

## **Response to further consultation by London Borough of Haringey (The Council) on the impact of National Planning Policy Framework on the Council's Strategic Policies currently going through the Examination in Public process**

**13 June 2012**

**Submitted by Evelyn Ryan**

This response is further to evidence provided to the Haringey Core Strategy Examination in Public in February 2012. The focus of this document is on how the NPPF 2012 and s33 of the Localism Act 2011 impacts on the Council's Core Strategy currently under examination in so far as it concerns the Pinkham Way site currently designated Employment Land in the Core Strategy.

### **Duty to Consult (NPPF178 and 158)**

1. S110 of the Localism Act 2011 inserts s33A into the Planning and Compulsory Purchase Act 2004. This imposes a duty on a local planning authority to co-operate with other local planning authorities insofar as the preparation of local plans are concerned where there is a strategic matter involved. Particular reference is made to the preparation of development plan documents.
2. Co-operation means engaging constructively and actively and on an ongoing basis. A strategic matter is described as development or use of land that would have a significant impact on at least two planning areas. A London borough is a planning area.
3. As is demonstrated below, the Pinkham Way site (PWS) site is a large area of 15 acres of open green space located strategically on the boundaries of Barnet, Haringey and Enfield councils. Its ecological value is acknowledged by the designation 'SINC No 1 Borough Importance'.
4. Enfield Council considers that a SINC designation offers the most robust definition of what natural greenspace is.<sup>1</sup> A SINC Borough No 1 site is important to the whole borough of Haringey in the same way as a Metropolitan Site is important for the whole of London.<sup>2</sup> Jacobs mentioned the value of this site in their botanical survey.<sup>3</sup> It is also important to the adjoining boroughs of Barnet and Enfield. Each of these adjoining boroughs are deficient in open space in the locality around PWS.
5. Enfield Council is currently engaged in public consultation on its North Circular Road Action Area Plan. The boundary of the Enfield action area is directly on the boundary of the PWS. This action plan is expected to result in an additional 5000 families moving into the area. Apart from all the other

---

<sup>1</sup> Enfield Open Space and Sports Assessment Final Report 16/12/11 para 7.15 p84

<sup>2</sup> Enfield Open Space and Sports Assessment Final Report 16/12/11 para 7.15 p84

<sup>3</sup> See Appendix Table 1 below

facilities and services those families will need when they come into the area, they will need access to open space.

6. Yet, there is no evidence that any discussion, let alone meaningful, cooperation has taken place between any or all of those boroughs about the nature of this site and its potential to address the deficiency in open space in that locality.
7. For the avoidance of confusion, any discussions with or between these boroughs about the North London Waste Plan proposals for the site as waste use are not relevant because those discussions would have been on the basis that the site was brownfield land.
8. Also it should be noted that when the Examination in Public into the NLWP commenced on 12 June 2012, a major legal discrepancy was identified and the EiP was suspended within 70 minutes of opening). It is understood that the discrepancy is unlikely to be capable of remedy and therefore any references to the NLWP must now be given very little, if any weight).
9. In the event that Haringey Council have not complied with the duty to cooperate, and it has been found to be required to do so, then the Plan should be rendered unsound. My understanding is that it is not possible to rectify such an omission retrospectively.

### **NPP73**

10. Policies should be based on robust and up to date assessments of the needs for open space, sport and recreation facilities and opportunities for new provision. This site has not been properly assessed since 2003. The exclusions in the definitions of brownfield land and PDL are relatively recent and they have not been taken into account in relation to the PWS.
11. Haringey appears to have little idea as to the real value of the site as open space. When it was put forward for possible waste use for the NLWP no particular consideration was given to the value of this site let alone strategic consideration. Haringey put forward all their 22 DEA sites willy nilly, as if it mattered not which one was selected. Haringey's response to a question about the basis on which the sites were chosen to be put forward was

*"As you are aware, the Pinkham Way site is one of Haringey's designated employment sites (Defined Employment Area) as identified in the Council's local plan. The comment from Mr Dorfman refers to all DEAs identified in the local plan as being put forward to the North London Waste Plan for consideration as being suitable for waste management and/or green industry operations (in accordance with their designation for employment use)"<sup>4</sup>*

This approach is a long way from the sequential approach recommended in NPPF for selecting sites for development.

---

<sup>4</sup> Email from Haringey Council to E Ryan 7 June 2011

12. This site is an open and natural greenspace and its ecological value is acknowledged by the designation 'SINC No 1 Borough Importance'. A SINC designation offers the most robust definition of what natural greenspace is.<sup>5</sup> A SINC Borough No 1 site is important to the whole borough (and to adjoining boroughs) in the same way as a Metropolitan Site is important for the whole of London.<sup>6</sup>
13. 'Fig 6.2 Open Spaces' in the Plan does not show the PWS as being designated a SINC nor does it show it as Open Space. The exclusion of this site as Open Space from Fig 6.2 means that the Council has not properly protected its open spaces as it must under the **NPPF 73**. The map should be amended to show the site as a SINC.

#### **NPPF 74**

14. Haringey has an overall deficiency in open space and NPPF 74 is therefore particularly relevant. At present, although PWS SINC is counted as part of Haringey's natural greenspace provision<sup>7</sup> this is not reflected in the LSIL proposed designation. The site is not protected as open space as required by NPPF.
15. SP13 protects Haringey's parks and open spaces, and requires developments to protect and improve SINC's. However, it does not identify PWS as being open space requiring protection under this policy. This is contrary to NPPF 74. PWS should be identified in this policy as open green space
16. NPPF 74 prohibits building on open space unless such an assessment has clearly shown the open space to be surplus to requirements, or that equivalent or better provision can be provided in a suitable location. The protection of the SINC in the Core Strategy does not provide this level of protection and therefore is contrary to NPPF and there is no protection at all for the PWA as open space
17. The site is strategically important for the borough as a whole and care should be taken that it is protected as open space. A decision about this valuable open green space should be made strategically by Haringey only after a full and proper assessment of the site has been carried out and the duty to consult with adjoining planning authorities has been satisfied. It should certainly not be permitted to be safeguarded for waste in the NLWP which is currently the proposal. Nor should its protection be left to the planning application stage to be subjected to some balancing exercise between the value of the open space and SINC and the importance of some proposed development. The council have been unable to provide a satisfactory answer to the issue of how to balance the dual designations at the strategic level of preparing their plan, so how would an individual planning officer do this satisfactorily at the planning application stage?

---

<sup>5</sup> Enfield Open Space and Sports Assessment Final Report 16/12/11 para 7.15 p84

<sup>6</sup> Enfield Open Space and Sports Assessment Final Report 16/12/11 para 7.15 p84

<sup>7</sup> Atkins 2003 Open Space assessment (already submitted to EIP hearing in February)

18. The dual designations of SINC and Open Space are naturally compatible and that is how the site should be designated. Dual designation of SINC and LSIL are conflicting and it is difficult to see how they might ever be reconciled because of the potential harm to the SINC and loss of either all or part of the open which would inevitably result from any industrial development.

#### **NPPF 77**

19. The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used where it is in reasonably close proximity to the community it serves where it is demonstrably special to a local community and where it is local in character and is not an extensive tract of land

20. PWS is squarely within all of these parameters. The Village Green application demonstrates how important the local community consider this site is as a local recreational amenity. It is within yards of the local community and is of a size that is suitable for a local park. It is not an extensive tract of land. I understand there is an intention to identify this site for special protection green area of particular importance by the local community.

21. The site has been used for recreational purposes for many years by the local community. Jacobs referred to dog walking,<sup>8</sup> Atkins referred to the site as "private recreational space"<sup>9</sup> and a Village Green application has been registered with Haringey Council, which is supported with substantial evidence of local recreational use over many years

22. With a little cooperation between the adjoining boroughs (now required under the new duty to co-operate) and the owner of the Railway land, PWS has the potential to improve the open space access for local people. It would be possible to create a cycle/footpath from Cline Road and/or Blake Road to the Pinkham Way site, going through Tunnel Gardens and along the railway embankment adjacent to Muswell Hill Golf Course and on to the PWS. There could also be direct pedestrian access on to the site from the North Circular Road for local population in Enfield and Barnet.

#### **NPPF 110**

23. The Council have included PWS in SP8 in the mistaken belief that it is brownfield or previously developed land. It is not (see detailed consideration of exclusions from the definitions of previously developed land and brownfield land below). To apply NPPF properly it is important to consider the nature of the PWS. It is argued that the site is open green space and that it is excluded from the definitions of previously developed land and brownfield land because all vestiges of its previous have blended back into the landscape. It is now a verdant open green space with high nature conservation value. See Table 1

---

<sup>8</sup> See Table 1

<sup>9</sup> Atkins Fig 3.2 Open Space by type

below; The definition of brownfield land is only in the London Plan but I have included it for completeness of the definitions

24. NPPF 110 indicates that a decision about losing a large part of this valuable open green space to development should be made strategically by Haringey only after a full and proper assessment of the site has been carried out.
25. Plans should minimize adverse effects on the local and natural environment and land with the least environmental or amenity value should be allocated. I have explained the high environmental value PWS below.
26. If this open space is lost - in whole or in part - the open space deficiency in the borough will worsen. The site is needed to ameliorate the borough's deficiency; it is difficult to see how Haringey could argue that this 6 ha open space, which has strategic importance for Haringey and the two adjoining boroughs, is surplus to requirements. I believe it would be impossible to find an alternative open green space of this size and quality within an urban borough like Haringey, let alone in the locality where it is so needed by the local population.
27. Because the PWS is on the boundary with three boroughs, the local population in all three would benefit from a reasonably well managed open greenspace in this location. Some areas of the adjoining wards, eg Bounds Green and Bowes, are currently deficient in open space.
28. This site is not only a Site of Important Nature Conservation of No 1 borough wide importance, but it is also an open green space. Part of it comprises an ecological chain from Alexandra Palace through Rhodes Avenue Spinney, Albert Road recreation, Tunnel Gardens through to Coppetts Wood.
29. The site is bounded on two sides by adjacent open space, Hollickwood Park and Muswell Hill Golf Course, both recognized as important green spaces in their own right. Because of this particular juxtaposition, the sites gain additional value from each other. Atkins advised Haringey in December 2010 that "Strategic landscape and open space resources should be maintained enhanced and, where possible, linked."<sup>10</sup>

**Topography of the site (this should be read in conjunction with Table 1**

30. The exclusion from the NPPF definition of PDL applies where "the remains of the permanent structure or fixed surface structure have blended into the landscape...."
31. Only the blending of structures is required. The site's topography is not a structure. It is not a building (permanent structure). It is not a hard standing (fixed surface structure).

---

<sup>10</sup> Haringey Atkins LIP Strategic Environmental Assessment 2010

32. The topography of the Pinkham Way site differs little from the adjoining Hollickwood Park or Muswell Hill Golf Course.
33. From the North Circular Road (A406) on its North boundary, the site rises in a southerly direction from 41 metres above sea level to 50m. From its Western boundary with Hollickwood Park, the site undulates between 47m on its West and 45m one third of the way across, till reaching its East boundary with the railway line, at between 45m and 47m. In general, therefore, Pinkham Way site rises from north to south by a maximum of about 9 metres.
34. **Hollickwood Park:** The Park is an area about a quarter of the size of the adjacent Pinkham Way site (from which the Park was extracted), located on its South-West perimeter. The Park rises from North to South, in line with the adjacent site, from 46m to a maximum of 52m at its southernmost point.
35. **Muswell Hill Golf Club:** The golf course abuts the southern edge of Hollickwood Park and the Pinkham Way site, and is a continuation of the plane that rises from the A406 in a southerly direction, towards Muswell Hill. The golf course rises from a low of 47m at its northernmost corner to 76m at its South-West corner. In its northern half, the land falls from East to West (64m to 52m), but in its Southern half the land falls from West to East (from 69m to 54m)
36. **Overall:** The three sites form a continuous rising plane that makes a southward ascent from its North end, where Hollickwood Park and the Pinkham Way site abut the A406, continuing southward and upward all the way across to the southern edge of Muswell Hill Golf Course. No significant land mass features distinguish the topology of the three sites from one another. The only visual differences are that the surfaces of Park and Golf Club have been levelled and maintained, while the Pinkham Way site (or Common, or Wood) has not.

## DEFINITIONS OF PREVIOUSLY DEVELOPED LAND AND OPEN SPACE

<p><b>NPPF: Previously developed land<sup>11</sup>:</b> Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes:</p>	
<b>Exclusion</b>	
Land that is or has been occupied by agricultural or forestry buildings	Not applicable - (as far as can be ascertained from the historic record, the history of the site shows it was undeveloped agricultural land, without any buildings, before the construction of the sewage treatment works but since that was over 5 decades ago it is assumed that this exclusion does not apply)
land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures	Not applicable - (there is no history of permitted development for waste disposal by landfill, on this site. Unlawful tipping, fly tipping and dumping of eg municipal street lampposts took place on parts of the site sporadically over the years <sup>12</sup> , the last known such activity was in 1980.)
land in built up areas such as private residential gardens, parks, recreation grounds and allotments	The site has been used as a recreation space over many years by people in the locality and this is evidenced by the village green application <sup>13</sup> , the reference in Jacobs to dog walking <sup>14</sup> and in Atkins to private recreational space <sup>15</sup> An OS map of 1951-2 shows allotment gardens in the western corner of the site <sup>16</sup> .
Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time	<p>A visual inspection of the site leaves no doubt in the mind of any objective bystander that any remains of permanent structures have 'blended into the landscape in the process of time'<sup>17</sup></p> <p>There is no evidence that there are hard standings on the site from the previous use as a sewage works or any other use. The topography of the</p>

<sup>11</sup> NPPF Annex 2 p55

<sup>12</sup> Jacobs land use plan (see Appendix 4 of submission on Main Matter 1 by Responder 271- E Ryan)

<sup>13</sup> Village Green Application – details on Haringey Council website

<sup>14</sup> Appendix 2 - extract Jacobs Botanical Survey Report June 09 para 4.1

<sup>15</sup> Atkins 2003 Open Spaces Sport Assessment report LBH

<sup>16</sup> OS old map 1951-2 <http://www.old-maps.co.uk/maps.html> (coordinates 528736 191624)

<sup>17</sup> Photos submitted at EIP in February

	<p>site differs little from the adjoining Hollickwood Park or Muswell Hill Golf Club. The three sites form a continuous rising plane that ascends from the A406 to the North, in the direction of the higher ground of Muswell Hill and Alexandra Park to the South. No significant land mass features distinguish the topology of the three sites from one another. The only visual differences are that the surfaces of the Park and Golf Course have been maintained, while the Pinkham Way site has not.</p>
<p><b>London Plan: PDL Previously developed land</b> <sup>18</sup> is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The definition includes defence buildings</p>	
<p><b>Exclusion</b></p>	
<p>Land that is or has been occupied by agricultural or forestry buildings</p>	<p>Not applicable - (as far as can be ascertained from the historic record, the history of the site shows it was undeveloped agricultural land, without any buildings, before the construction of the sewage treatment works but since that was over 5 decades ago it is assumed that this exclusion does not apply)</p>
<p>Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures</p>	<p>Not applicable - (there is no history of permitted development for waste disposal by landfill, on this site. Unlawful tipping, fly tipping and dumping of eg municipal street lamp posts took place on parts of the site sporadically over the years, the last known such activity was in 1980. <sup>19</sup>)</p>
<p>Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed</p>	<p>(see comments at NPPF definition below)</p>
<p>Land that was previously-</p>	<p>A visual inspection of the site leaves no doubt</p>

<sup>18</sup> London Plan 2011, Glossary, p306

<sup>19</sup> Record from Environment Dept extract



<p>developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)</p>	<p>in the mind of any objective bystander that any remains of permanent structures have 'blended into the landscape in the process of time' and can 'reasonably be considered as part of the natural surroundings'</p> <p>There is no evidence that there are hard standings on the site from the previous use as a sewage works or any other use. Hollickwood Park has been created out of the site, the Pegasus Bridge has been built since the previous uses ceased. The topography of the site differs little from the adjoining Hollickwood Park or Muswell Hill Golf Club. The three sites form a continuous rising plane that makes a southward ascent from its North end, where Hollickwood Park and the Pinkham Way site abut the Muswell Hill Golf Course. No significant land mass features distinguish the topology of the three sites from one another. The only visual differences are that the surfaces of the Park and Golf Course have been maintained, while the Pinkham Way site has not.</p>
<p><b>OPEN SPACE DEFINITION</b></p>	
<p>(The NPPF<sup>20</sup> definition of open space "All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity")"</p> <p>(London Plan definition<sup>21</sup> "All land</p>	<p>The site is open space of borough wide public value. It has recognized public value in the SINC designation. It acts as a visual amenity for Hollickwood Park, Muswell Hill Golf Club and for passing traffic on the busy NCR. It acts as buffer from the NCR for the local residents and also as a 'lung' absorbing pollutants etc from the heavy passing traffic and reducing the noise. It offers opportunities for recreation for the local community. It offers an important opportunity to address the overall open space deficiency in the borough as a whole and in the Bounds Green ward in particular as there is a potential cycle/footpath access route through to the site from Bounds Green via Cline Road or Blake Road. The site therefore falls into the NPPF definition of Open Space.</p> <p>Prior to development of the sewage works in</p>

<sup>20</sup> NPPF p54

<sup>21</sup> London Plan 2011 p305

<p>in London that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers a broad range of types of open space within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted.”)</p>	<p>the late 1800-s the site was undeveloped agricultural land<sup>22</sup>. There were allotments in the western corner of the site in the early 1950-s<sup>23</sup>. Jacobs Former Land Use Plan shows this western area as having an “Unknown history.Fly tipped”<sup>24</sup>. It would appear therefore that this area of the site remained undeveloped.</p> <p>Ownership permits the site to fall within the definition of open space. Access permits the site to fall within the definition of open space. There are no buildings or other permanent structures on the site, therefore the site is presently undeveloped. That leaves for consideration, for planning purposes, whether the fact that the site was <u>previously</u> developed counters its obvious present appearance as being open land. The definition of “previously developed land” in planning policy must be considered. I have already shown that the site falls within the exception to the definition of “previously developed land”, whereby it is not, for planning purposes, to be regarded as previously developed land. It is therefore submitted that Pinkham Way site is neither previously developed nor presently developed. In that case, it cannot be deemed “developed” and must be considered to be “undeveloped”. The site therefore falls into the London Plan definition of Open Space as being “predominantly undeveloped”, indeed wholly undeveloped in this case.</p>
---	--

<sup>22</sup> See Appendix 4 of main rebuttal document Extract from p12 Arup Scoping Report March 2011 for NLWA

<sup>23</sup> OS old map 1951-2 <http://www.old-maps.co.uk/maps.html> (coordinates 528736 191624)

<sup>24</sup> Jacobs Fig 3 Former Land Use Plan April 2009 (