

Email sent to Haringey Council – October 5th 2012

Oct 5 (4 days ago)

Miss Lyn Garner, Director

Dear Ms Garner

Original Question: “The Haringey Council Cabinet debated, and subsequently approved, the NLWP on 8th February 2011. Pinkham Wood (the former Friern Barnet Sewage Works also known as Pinkham Way) was specifically discussed during the debate and council official Marc Dorfman was invited to comment by the Chair. During his briefing to the members, Mr Dorfman said “the site is designated in the Haringey UDP as an Employment site and a site appropriate for waste”. I am unable to find the reference in the Haringey UDP that the site is “a site appropriate for waste”. Please indicate where in the Haringey UDP this reference can be found.”

Further to recent correspondence about Mr Dorfman's failure to respond appropriately to my reasonable question (*see original question set out above*), it is quite clear from Miss Warren's subsequent response that Mr Dorfman was seriously misleading the Haringey Council Cabinet when he said that Pinkham Wood was ‘designated in the UDP as a site appropriate for waste’ as part of his verbal encouragement to the Cabinet that they should sign off the NLWP. Mr Dorfman’s briefing to the Cabinet should have made the point that it was premature to decide if Pinkham Way was suitable until after proper consideration of all the planning policies, the outcome of the public consultation and, most importantly, the outcome of the Inspector’s Report on the Core Strategy.

Miss Warren’s response, attempting to justify Mr Dorfman’s verbal comment, is littered with inappropriate assertions and significant omissions. It certainly does not provide sufficient evidence that Mr Dorfman was correct to make his claim on February 8th 2011, or to allow Miss Warren to suggest in her email dated Friday September 14th – 1st paragraph: *“The term “a site appropriate for waste” refers to the Defined Employment Area Designations in the Haringey UDP. The previous responses sent with regard to the site being appropriate for waste are therefore correct.”*

Miss Warren’s observation is not correct. The Pinkham Wood site is a thirteen acre open green space, whose biodiversity value has been recognised by Haringey Council who have designated it a Site of Interest for Nature Conservation of Borough No 1 importance. The suitability of the site for waste use has not been identified in the UDP, nor in the Core Strategy. Crucially, Miss Warren’s email fails to differentiate between EMP2 & EMP3 designations. Moreover, Haringey has clearly stated in its Core Strategy that the NLWP will identify sites suitable for waste use. There are no sites identified as suitable for waste in Haringey at the present time because the NLWP has been found unsound.

If Mr Dorfman is seeking to justify his statement on a presumption that the re-designation of the site as a LSIS would move it into a category of sites identified as suitable for waste (London Plan Policy 5.17G), then he needs to be reminded that the proposal was not accepted by the Planning Inspector. Mr Dorfman certainly should not have presumed that such a proposal would be acceptable.

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Given that the NLWP has been found unsound, there are no sites in Haringey identified as suitable for waste. Mr Dorfman's observation was clearly at variance with the Council's formal position, a situation that he should have been entirely familiar with. Given his status in the Council, it is difficult to see how his comment could have been made in ignorance.

Miss Warren's email (dated Friday September 14th) makes the following point in the 2nd paragraph.

“The Haringey employment land designations are in line with the London Plan 2011 Policy for waste capacity Policy 5.17 where “land to manage borough waste apportionments should be brought forward through identifying sites in locally significant employment areas” as well identifying sites in “strategic industrial locations”.”

The reference in 5.17 (G) c “identifying sites in locally significant employment areas” (see Policy 4.4) refers directly to Policy 4.4 which deals with managing industrial land, and which refers to “locally significant industrial sites”. Mr Dorfman is an experienced planning official and obviously understands the significance of the LSIS designation. This policy is about how boroughs manage their stocks of industrial land in strategic industrial locations, locally significant industrial sites and other industrial sites. At 4.19 in the London Plan the Mayor identifies three types of location for industrial and related uses including waste management: strategic industrial locations, locally significant industrial sites, and other industrial sites. Pinkham Way does not fall within any of these categories and indeed it was conceded by the council at the EiP hearing into the Core Strategy that Pinkham Way was not a long established industrial site. This fact alone makes it clear that Mr Dorfman's comment at the Cabinet Meeting was unsupportable and that his defence of his comment is increasingly unacceptable.

Miss Warren goes on to say in her email (dated Friday September 14th) in the 3rd paragraph:

“The use of the former Friern Barnet sewage works as a designated employment site is supported by Para 20 of PPS10. As “industrial sites” includes those sites which have been identified as DEAs within local planning policy documents in that they would include B2 uses which include waste management uses.”

This is not a correct interpretation of PPS10. Paragraph 16 of PPS10 refers to Local Development Documents which should make provision for waste management and waste locations. The NLWP was intended to fulfil this requirement but that has now been disregarded and therefore, for the moment, there is no plan in place which identifies waste sites in North London. Paragraph 17 specifically states that waste planning authorities should allocate sites suitable for waste management needs and Paragraph 18 refers to a need to demonstrate how capacity equivalent to at least 10 years could be provided. The NLWP was intended to cover this but no longer exists. Paragraph 20 refers to a range of potential sites which should be considered against the criteria set out in paragraph 21 (i) and (ii). Sub-paragraph (ii) gives priority to the re-use of previously developed land. Since Pinkham Way does not fall within the definition of previously developed land, Miss Warren's recent assertions and Mr Dorfman's original claim are clearly incorrect.

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Miss Warren's email (dated Friday September 14th) makes the following points in the 4th and 5th paragraphs:

“The Haringey UDP identifies sites and locations within Haringey in terms of a hierarchy of defined employment areas where certain kinds of employment uses should be concentrated. Within that hierarchy of Defined Employment Areas (DEAs) are Employment Locations (ELs) which are identified in Schedule 3 of the UDP (with Friern Barnet Sewage Works listed as DEA site No. 6).”

The designation as a DEA EL includes “uses within B1 (b) or (c), B2 or B8 uses” and also that “The Council will take a more flexible approach in those areas and may allow employment generating uses wider than the B class use to locate here.”

EMP2 is defined as DEA – Industrial Locations and these are protected specifically for employment uses falling within B1 (b) (c), B2 and B8 or similar uses and proposals for uses outside the B uses will not be permitted. This is the industrial land category protected strictly for industrial uses and the narrative refers to these locations as being “within the most well established industrial areas in the Borough”. It is a matter of public record that Haringey Council, at the EiP hearing in February 2012, confirmed to the Inspector that the Pinkham Way site was not “a well-established industrial area”. Paragraph 5.25 explains that general industrial and warehousing could have a detrimental impact on neighbouring uses and therefore areas needed to be set aside to cater for them, i.e. industrial locations.

Miss Warren's simplistic defence of Mr Dorfman's comment really does not work.

Miss Warren goes on to say (email dated Friday September 14th) in the 6th paragraph:
“Policy EMP 3 seeks to protect ELs for employment generating uses and indeed specifically refers to DEA 6 within the explanation of the policy.”

The narrative for DEA Employment locations makes it clear that these locations are predominantly intended for use for commercial or business activities. Paragraph 5.27 lists a range of other possible permitted uses on these sites, e.g. leisure, creative and cultural industries etc. This does not include large industrial waste complexes which are clearly more suited to the EMP2 locations.

Miss Warren states (email dated Friday September 14th – 7th & 8th paragraphs):

“EL DEAs are recognised as having a range of employment generating uses that may be appropriate. EMP 5 provides support for employment generating uses within DEAs and indeed specifically refers to B8 uses that may be appropriate in such locations. Whilst specific uses such as a waste site are not listed there is reference to the planning Use Classes – in particular Use Class B which would encompass such uses.”

“It is with this EL DEA designation that the 2006 UDP refers to the former Friern Barnet sewage works site at Pinkham Way and other sites with a similar designation in Haringey, as being appropriate for use as a waste management site and it is this that was being referred to in my comments. Policy ENV 13 of the 2006 UDP also refers to sustainable waste management and its relationship to employment sites.”

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Miss Warren appears to have misunderstood the Council's policy ENV13. This refers to producing the NLWP, safeguarding existing waste management sites and considering proposals relating to waste provided they comply with the NLWP; that the facility is close to the source of waste; that there is access by rail/water; that it is located within an industrial area, and that it does not result in adverse environmental impact. None of these criteria apply to the Pinkham Way site, which not only is not industrial land but is a site with high nature conservation value. Once again the supposed defence of Mr Dorfman's comment fails to stand up to detailed examination.

Miss Warren email concludes in the 9th paragraph:

“The Use Class Order (Use Class Order 1987; 1990; 2005 SI No 84 Amendment; 2006 SI No 220. B2 use refers to general industrial use that is, for the carrying on of any industrial process (defined as a process for, or incidental to, any of the following purposes (Use Class Order, art 2)

(a) the making of any articles (including a ship or vessel, or a film, video, or sound recording);

(b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up, demolishing of any article;

(c) the getting, dressing, or treatment of minerals.

We consider that waste management fits into this Use Class and therefore the former Friern Barnet sewage works at Pinkham Way is considered suitable for a waste management use, with the proviso of fulfilling national, regional and local planning policy. “

The Use Classes Order sets out indicative uses within each class but it is up to the LPAs how they wish to manage those uses. Haringey has done that in its UDP and in the Core Strategy. The Inspector did not agree with the proposal to change the designation of Pinkham Way and Bounds Green Industrial Estate from DEA Employment to Locally Significant Industrial Site as there was no planning justification for doing so. Therefore, Pinkham Way and Bounds Green Industrial Estate remains suitable for the uses set out in EMP3 and not EMP2. EMP2 is the obvious location for waste uses provided there are no other planning constraints on those sites. Far from being an industrial location, the Pinkham Wood site is located adjacent to Hollickwood Park and Muswell Hill Golf Course, both MOL land and both recognised as sites of importance for nature conservation. The Bounds Green Industrial Estate is on the other side of the railway tracks and comprises small light industrial and commercial businesses. The site itself is not industrial, nor is it near industrial land.

Mr Dorfman knows full well that any application for development of a waste facility (or any other use) on the Pinkham Way site would therefore have to be considered against Haringey Council's own policies, including its biodiversity policies, the London Plan's policies on waste, biodiversity and open spaces, PPS10 and the NPPF.

It seems to me that Mr Dorfman completely understood that the future use by the NLWA of Pinkham Wood would depend heavily on the NLWP. His attempt to influence the Cabinet Committee to pass the NLWP appeared to be intended to initiate a circular arrangement that the NLWP should be passed because the Pinkham Wood site was suitable for waste but that

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Pinkham Wood's suitability for waste actually depended, in part, on the successful passage of the NLWP. In other words he was trying to create his own justification for the successful delivery of Pinkham Wood to the NLWA.

I wrote to you previously about Mr Dorfman's conduct on September 14th. Sadly, you failed to acknowledge or respond to my communication – incidentally, something that happens far too often in Haringey Council. Given that I originally asked Mr Dorfman a simple question in November 2011, it is extraordinary that ten months later a simple question has not yet been reasonably answered.

I shall be grateful if you would let me have:

- (a) a detailed response to the points I have made in this communication
- (b) an explanation as to why Mr Dorfman has prevaricated for so long, and
- (c) an indication of what you intend to do to correct and withdraw Mr Dorfman's misleading statement to the Council Cabinet on February 8th 2011.

Yours sincerely

Barry James