the PW site, the evidence concludes that stack emissions from a facility at the PW site, especially in the event of faulty bio-filters would have significantly greater impact on nearby residents than, for example, similar emissions from the Edmonton site, because much of the land *downwind* of the Edmonton site is unpopulated.

31. It is not acceptable, therefore, for these considerations to be deferred until the time of any planning application and dealt with by condition or s106 agreement, as proposed by para. 7.15 of the NLWP. The impact on nearby residential developments, having regard to the site's particular characteristics, is fundamental to ascertaining whether the site is suitable for allocation as a waste management facility in the first place. PWA is extremely concerned that if the facility is not, in fact, "well-sited" (see para.7.15), the limited scope of any mitigation will be a minor factor to be weighed in the planning balance in respect of a site where the principle of development is accepted, with potentially serious consequences for the health and well-being of local residents.
32. By conflating together the PPS10 criteria relating to human health (air quality, noise, emissions and odours) under the single heading of "proximity", the site selection process entirely fails to consider these crucial site-specific considerations. As such, it is unsound.

Evidence as to deliverability of PW site unsound

33. The assessment of deliverability of potential new sites appears to have focussed exclusively on the question of land availability. However as noted in PWA's previous submissions (paras69-70), there are also serious questions over the deliverability of the NLWA's procurement programme given the acknowledgement, at paragraph 2.8 of the Technical Report, that the NLWA lost its PFI credits in October 2010. As far as PWA is aware, these questions remain unanswered.
34. Moreover while land-ownership issues are of course highly relevant to the question of deliverability, the deliverability of the PW site appears simply to have been assumed. As such, no regard has been had to any other potential constraints, including policy

and environmental restrictions. In particular, and as noted above, the assumption that the site is deliverable notwithstanding its contribution to the London Borough of Haringey's open space provision is wholly inconsistent with the approach adopted in respect of other potential new sites.

35. Moreover, in response to pressure by PWA, Haringey Council has confirmed that protection of the site's nature conservation status as a Grade 1 SINC will be carried forward in the Core Strategy. This represents a significant risk to deliverability, given the need to demonstrate (even on the criteria in NLWP 4) that no significant adverse effect will be caused to biodiversity by the development of the site for a substantial MBT plant. No assessment of this risk has been undertaken and instead, an assumption has apparently been made that mitigation measures will be sufficient. As such, the proposed allocation is unsound.

Conclusion

36. For all these reasons, the NLWP and the proposed allocation of the PW site is fundamentally unsound. PWA therefore urges the Inspector to make a recommendation to this effect, and to give effect to the steps identified in paragraph 5 of PWA's original submissions.