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Our ref:
JP/NG

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Dear Sir

Pinkham Way Alliance Ltd
Submission in relation to North London Waste Plan

A. Introduction

1. This letter of objection is sent on behalf of the Pinkham Way Alliance Ltd, its members and supporters collectively. Details of the significant number of its supporters are appended to this letter. Further to Mr Brice of Pinkham Way Alliance Ltd's exchange of e-mails with you on 21 June 2011, we confirm that this letter is made as a single response for all those listed, in accordance with para.3.3 of the North London Waste Authority's "Proposed Submission Representation Form Guidance Note".

B. Summary

2. Pinkham Way Alliance Ltd, its members and supporters strongly object to the North London Waste Plan ("NLWP") – and specifically the proposed allocation of the Pinkham Way site (site 121) for waste management facilities under NLWP Schedule C.

3. The NLWP's allocation of the Pinkham Way site is in breach of the *Environmental Assessment of Plans and Programmes Regulations 2004* ("the SEA Regulations"). It is not consistent with Haringey's existing development plan policies. It is also unsound because it is:

- 3.1 not based on robust and credible evidence;
- 3.2 it has not been properly or adequately assessed against reasonable alternatives;
- 3.3 the deliverability of different sites considered in the NLWP process have not been properly assessed; and
- 3.4 it is inconsistent with national policy in PPS1, PPS10 and PPS12.

4. This objection focuses on the following issues in particular, which are addressed in turn below:

4.1 unsoundness of the predicted waste arisings and the predicted need for additional waste management facilities on which the NLWP is based;

4.2 unsoundness of the NLWP's approach to technologies;

4.3 unsoundness of the NLWP's site selection process generally (including concerns about the criteria chosen and the weighting attached to them);

4.4 wrong and unsound scores attributed to the Pinkham Way site, even applying the chosen site selection criteria;

4.5 unsound assessment of deliverability of different sites considered in the NLWP process; and

4.6 deficiencies and unsoundness in the pre-requisites identified in the NLWP for the grant of planning permission on Schedule C sites.

Action To Be Taken

5. For the reasons given below, the Pinkham Way Alliance urges the authorities proposing the NLWP to:

5.1 remove the Pinkham Way site from the NLWP plan if it is to be submitted for independent examination: this site of ecological and community importance should have no place as a site allocation for a waste management facility in an adopted NLWP.

5.2 alternatively, conduct afresh – and on a sound and lawful footing – the assessment of need for additional waste management facilities and the process of site selection for the NLWP and explore *properly* the deliverability of alternative new sites;

5.3 in any event, *whatever* sites are ultimately proposed in the NLWP, alter the NLWP's approach to technologies to ensure that site allocations build in requirements to ensure that sites are only identified for technologies *suitable* to those sites;

5.4 in any event, amend the wording of Policy NLWP2 to ensure that waste management facilities may only be developed on Schedule C sites if the developer can demonstrate that there is a *need* for such development on such a site, which no Schedule A and Schedule B sites are available and suitable to meet; and

5.5 and if the Pinkham Way site *is* allocated in Schedule C (which the Pinkham Way Alliance strongly denies), Policy NLWP2 should be amended to ensure that planning permission should only be granted for the development of waste management facilities on this site if it is demonstrated that this would have "no adverse effect on the nature conservation value of the site".

C. Background – The Pinkham Way Site and the Pinkham Way Alliance

6. The Pinkham Way site is currently designated in Haringey's saved UDP policies for "employment generating uses subject to no adverse effect on the nature conservation value of the site".¹ However, the site has in fact been vacant from occupation for nearly 50 years (since the closure of the former sewage treatment works in 1963). For a while after the closure of the former sewage treatment works, the site was used for dumping municipal waste. But in nearly half a century the site has not been put to any employment use.

7. Over recent decades, the site has developed a wealth of flora and fauna – including wild bats – leading to its listing in Schedule 11 of Haringey's UDP as one of only 9 Sites of Borough Importance for Nature Conservation (Grade 1).² All species of bat within the *Rhinolophidae* and *Vespertilionidae* families are protected species within the UK, under the *Conservation of Habitats and Species Regulations 2010*, and the EU Habitats Directive. And all 18 species of bats within the UK are from those families.³

8. The site is adjacent to an area formally designated as a Green Corridor in Haringey's UDP. It is also of clear importance to Haringey's watercourse strategy under Haringey's Biodiversity Action Plan (October 2009), which stresses that improving watercourses will be essential for mitigating any negative effects of climate change, and that although there are limited opportunities to do this in Haringey, Haringey will seek to restore and enhance the river environment through actions such as de-culverting and/or naturisation. The Biodiversity Action Plan notes that opportunities *do* exist to restore water course on this site. It is understood that planning permission has previously been refused for residential development on the site on the basis that it would have involved the loss of a Grade 1 Site of Ecological Importance (as then defined in Haringey's UDP), and the harm to that site of ecological importance was not justified.

9. Over 50 years the site has developed considerable importance and value to the local community. Residents local to the Pinkham Way site formed the Pinkham Way Alliance earlier this year, because of their overwhelming concerns when they learned about the proposals to allocate this important nature conservation site for the development of waste management facilities. To date, more than 750 people have been so appalled by the proposals for development of waste management facilities at the Pinkham Way site that they have joined the members of the Pinkham Way Alliance in making this collective statement of their concerns.

¹ See Item 5 of Schedule 1 ("Site Specific Proposals") of Haringey's saved UDP policies, available at <http://www.haringey.gov.uk/schedules.pdf>

² See item 9 of Schedule 11 (Ecologically Valuable Sites (Policy OS6)) of Haringey's saved UDP policies, which is also available at <http://www.haringey.gov.uk/schedules.pdf>

³ The species of bats found within the UK are listed on the Bats Conservation Trust website at http://www.bats.org.uk/pages/uk_bat_species.html

D. No Need for Additional Waste Management Facilities

10. The NLWP is built on a fundamentally unsound footing, because:

10.1 the NLWP identifies land for waste management facilities which is grossly – and demonstrably – in excess of what the draft London plan apportionments require to be provided in North London;

10.2 even the draft London Plan apportionments grossly overestimate the amount of waste arisings which North London boroughs will need to manage in the years to come, as is shown by more recent and more soundly based evidence than was available during the draft London Plan preparation process; and

10.3 moreover, the NLWP overestimates the amount of land that will be required to meet any given amount of waste arisings.

Identified land grossly in excess of draft London Plan apportionments

11. The NLWP bases its needs assessment of the draft London Plan (2009): see para 5.5 of the NLWP. But policy NLWP1, para 7.2 wrongly says “it is necessary to safeguard [the new sites listed in Schedule C] for waste use to ensure that the north London boroughs can meet the apportionment allocated to them in the London Plan.”

12. As paragraph 8.5 says, “The land identified for the Plan is in excess of that required to meet the apportionment.” And the table entitled “The need” on p.9 of the NWLP makes starkly clear that existing capacity and capacity which is already planned will far outstrip the amount of waste that north London needs to manage under the draft London Plan until at least 2021. It is only at some (unspecified) point between 2021 and 2027 that need (under the draft London Plan) will outstrip existing and planned capacity at all.

13. Even then, the NLWP says that this will only create a need (from some unspecified point after 2021) for an additional 4 hectares of waste management land: see para 5.23. But the NLWP makes clear that “up to 10 hectares can be provided by the re-orientation of transfer stations into waste management use”, and the whole scheme of the NWLP is that to set out (in Policy NLWP 2) “a sequential approach for the development of waste management facilities. Developers first are required to consider existing sites [including waste transfer stations set out in Schedule B]. Only if they can demonstrate no sites are suitable can they put forward development on a list of two new sites identified in the plan (set out in schedule C)”: see NLWP para 9. On that basis, the Pinkham Way Alliance cannot see how, in a DPD covering the period up to 2027, it is necessary or appropriate to allocate the Pinkham Way site for “immediate” waste management use as claimed.

14. But even looking beyond that concern, what is most troubling is that Table 6-2 of the Submission Technical Report demonstrates that the NLWP has allocated between 24.57 ha (at lowest in 2011) and 29.02 hectares (at highest in 2021) *more* land for waste management than is necessary.

15. Para 7 of the NLWP betrays the true explanation for the Friern Barnet site allocation: namely “in order to meet the longer terms needs of the North London Waste Authority for

the management of municipal waste *until 2041*.” Again, para 5.30 makes clear that “The reasons for this additional land need is that the Authority is planning for infrastructure for waste management for a longer timeframe than the North London Waste Plan”.

16. But the purpose of the NLWP is to set out “... a range of suitable sites for the future management of all of north London’s waste *up to 2027*...” (para 1.6 of the NLWP). Site allocations in this DPD should not plan beyond 2027, since this is what the NLWP addresses.

17. But even if site allocations in this DPD *could* look beyond 2027:

17.1 it is axiomatic that to be sound, any such longer-term site allocations must be based on robust and credible evidence: the NLWP is not accompanied by any robust and credible evidence of waste arisings beyond 2027, and therefore of the demand for new waste management facilities in some 15 years’ time and in the period beyond. Certainly none is identified in the Submission Technical Report; and

17.2 even if such evidence *were* there, the NLWP should make clear that the site allocations for any *additional* land only need to be phased in after 2027 (since need can be amply met by existing and planned capacity before then). This it does not do.

18. It appears that any asserted need to deliver such longer term sites now is driven by the free-standing public procurement process in which NLWA is engaged with potential developers, rather than by good planning.

London Plan apportionments themselves seriously overestimate need, and are not based on most up to date or most sound evidence

19. In addition, the evidence underpinning the NLWP’s calculations of land requirements must be “as up-to-date as practical having regard to what may have changed since the evidence was collected”: PPS 12, paragraphs 4.36, 4.37 and 5.2(1) and (3). Moreover, the requisite environmental assessment of the NLWP must include environmental information “taking account of current knowledge and methods of assessment”: see Reg. 12(3)(a) of the SEA Regulations.

20. Those requirements are clearly breached by this NLWP’s calculations of future waste arisings (and therefore additional land requirements) for the following reasons:

20.1 The NLWP bases its needs assessment of the draft London Plan (2009): see para 5.5 of the NLWP.

20.2 The only basis for the projected need for increased waste management capacity under the draft London Plan is its projection of increases in *municipal* waste arising. Para 5.12 of the NLWP makes clear that “The draft London Plan estimates the amount of *commercial and industrial* waste that will arise in north London is expected to remain roughly static.”. And while para 5.33 of the NLWP “anticipates that there will be year-on-year increase in construction, demolition and excavation waste between 2012 and 2031”, the NLWP assumes (rightly) that no specific additional land provision needs to be made for *any* waste of this kind because (for the reasons given in paras 5.34 to 5.36) 95% of such waste is likely to be managed on site, and the 2.5 ha land that would be required to manage

the small remainder of this waste that cannot be dealt with on site is likely to require landfill, for which there is no suitable land in North London, and which will therefore need to be exported. Para 5.39 makes clear that the NLWP assumes that “no specific additional land provision needs to be made for hazardous waste”. And the NLWP does not make any provision for of land for management or other use of wastewater and sewerage sludge, agricultural waste, radioactive waste, or clinical waste (paras 5.41 to 5.46).

20.3 The NLWP’s projected need for increased waste management capacity therefore turns on the draft London Plan’s projections of increased municipal waste arising. However, even the NLWP recognises that there is a disparity between the draft London Plan projections, and recent data which actually shows that municipal waste arisings are already falling in recent years. And even the NLWP itself recognises that, for this reason, NLWP’s reliance on the draft London Plan projections “may lead to a slight *overestimate* of the land requirement”: see NLWP para 5.7.

20.4 Actually, the resulting overestimate is more than “slight”: paragraph 2.6 of the Submission Technical Report makes clear that the draft London Plan projections for municipal solid waste arisings will exceed projections based on NLWA’s data by some 103,000 tonnes in 2031. This is hugely significant for two reasons. First, entire NLWP is built on the premise that “capacity gap” for which additional land capacity will be required, will only be 171,994 tonnes in 2027 (see NLWP p.9, Table, “The Need”): that premise flows from the draft London Plan assumption, not NLWA’s predictions (which will presumably be nearly 100,000 tonnes lower by that stage). Second, para 2.6 of the Submission Technical Report makes quite clear that “the NLWA data may be more soundly based” than the draft London Plan assumptions. The reason that the “more soundly based” evidence has been ignored in favour of the draft London plan data is (para 2.6) that the draft London plan apportionment figures are based on the data that was then available (not NLWA’s subsequent data). This approach simply establishes that more soundly based evidence has been ignored in order to fulfil a less sound target identified in a draft London Plan. This is not a sound approach, particularly given that the statutory requirement under s.24(1)(a) Planning and Compulsory Purchase Act 2004 is for the NLWP to be “in general conformity with” any Regional Strategy, not to slavishly adhere to it where an emerging, and “more soundly based” evidence base demonstrates that RS to be inaccurate.

20.5 In addition, para 5.8 of the NLWP makes clear that the quantity of total waste produced each year “may continue to fall” further given the increase in waste minimisation activities (presumably in accordance with the waste hierarchy’s principle of prevention) and increases in landfill tax. This suggests this may increase still further the extent to which the NLWP already recognises it may overestimate the land requirement for new waste facilities up to 2027; and, if this is the effect of the waste hierarchy, this is an effect which one may suppose is only likely to increase as years pass as the UK continues to give effect to the requirement of the EU Waste Framework Directive to move waste up the waste hierarchy towards prevention

The NLWP overestimates the amount of land that will be required to meet any given amount of waste arising

21. The NLWP's miscalculation of land requirements does not end there. It is not only the draft London Plan assumptions as to *waste arising* that recent data indicates are overestimated:

21.1 Para 5.19 of the Preferred Options Technical Report reveals that although the NLWP uses the London Plan based number (i.e. 28.4ha) as the required land take, "it could be argued that only 25.37ha is required", due to differences in approach to assumptions as to MRF size. The draft London Plan apportionments are therefore overestimated on 2 cumulative fronts (waste arisings, and amount of waste arisings that can be dealt with per hectare).

21.2 It is notable, in addition, that the NLWP have calculated land requirements on the basis of a typical treatment density of 50,000 tonnes per annum per hectare: Para 5.23. Yet at para 5.28, the NLWP estimates that a site of 0.15 ha can accommodate a 10,000 tonnes per annum anaerobic digestion plant – i.e. a treatment density of 70,000 tonnes per annum per hectare. It is accepted that the 50,000 tonnes/ha density reflects a range of facilities that are likely to be used for waste management planning. But often, the tight constraints of smaller sites can lead to improved efficiency in dealing with waste arising. The strategy of utilising smaller sites rather than one or two big sites has not been sufficiently explored in this plan, further compounding the NLWP's overestimate of land requirements.

Other matters

22. We note that para 5.8 of the NLWP says that "The waste projections in the draft London Plan fall within the sensitivity ranges of the separate waste forecasts done by the North London Waste Authority for their procurement." The precise meaning of this assertion is impossible to discern: it uses unhelpful jargon, and in any event is divorced from all context ("Sensitivity" of what, to what? How large are the "ranges"? What was the methodology and evidence-based of the forecasts? What was the purpose of the "procurement" process in question, and so what for what purpose were these forecasts carried out?) Since this is apparently relied on in the production of the NLWP, the Boroughs producing this DPD clearly need to disclose these forecasts carried out by the NLWA (and the evidence base and methodology underpinning thing) to the public, to allow us the public to consider and comment on them as part of any consultation process prior to independent examination of this NLWP. The Pinkham Way Alliance reserves the right to do so as and when this underlying material is disclosed.

Conclusion

23. Not only is there no robust and credible and up-to-date evidence justifying the volume of additional land identified as required for waste management facilities in the NLWP: the evidence makes clear that land requirements in this NLWP are grossly overestimated. Additional land for waste management facilities should not be allocated in this NLWP at the Pinkham Way Site at all.

E. Unsound Approach to Different Technologies

24. Para 5.22 of the NLWP says that: “The North London Waste Plan is not taking a prescriptive approach to what kinds of waste management facilities/technologies are required. This approach allows for innovation in waste management. The Plan sets out a policy framework in which new facilities can be developed and identifies sufficient land to enable enough new waste management infrastructure to be developed. Since the North London Waste Plan is not specific about waste management technologies on specific sites, the onus is on the developer to convince the relevant planning authority (borough) of the merits of their proposal, its fit with the policy framework and the development would not have any unacceptable impacts.”

25. This is unduly lax and above all is inconsistent with national policy in PPS10 paras 17 and 18, which says that:

“Waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas... In so doing waste planning authorities should... identify the type or types of waste management facility that would be appropriately located on the allocated site or in the allocated area, taking care to avoid stifling innovation in line with the waste hierarchy.” (Emphasis added)

26. This inconsistency with national policy renders the NLWP’s site allocation policies unsound.

F. Unsound Choice of Site Selection Criteria

27. The *choices* that have been made as to which criteria to judge sites against in the site selection process have resulted in a set of criteria which are hopelessly imbalanced, and which do not properly or adequately assess whether sites are the most appropriate considered against reasonable alternatives. The criteria adopted are unsound (contrary to PPS12 para 4.36 and 5.2(1)) in several respects. At the same time, this means that environmental assessment of the NLWP does not comply with the SEA Regulations.

Inconsistency between site selection criteria for inclusion in Schedule C sites, and safeguards stated within the NLWP itself

28. Para 6.13 of the NLWP maintains that “The criteria in policy NLWP2 to be used for evaluating proposals on non-allocated sites are the same that were used to evaluate sites in the site selection process.” That is a principle with which we would agree if it had been applied. However, a moment’s comparison of the Policy NLWP2 evaluation criteria for non-allocated sites, and the site selection criteria for Schedule C sites, shows that this is not the case. The NLWP’s evaluation criteria for non-allocated sites are clearly more robust (and differently weighted) than the site selection criteria for Schedule C sites. This is a serious concern. Had the Pinkham Way site been assessed against the NLWP2 criteria for non-allocated sites (as para 6.13 makes clear it ought to have been), the site ought not to have been selected for inclusion in Schedule C at all, bearing in mind, especially, the absolute prerequisites in Policy NLPW2 sub-paragraphs (h) (requirement that the site is not within land

with a local environmental designation), and (i) (requirement that the site have “no adverse impact on local amenity”).

Air Quality concerns

29. The site selection criteria take no account of air quality concerns. This omission renders the site allocations unsound and inconsistent with national policy (since they are not based on robust and credible evidence, and the sites selected have not been properly assessed against reasonable alternatives, contrary to PPS12, nor do they reflect locational criteria which PPS10 Annex E requires to be taken into account).

30. It is unclear to the Pinkham Way Alliance whether the basis on which air quality scoring criterion was removed – that all 7 boroughs have declared their whole borough an Air Quality Management Area – is true (it is understood that it may be the case that only 6 boroughs have done so).

31. But in any event, the declaration of an Air Quality Management area across the whole of the NLWP area does not mean that siting of waste management facilities will have the same impact regardless of the site chosen: some sites may already be under greater air quality pressures than others (e.g. depending on whether they are located next to extremely busy roads); some sites may have greater air quality sensitivity than others (e.g. depending on how closely they are located to high / low density residential areas); and some forms of development may have greater impacts than others on air quality.

32. For example, Haringey Council’s North London Cluster Group Air Quality Modelling Report (August 2009) highlights the junction of Colney Hatch Lane (B550) and Alexandra Park Road (B106) as a potential hot spot for elevated NO_x emissions with an prediction that they would exceed 60 $\mu\text{g}/\text{m}^3$ annual mean NO₂ (page 5). This report recommended that monitoring around the area be increased, to provide more information on the levels that are currently being experienced provide more robust data for future local air quality management work.

33. Even assuming, in principle, that direct emissions from any waste management facilities developed on the Pinkham Way site allocated by the NLWP can be minimised by various permitting regimes and mitigation measures, one of the direct consequences of the siting of a waste management facility at the Pinkham Way site will be that additional traffic will have to pass through the Pinkham Way (A406) / Colney Hatch Lane (B550) (Tesco) junction, causing a greater tail back on Pinkham Way on the approach to the A406 / Bounds Green Road (A109) junction: this will encourage many members of the public to avoid this stretch of the North Circular (A406) and use Colney Hatch Lane and the Alexandra Park Road generally, but particularly to get home from Tesco’s. This will increase traffic flow and NO_x emissions of what has already been identified as a NO_x hotspot, and will increase the exposure of residents along Colney Hatch Lane to NO_x emission level, higher than the already unacceptable levels that have been predicted.

34. This fact that site selection criteria take no account of air quality concerns also involves a clear breach of the SEA Regulations, Reg. 13 and Schedule 2 of which require the environmental assessment report concerning the NLWP to identify, describe and evaluate

the likely significant effects on the environment of implementing the NLWP (and of reasonable alternatives taking into account the objectives and the geographical scope of the plan), and to include such of the following information (*inter alia*) as may reasonably be required:

34.1 the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the NLWP;

34.2 the environmental characteristics of areas likely to be significantly affected;

34.3 any existing environmental problems which are relevant to the NLWP;

34.4 environmental protection objectives established at international, EU or UK level which are relevant to the NLWP;

34.5 the likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects, on issues including – specifically – air, and human health, and the interrelationship between them; and

34.6 an outline of the reasons for selecting the alternatives dealt with.

35. It is unlawful and unsound that the NLWP site selection process fails to factor in air quality concerns.

Other Sensitive Receptors

36. For similar reasons, it is unsound and not compliant with the SEA Regulations that multiple other factors turning on “sensitive receptors” have been lumped together for consideration as a single (unweighted) “proximity” criterion at site visit stage (Preferred Options Technical Report, para 2.47). Policy 4A.23 of the London Plan specifically refers to the need to use criteria which properly take into account the environmental impact on the surrounding area, including noise, emissions, and odour. PPS10, para 21(1) and Annex E also require a whole range of sensitive receptors to be taken into account as locational criteria in local development documents such as the NLWP. This plan’s site selection criteria have adopted a wholly unbalanced approach which effectively creates an unreasonable qualitative bias against the reasonable expectation of fair treatment for local residents. The removal of a GIS-based (and thus objectively measurable) approach for these highly important criteria is unacceptable.

Undue weight given to transport criteria, and misunderstanding of Proximity Principle

37. The Pinkham Way Alliance is also deeply concerned both that transport factors have been unduly weighted in the choice of site selection criteria (with the result that insufficient weight has been given to other equally important environmental concerns), and that this undue weighting reflects a fundamental misunderstanding of the Proximity Principle.

38. The site selection criteria actually include three transport-related criteria (Railways/Navigable; Vehicle Routing; and Site Access), the first two of which are weighted

by a factor of three, and the last two of which are left to manual (i.e. qualitative and judgment-based) screening criteria. The result is that transport concerns are triple-counted, and potentially 33 points are dedicated to transport-related concerns.

39. The Pinkham Way Alliance is deeply concerned about this exaggerated emphasis on transport as a site selection criterion, given that the Submission Technical Report fundamentally misunderstands a key principle of EU law on transport and waste management. Footnote 1 (to para 2.7) of the Submission Technical Report states that the proximity principle “*aims to deal with waste as close to source as possible and as a result reduces the transport requirements*”. Actually, the proximity principle, which is set out in Art. 16 of the EU’s 2008 Waste Framework Directive, requires the UK to establish an integrated and adequate network of waste disposal installations, and installations for the recovery of mixed municipal waste from private households, that must enable such waste to be disposed of or recovered “in one of the nearest *appropriate* locations, by means of the *most appropriate* methods and technologies, in order to ensure a *high level of protection for the environment and public health*.” To properly achieve that crucial objective, the weighting for criteria looking at site suitability on environmental grounds should have not have been subordinated to the weighting for criteria assessing the proximity of potential sites to transport infrastructure.

Transport for London Road Network / Strategic Road Network

40. Where a site does not already have direct access to the TLRN or SRN, simply using distance from TLRN / SRN is a means of calibrating scores for this criterion is unsound: it results in allocations which are not based on robust or credible evidence, and it does not properly consider the appropriateness of sites against reasonable alternatives, because it takes no account of the potential difficulties in *securing* direct access even across shorter distances. Such difficulties may not simply be distance-related, but may turn on e.g. topography, and other development constraints. Thus, in the case of the Pinkham Way site, access to the North Circular is constrained by a number of difficulties such as existing buildings (including residential dwellings), road and rail infrastructure, and or steep gradients: the site selection criteria do not reflect this.

Local Environmental Classifications

41. Para 3.25 and Table 3-2 of the Submission Technical Report make clear that “Area within Local Environmental Classifications” is an absolute criterion, a “showstopper”, which resulted in long-listed sites being “immediately excluded from the site selection process”.

42. But para 3.29 and Table 3-4 of the Submission Technical Report say that sites of importance to nature conservation (“SINCs”) are merely a primary criterion, not a showstopper at all. And it appears that the Pinkham Way site’s designation as a Site of Borough Importance for Nature Conservation (Grade 1) has been treated as an SINC designation. Even assuming that it is acceptable to treat the Pinkham Way site’s environmental designation as equivalent to all other SINCs (a point addressed below), no explanation has been given as to why SINCs such as this are not treated as “local environmental classifications” which automatically exclude a site from further consideration - and which would and should have automatically excluded the Pinkham Way site from further consideration. All Green Belt sites have been treated as a “showstopper”, and therefore

automatically excluded from site allocation, even though PPG2 permits Green Belt development in very special circumstances. The Pinkham Way Site's designation as a site of Borough Importance for Nature Conservation (Grade 1) means that Haringey's development plan prohibits development (for its currently allocated employment use) unless that development "has no adverse effect on the nature conservation value of the site": this prohibition is just as strong, if not stronger, than the *presumption* against development in the Green Belt.

43. The approach betrayed by these criteria is therefore fundamentally inconsistent, unequal and unsound. The Pinkham Way Site should have been immediately excluded from the site selection process.

44. In any event, the Local Environmental Classifications criteria do not properly assess whether a site such as Pinkham Way is the most appropriate when considered against reasonable alternatives, because they effectively lump all SINCs together, without considering that the biodiversity value of different SINCs may be different, depending on their particular characteristics. The selection criteria treat the Pinkham Way site (a site of Borough Importance (Grade 1) which hosts bats) no differently from, say, a site which is merely designated as being of "local importance", and has no protected species at all. This cannot be sound, nor can it fulfil the requirements of sustainability appraisal or the SEA Regulations.

Green Corridors

45. The choice of criteria mean that no regard has been given in the site selection process to the fact that the Pinkham Way Site is not only located in an SNIC, but it is located immediately next to, and is in reality a natural extension to, a Green Corridor. The eastern border of the Pinkham Way site abuts the mainline railway, which forms the border of the Green Corridor consisting of the "Great Northern Line Railsides from Finsbury Park to Bowes Park station and Wood Green Tunnel Gardens".

46. Clearly, had the Haringey UDP explicitly said that the Pinkham Way site is situated *within* the line of the designated Green Corridor, this would automatically have excluded the site from further consideration, because this is a "showstopper": Submission Technical Report para 3-26 and Table 3-2. The site selection criteria ought to have the flexibility to treat this site just as it treats the *designated* Green Corridor, given that Haringey's Nature Conservation officer (Ian Holt) recently acknowledged⁴ the reality that the Pinkham Way site "is an important part of a larger ecological complex and corridor including other SINC's (Hollickwood Park, Muswell Hill Golf Course, Tunnel Gardens and Bluebell Wood, Albert Rd Rec and Rhodes Avenue Spinney)". PPS1 paragraph 9 says that to deliver sustainable development... all planning bodies should prepare... spatial strategies that ... conserve and enhance biodiversity." [emphasis added]. And Policy OS16 ("Green Chains") of Haringey's adopted UDP says that "All opportunities will be taken to consolidate and strengthen chains, and where appropriate, to add to chains, or to link them to existing open space in order to improve accessibility to that open space". If the site selection criteria are too rigid for this, they are unsound.

⁴ Email to Nisancioglu Sule dated 9th March, released under the Freedom of Information Act

47. But even if the Pinkham Way site can not be treated as if it is *part* of a Green Corridor, the site selection criteria are still inadequate and unsound because they do not reflect the site's *close proximity* to a Green Corridor. Had the Pinkham Way site *not* been located in an SNIC itself, but had been located less than 100m from a *Woodland Corridor*, this factor would also have specifically been counted in the site's favour under the scoring exercise: Submission Technical Report para 3.29 and Table 3-4 (score 3). It is therefore absurd and unsound that the scoring criteria simply do not reflect the fact that the Pinkham Way Site is *both* located in an SNIC *and* located next to a Green Corridor, when that is obviously a factor which heightens the environmental importance of the site.

Decentralised Energy Opportunities

48. The criterion for Decentralised Energy Opportunities (weighted) is unsound, given that (in the absence of any site-specific technical requirements in the allocations) the NLWP itself does not safeguard this criterion adequately or at all for any given site. Thus, a site may be prioritised into Schedule C on the basis of decentralised energy opportunities, but the NLWP will then permit waste management facilities to be developed on that site without providing any decentralised energy opportunities (in which case another site, not prioritised on this basis, and so not allocated in the NLWP, may have been just as appropriate, if not better). Thus the inclusion of this criterion is liable to lead to the allocation of sites which may not be the most appropriate assessed against reasonable alternatives, contrary to PPS12, para 4.36 and 5.2(1). This unsoundness is compounded by the choice to weight this criterion by a factor of 3. Significantly in this regard, it is understood that the NLWA informed members of the Pinkham Way at a meeting that the Pinkham Way site that they do not intend the site to be used for an energy from waste process because the resulting heat would have nowhere to go.

49. Moreover, simply using distance from a major development/regeneration area as a means of calibrating scores for this criterion is unsatisfactory, and unsound (not being based on robust or credible evidence), because it takes no account of the potential difficulties in securing infrastructure to export energy from a given site (which may not simply be distance-related, but may turn on e.g. topography, and other development constraints: in the case of the Pinkham Way site, for example, the serious financial and development constraints of having to find a means to cross the North Circular and/or a mainline railway in order to export any electricity).

Proximity and Visual Intrusion

50. These criteria are unsound because they score sites by reference to the scope for mitigation measures, but (in the absence of any site-specific technical requirements in the allocations) it is impossible to know what type of waste management facility may be proposed for (and permitted on) a site once the NLWP is adopted, and therefore what mitigation measures are required (and whether they are sufficient, and realistically deliverable). The inclusion of this criterion is liable to lead to the allocation of sites which may not be the most appropriate assessed against reasonable alternatives, contrary to PPS12, para 4.36 and 5.2(1).

51. This unsoundness is compounded by the choice to weight the proximity criterion by

a factor of 3.

Weighting of negative considerations

52. More generally, the choice to weight certain characteristics results in irrational and distorted outcomes, because it risks assigning inflated values to characteristics which in themselves indicate low suitability. In an assessment where high scores mean 'better', only 'positive' criteria can be 'weighted' meaningfully in the way the NLWP seeks to do. A key example is the "railheads / navigable waterways" criterion: this is weighted so that the worst score a site can receive is a positive figure amounting to a full 3 points (as the Pinkham Way site did). It makes little sense to award so many points to a site which may be positively unsuitable assessed against this criterion. If criteria are to be weighted sensibly, negative scores (reflecting planning or environmental harm) should either be multiplied with a negative value of the weighting factor, or not multiplied at all.

Sensitivity Testing

53. The Pinkham Way Alliance is concerned that some (but not all) of the site selection criteria are apparently deemed fit to be subjected to subsequent sensitivity testing if those carrying out the tests felt that the scores awarded under the criteria did not give the "right" answers. The scope for such flexibility is cautiously welcomed in principle – provided the flexibility is wielded transparently and by known and appropriate criteria: thus para 3.36 of the Submission Technical Report recognises that scores under the "Public rights of way" criterion are calibrated purely by distance, but that "a PROW that runs along the edge of a site is clearly less of a potential issue than a PROW that crosses a site and some sensitivity testing of PROW criteria may be necessary."

54. However, the fact that such flexibility is apparently not extended to other criteria which would merit it (such as Green Corridors), is arbitrary. And the fact (in any event) that it is unclear from the various Technical Reports in which cases such sensitivity testing *has* resulted in the modification of site scores (and on what basis), raises serious concerns about the transparency of the scoring process.

Misappreciation of safeguarding criteria built into Policy NLWP2 when choosing site selection criteria

55. In addition, Para 3.8.2 of the Submission Technical Report indicates that those responsible for drawing up the site selection criteria have apparently overstated the safeguards that are built into Policy NLWP2, with the clear risk that this led sites to be selected without a clear appreciation in mind of how likely it may be that planning permission would be granted for development on that site under the NLWP once allocated. Specifically, para 3.8.2 says that: "Policy NLWP2 proposes that a sequential approach (Policy NLWP2) should be adopted by developers of new waste facilities. Initially it suggests that developers should be directed to existing waste treatment sites and that only if existing sites are unsuitable and/or cannot be re-orientated to new waste uses should new locations be considered. The Authority and/or its contractors will therefore have to follow this approach and substantially justify why new sites are required." As explained below, this is not an accurate summary of Policy NLWP2, which only requires the Authority or its contractors to substantially demonstrate that existing sites are not available or suitable, *not* that there is

any particular unmet need that, in the absence of existing or available or suitable sites, must be met elsewhere.

Conclusion

56. Ultimately, the criteria against which those promoting the NLWP have chosen to judge potential sites are seriously flawed. Criteria selection ought at the very least to have adhered to the requirements of Art.4 of the EU Waste Framework Directive which provides that:

“Member States shall take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular:

- (a) without risk to water, air or soil, or to plants or animals;
- (b) without causing a nuisance through noise or odours;
- (c) without adversely affecting the countryside or places of special interest.”

(Emphasis added)

57. The site selection criteria for the NLWP fail that test, and for the reasons above, are unlawful and unsound.

G. Scoring of Pinkham Way Site Applying Site Selection Criteria

58. It is not merely the choice of selection criteria which is unsound. The scores which those proposing the NLWP have gone on to allocate to the Pinkham Way Site are – even applying their own criteria – demonstrably unsound in several respects because, far from there being robust or credible evidence to support them, they fly in the face of the facts on the ground.

59. Even applying the NLWP’s own criteria, the Pinkham Way Site has received the following wrong scores:

Criterion	NLWP Score	Score Category / P.O. Tech. Report Reason (if any)	True Score	Reason
Transport for London Road Network / Strategic Road Network	5	"Site is less than 250m from or has direct access to TRLN/SRN"	1	There is no direct access to the North Circular road from the site. And to be consistent with PPS10, para 21(1) and Annex E, para f ⁵ , the locational criteria used in this NLWP which look at traffic and access must consider "the extent to which access would require reliance on local roads." The site is only capable of scoring 5 if its distance from the North Circular is measured 'as the crow flies'. Measured by the actual access routes, in line with PPS10, the distance of any access route which can reasonably and realistically accommodate waste traffic will clearly be greater than 500m
Land Stability	5	"Site is not over mine workings / underground workings / old landfill sites"	1	Site previously used for the dumping of municipal waste, and is therefore "over old landfill sites".
Employment	5	"Site is within an area of high unemployment" defined to mean "a Lower Super Output Area with employment deprivation of greater than 7%"	1	The site is actually 1.5km or more <i>away from</i> an area of high unemployment so defined. It is completely unclear what statistics the NLWP site scoring purports to rely on (pointing to a lack of robust and credible evidence base). But consideration of NOMIS official labour market statistics (May 2011) shows that the ward in which this site is situated (Alexandra) has 2.9% inhabitants claiming job seekers' allowance, and other local wards (Bounds Green, Coppetts, Southgate Green) have between 3% and 6.5% of inhabitants claiming JSA.
Criterion	NLWP Score	Score Category / P.O. Tech. Report Reason (if any)	True Score	Reason

⁵ as required by the 2004 Act and the PPS12 test of soundness

Decentralised Energy	15	"Site is within a major development/regeneration area"	3 or 9	The site is <u>not</u> within a major development/regeneration area: it is a site of local importance for nature conservation. It is unclear what counts as a "major development/regeneration area". If the nearest such area is at New Southgate, to the North East in Enfield, that is 500m away, or less. If the nearest is Middleton Road (Haringey), then that is more than 1.5km away from the site.
Existing Use	5	"Existing uses / buildings potentially compatible with feasible waste development"	0	There are no existing buildings on site (see NLWP Table 6.3). As to uses, the site is not merely "covered in vegetation" (as Table 6.3 recognises): it is protected by an environmental designation in the Haringey UDP, and hosts bats which are a protected species.
Proximity to Homes, schools etc	9	"Site is proximate to and could, without appropriate mitigating measures, impact negatively on residential areas, schools and hospitals"	0	This should be in the '0' category because, the site and any access route are very close to several blocks of affordable housing, and two primary schools (one on either side of the site) and a children's playground: these will clearly be negatively affected by the use of the site for treatment of waste. Regardless of mitigation measures there is likely to be a negative impact: in the absence of any proper explanation or provision for the <i>range and type</i> of facilities that may be envisaged on this site, there is no sound basis for finding that appropriate mitigation measures could be found.
Criterion	NLWP Score	Score Category / P.O. Tech. Report Reason (if any)	True Score	Reason

Vehicle Routing	15	"Given physical site access, the development of the site for waste use would not impact negatively on surrounding uses. Routing of vehicles to North Circular is via an industrial/retail park.	0	The part of the North Circular (A406) through which vehicles would be routed to and from the site is extremely congested, not least because a road which is already one of the most congested in London is here restricted to two lanes each way by a railway bridge, and due to traffic lights at the junction with Bounds Green Road. And the only access to the proposed site is via a slipway from the North Circular leading to the Friern Barnet Retail Park (which is <u>not</u> an industrial park). Heavy use of lorries carrying waste and other materials to and from the site would definitely have a negative impact on surrounding uses.
Visual intrusion	3	Development of site for waste use would have some negative impact but this could be mitigated through appropriate design solutions	0	This is stongly denied – flue or chimney stacks will stand above any tree line, and existing vegetation on site will in any event need to be cleared to make way for development. In the absence of any proper explanation or provision in the NLWP for the <i>range and type</i> of facilities that may be envisaged on this site, there is no sound basis for finding that appropriate mitigation measures could be found in relation to visual impact in what is a densely populated area.
Criterion	NLWP Score	Score Category / P.O. Tech. Report Reason (if any)	True Score	Reason

Site Access	5	"Site has good and appropriate existing access". Site has good access to the North Circular.	0 or 3	The site currently has poor access to the North Circular, and it either has little feasible chance of improvement or new access, or feasible possibilities for the development of new and appropriate access routes (given topographical concerns, the impediment of the locally built environment, the unsuitability of access for the volume of traffic likely to be generated (so close to residential dwellings and schools), and heavy existing traffic congestion constraints in this 2-lane stretch of the North Circular, and on other local roads such as Colney Hatch Lane).
TOTAL (for criteria whose scores are in dispute)	67		6, 9, 12, or 15	

60. In short, the site selection score for the Pinkham Way Site (calculated as 104 in the Preferred Options Technical Report), has been wrongly inflated by between 52 and 61 points.

61. The errors above are identified on the basis of local residents' knowledge and research into the site and its surrounding area⁶. It is clear to members of the Pinkham Way Alliance that the Pinkham Way site has been wrongly scored, and that had it been properly scored, the site ought to have received less than the 100 point threshold which the site had to pass in order to be considered a "Top Scoring site" for inclusion in Schedule C (Preferred Options Technical Report, para 3.10), even applying the NLWP's own choice of criteria.

62. To be absolutely clear, these serious errors of scoring are *additional to, and further compounded by*, the flaws inherent in the *choice* of site selection criteria which have already been identified.

H. Unsound Assessment of Deliverability of Sites

63. Para 5.15 of the Technical Report shows that, ultimately, the Pinkham Way site was included in Schedule C because it was treated as 1 of only 2 sites assessed as "deliverable". The respondents for the vast majority of the other new sites considered at this stage "indicated a strong negative response to the likelihood of their site becoming available for waste management use during the plan period. These sites were excluded from further consideration."

⁶ Members and supporters of the Pinkham Way Alliance will be happy to meet with officers of the authorities proposing the NLWP to explain their position further, based on their local knowledge. But should it prove necessary, the Pinkham Way Alliance reserves the right at a later date to provide further independent assessment of what scores ought to have been awarded to the Pinkham Way site.

64. Para 5.42 of the Preferred Options Technical Report (October 2009) indicated that even at an early stage, “Where respondents indicated a strong negative response to the likelihood of their site becoming available for waste management use during the life of the plan the site was generally excluded from further consideration.”

65. But it is hardly surprising that landowners without an immediate interest in delivering waste management facilities may express a negative reaction when first encountered with a proposal for waste use. This reaction is not, of itself, a reason to exclude sites from consideration: as the Edgware Rd and Geron Way site shows, a site *can* properly be treated as deliverable where “The site owner/occupier had [initially] indicated ... that the site would not become available and therefore was not [at first] contacted again”: see para 5.15 of the Submission Technical Report.

66. With that in mind, the Pinkham Way Alliance is deeply concerned that steps taken to engage landowners as to the deliverability of alternative sites were inadequate. PPS12 paras 4.27, 4.28 and 5.2(1) make quite clear that “Local authorities should undertake timely, effective and conclusive discussion with key stakeholders on what option(s) for [the NLWP] are deliverable”, that “It is essential that stakeholders key to the plan’s delivery are engaged early in the production of the [NLWP]. Early engagement with stakeholders may enable potential impediments to the plan to be identified and overcome” [emphasis added], and that “Local authorities are strongly encouraged to seek out major landowners and developers and engage them fully in the generation and consideration of options.” In the case of at least some of the sites excluded on the basis of adverse landowner reaction, it appears that no discussions were engaged in at all: instead sites were immediately excluded on the basis of landowners’ initial written responses to letters of interest concerning the sites, without further exploration of whether landowner’s initially stated concerns could be overcome: see para 5.9, Table 5-1 and para 5.12 of the Preferred Options Technical Report.

67. In any event, if (as appears to be the case) land ownership is the obstacle to delivery of otherwise suitable sites, the Pinkham Way Alliance is dismayed that when assessing the deliverability of sites, no account has been taken of the potential exercise of compulsory purchase powers by any one of the 7 Boroughs promoting this NLWP, as a means of surmounting that obstacle.

68. The upshot of the approach taken to delivery in the NLWP is that allocation of the Pinkham Way Site has become a self-fulfilling prophesy. The Pinkham Way Site has been allocated because it is the only open site – which is not currently in waste management use and does not currently have outline permission for waste management facilities – which is owned (jointly) by a promoting Borough and the NLWA. That is not a sound and sustainable basis for any site allocation. The Pinkham Way Alliance is exceptionally concerned about this.

69. We add that there appears to be a serious question about the assessment that the Pinkham Way site is even deliverable, anyway. Para 5:30 of the NLWP says that: “The reasons for this additional land need is that the Authority is planning for infrastructure for waste management for a longer timeframe than the North London Waste Plan and it needs

the land to be available at the start of the procurement process to ensure that large enough facilities can be built for the life of the contract.” And para 5.13 of the Submission Technical Report makes clear that the NLWP’s deliverability assessment was informed by “the needs of [NLWA’s] PFI procurement contract”. Yet paragraph 2.8 of the Submission Technical Report reveals that “After the October 2010 Government Comprehensive Spending Review, the NLWA lost [its] PFI credits.” There is a clear issue – unexplored in the Boroughs’ assessment of the NLWP – as to where the funding to deliver the NLWA’s proposed programme of development over the identified “longer timeframe than the [NLWP]” (a programme upon which the asserted need for land requirements is based) will come from. It should also be disclosed *why* the NLWA lost its PFI credits – and in particular, whether any qualitative or quantitative of financial assessment of NLWA’s waste management proposals was involved in that decision.

70. Finally, and in any event, the NLWP makes clear (e.g. at para 6.9) that the NLWP is built on the “outline business case” for waste management facilities which NLWA is using as part of the tendering process in its forthcoming public procurement exercise, but that “while these facilities form the basis of the outline business case, the actual facilities delivered by the [NLWA’s] procurement process may be different”. See also para 2.8 of the Submission Technical Report. Quite aside from the issue of funding, there is an inherent uncertainty as to whether the outline business case, and therefore the NLWP, will be delivered at all.

I. Deficient and Unsound Safeguards in NLWP before Planning Permission may be Granted for Schedule C Sites / the Pinkham Way Site

71. Policy NLWP2 purports to give effect to a “sequential” approach to development, respectively on Schedule A, Schedule B, Schedule C, and non-allocated sites.

72. Yet the only pre-requisite for development of waste facilities on Schedule C sites (including Pinkham Way) is that the developer must demonstrate “that no suitable sites are *available* in Schedules A and B”. This is to be contrasted with the pre-requisites for developing waste facilities on “non-allocated sites”, which include not only (a) a requirement to demonstrate that none of the sites listed in Schedules A, B and C [i.e. including Pinkham Way] are suitable or available for the proposed development, but also (b) a requirement that “there is an *identified need* that cannot be met by existing waste management or transfer sites” [i.e. those sites listed in Schedules A and B].”

73. That contrast highlights the absence of any requirement under Policy NLWP2 for Schedule C proposals demonstrate an identified *need* that cannot be met by existing waste management or transfer sites (Schedules A and B) before development of Pinkham Way will be permitted. This is unacceptable in circumstances where, for the reasons explained above, the NLWP grossly overestimates the amount of land required to meet waste management needs, and there is not, or is unlikely to be, a need for waste management land that cannot be met by existing waste management or transfer sites during the life of the NLWP.

74. In addition, Appendix 4 of the NLWP makes clear that the NLWP will *not* replace or supersede any policies in Haringey’s existing development plan, including the policy which

only permits employment generating uses only “subject to *no adverse effect* on the nature conservation value of the site”. On this basis, to ensure consistency within the existing development plan, Policy NLWP2 and NLWP4 ought to say expressly that development of waste management facilities on the Pinkham Way site will not be permitted unless it is demonstrated that such development will have “no adverse effect on the nature conservation value of the site”. Instead, NLWP2 is silent on this matter: in fact, NLWP4 would permit development that had an adverse effect that was not *significant*. The Pinkham Way site should not be included in Schedule C at all: but if it were, this additional failing would certainly need to be corrected.

J. Sustainability Appraisal

75. The flaws that we have identified in relation to the Technical Report and site selection process feed into and similarly undermine the sustainability appraisal (which, in addition, does not properly scrutinise the NLWP on a site-specific basis). In addition, the Pinkham Way Alliance is concerned that the Sustainability Appraisal has been produced by Mouchel, the very private consultancy firm that produced the technical reports forming the basis of the proposed submission NLWP. We are concerned that there is a clear risk that a private consultancy – even acting in the best of faith – will not have the necessary distance and independence to be able to advise its clients objectively that a draft plan based on the analysis *they* have been paid to produce is not sustainable, and therefore further potentially costly and time-consuming work must be done.

K. General Concerns

76. Some members and supporters of the Pinkham Way Alliance are concerned that they did not have adequate opportunity to express their views on the proposed Pinkham Way site allocation at the Preferred Options stage: they say that during that process the South Friern Library was closed, and no Barnet newspapers were delivered in the area south of the North Circular Road, so that those living closest to the Pinkham Way site were not given proper notification of the proposals. Although notification was made to schools, not all residents of the area visit schools. Some members and supporters are concerned that Appendix 3 of the NLWP shows an incorrect post code for the Pinkham Way Site (site 121), and this too may have compromised the ability of members of the public to understand that this site allocation was actually proposed for this particular site.

77. The upshot of the flawed site selection process is that, whereas 10 potential sites were proposed at the Issues and Options stage, now only 2 new sites are allocated. As explained above, the Pinkham Way Alliance denies that there is a “capacity gap” requiring new site allocations at all. But some members and supporters of the Pinkham Way Alliance are concerned that relying on only 2 sites to meet any asserted capacity gap suggests an over-reliance on large sites alone. This goes against principles which were considered at the beginning of the plan making process and which were, according to the consultation feedback, generally supported: namely for a mixture of middle and smaller sites with the odd larger site for the whole provision of waste.

78. Given all of the flaws identified above, the Pinkham Way Alliance is concerned that the NLWP gives the strong impression that Boroughs are devolving the decision on which sites should be allocated for which waste purposes (if any) to the North London Waste

Authority: consider e.g NLWP para 5.32: “The Authority has not yet determined where specifically these new HWRCs are required and the identification of new HWRC sites is dealt with through policy NLWP3 below”, and NLWP para 5.30: “The North London Waste Authority has indicated that it requires about 18 ha of land for the delivery of its proposed major new facilities[, of which] ... it... requires ... 9 ha from new sites... Therefore the North London Waste Plan is proposing 2 new sites, totalling 9.1 ha for the delivery of new waste management infrastructure in north London over the next 15 years.”

79. The NLWA is *not* a local planning authority. While it clearly has an interest in site allocation decisions, and while it may, through the provision of evidence, be able to assist the seven Boroughs in deciding on site allocations, site allocation decisions remain axiomatically a decision for the Boroughs to take, in accordance with PPS10, PPS12 and in general conformity with the London Plan.

L. Conclusion

80. For all the reasons above, the NLWP and in particular its allocation of the Pinkham Way Site, are fundamentally unsound and breach the SEA Regulations. The Pinkham Way site allocation should be removed from the NLWP altogether in any event. And if the plan is to go forward, the Boroughs need to take the steps identified in paragraph 5 above, before submission for independent examination.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'K. Smith', written in a cursive style.