

Planning Policy
London Borough of Haringey,
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N22 8HQ

BY EMAIL AND BY POST

7 March 2014

Dear Sirs

Haringey's Site Allocations DPD Regulation 18 Consultation Document and Tottenham Area Action Plans - Representations on behalf of Archway Sheet Metal Works Limited

This representation is made on behalf of Archway Sheet Metal Works Limited ("Archway"), who own part of the site identified for redevelopment as part of site NT2: Tottenham Hotspur Stadium. Detailed comments by specific reference to these documents are set out in the appendix to this letter.

As the Council is well aware, Archway have strenuously objected to the compulsory purchase order ("CPO") relating to the THFC scheme and will continue to oppose the order for so long as may be necessary to protect their rights and interests in their site.

The CPO inquiry closed in April 2013 and the Inspector's report was sent to the Secretary of State in August 2013 but so far it has not been disclosed to Archway, although a recent letter issued by the Secretary of State to the Council, Tottenham Hotspur and Archway in December 2013 (and the respective responses of those parties to that letter) provide a clear indication that the regeneration case for the CPO are inadequate to justify confirmation of the CPO. The Secretary of State's decision is still awaited. If he refuses to confirm the order (as we believe he lawfully must) then this would cast serious doubt on the delivery of the stadium scheme as permitted in 2012.

Archway's evidence at the CPO inquiry included a comprehensive proof of evidence prepared and presented by Mr Simon Neate of Indigo Planning. He examined the CPO scheme in detail and demonstrated that it was not compliant with relevant planning policy and guidance, in relation to matters which are relevant and very important considerations for the current plan-making process. His evidence is certainly known and available to the planning policy team, but there is no sign that it has been taken into consideration in the early plan-preparation stages for the above plans, or in the scoping of their respective

sustainability appraisal reports for the purposes of Section 19(5) of the 2004 Act and the associated requirements under the Environmental Assessment of Plans and Programmes Regulations 2004.

Mr Neate's evidence demonstrated that alternative forms of development to that permitted in 2012 could deliver greater socio-economic benefits in a way which still allowed Tottenham Hotspur to expand capacity at their stadium and did not necessitate the acquisition of Archway's land or the other employment land around it.

The section on page 69 of the Allocations DPD, outlining "Potential Development Capacity (from planning permission)", appears to be incorrect because it refers to that development as permitted in 2011, rather than the 2012 scheme which was submitted by Tottenham Hotspur because the 2011 scheme was alleged to be unviable. The 2012 scheme removed all affordable housing, increased the number of market housing units to 285 and the costs of most mitigation works needed for the new stadium were largely transferred to the public purse.

It is inappropriate for these draft DPDs to adopt the 2011 or the 2012 stadium schemes as a basis for the development planning of this area. Clearly, the 2012 scheme is a material consideration but they are not certain (or even likely) to be delivered if the CPO is not confirmed. Quite apart from the issues arising in relation to the CPO confirmation process, recent press reports indicate that Tottenham Hotspur are undertaking optioneering and value-engineering exercises to maximise their commercial benefits from the stadium scheme.

It is entirely foreseeable that they will come back with further applications for this purpose and the DPDs would need to ensure that the interests of sustainable development and public well-being are protected and promoted in relation to such applications in accordance with the relevant guidance in the NPPF, particularly in paragraphs 14, 17, 47 and 156. Against this NPPF guidance, the stadium scheme is already sub-optimal in terms of its paltry regeneration benefits and the heritage impacts and other impacts that it will cause.

A statutory examination of the Allocations DPD and the Area Action Plans for Tottenham will eventually need to consider whether, in accordance with paragraph 182 of the NPPF, it is "justified" in the sense that it is "the most appropriate when considered against the reasonable alternatives, based on proportionate evidence".

The evidence available as to the needs of the London Borough of Haringey, as outlined in the documents now out for consultation, do not support a strategy based on a stadium scheme which delivers such paltry regeneration benefits. As explained in the Appendix to this letter, the documents currently out for consultation are seriously flawed in many ways.

In Archway's CPO evidence, a comparison is drawn between the regeneration benefits of the Tottenham Hotspur scheme with those delivered by the nearby Emirates Stadium scheme promoted by Arsenal FC – the Tottenham scheme does not get anywhere near the level of regeneration and public benefits delivered by the Arsenal scheme. If the Allocations DPD and Tottenham Area Action Plans proceed on the Tottenham model they will be failing to protect and support the interests of present and future residents and businesses in the borough.

It is therefore surprising that, in the Scoping Reports for both of these documents, no information is provided at this stage as to “reasonable alternatives” to the proposed THFC scheme – which is predicated in these plans. This is inconsistent with the EAPP regulations and the advice in paragraph 165 of the NPPF that “...sustainability which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider the likely significant effects on the environment, economic and social factors...”

In view of the Council’s intention to proceed directly from the regulation 18 consultation to the pre-submission consultation under regulation 19, it is a serious concern that comments are being sought under regulation 18 when the consultation documents are so seriously flawed and no indication is given as to the reasonable alternatives that the Council has in mind for the purposes of the sustainability appraisal.

Whilst this representation focuses particularly on proposal “NT2: Tottenham Hotspur Stadium”, similar concerns apply to other proposals including (not least) proposal “NT3: High Road West”, which will have devastating impacts on local businesses and residents. These matters have not been addressed in the scoping reports or in the relevant evidence base. It is clear that these impacts on local residents and businesses are largely to satisfy the requirements and wishes of Tottenham Hotspur for a more prestigious entrance to their new stadium. The commercial aspirations of a large and commercially successful football club and the desire for vanity projects are not a justification for retro-fit plan-making and do not form the basis of sound development plans.

Archway therefore urges the Council to adopt a legally-compliant and more sustainable approach in preparing these emerging plans, so as to ensure that they make relevant and positive contributions to the needs of people and businesses in the area and the borough as a whole, rather than sacrificing the public interest to the narrow commercial interests of a successful football club and its wealthy owners.

Yours sincerely



Paul Winter

Enc.

APPENDIX

ARCHWAY DETAILED REPRESENTATIONS ON THE SITE ALLOCATIONS DPD AND AREA ACTION PLANS

Site Allocations DPD

NT2: Tottenham Hotspur Stadium

1. The draft site allocation NT2 has been based on the NDP scheme promoted by THFC. This approach is flawed for 2 reasons.
2. First, setting aside the issue of whether the permissions that have been granted can be implemented, the fact remains that these permissions were granted on the basis of planning policies contained in the UDP which either have been withdrawn or will shortly be withdrawn. It makes no sense to perpetuate developments based on the former planning regime when new, more sustainable policies have been prepared and are in the course of preparation, which will secure far more sustainable planning outcomes than were previously achievable under expired planning policies.
3. Second, as we explored in detail in the CPO inquiry, there are a number of other schemes/alternatives which are significantly better than the NDP scheme, but the site allocation is not flexible enough to capture these enhanced benefits from different options.
4. The proposed scheme and allocation would not significantly improve the economic, social or environmental wellbeing of the area. On the contrary, converting the NDP scheme to a site allocation would actually be a drag on the regenerative potential of the site and the wider area, not least because it depends on public sector funding that could more effectively be invested in more appropriate regeneration and environmental purposes in the area.
5. Two realistic alternatives are, first, the retention and extension of the stadium in its present position, with the ground capacity increased by redeveloping one or more of the stands (potentially to 48,000 seats), with the cleared employment land to the north of Paxton Road developed for employment purposes (and the premises belonging to Archway left in situ). The second alternative is the relocation of the stadium to an alternative location and the comprehensive redevelopment of the whole of the NDP site south of the Northern Development for a mix of residential and commercial development.
6. The draft allocation states that the football club have produced a masterplan for this site, and that all the plans drawn up and detailed designs have received planning approval. However it is important to note that Phase 1 has been consented (LPA ref. HGY/2011/2350) (land to the north of the stadium), and is now being completed. This

element of the scheme therefore falls away. Phases 2 and 3 (the stadium and land south of the stadium) have also been granted planning approval however by virtue of the scheme being subject to an ongoing CPO inquiry and confirmation process, the question remains as to whether the scheme is implementable, and by the Council's own admission, may not be viable. The outcome of the CPO inquiry is currently awaiting determination following closure of the CPO inquiry in April 2013 and the Inspector's report being submitted to the Secretary of State in August 2013.

7. Allocating the site to reflect an approved planning application which is now the subject of an unresolved CPO inquiry rather than selecting it on the basis of a legally compliant SEA and Sustainability Appraisal puts the cart before the horse, and is unlawful, premature and unsound.
8. This draft site allocation does not consider the merits of alternative schemes and is based solely on the scheme being promoted by THFC. This is a profoundly flawed methodology which cannot be a sound basis for establishing land use allocations within a Site Allocations DPD, under Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended), the regulations or the NPPF.

NT3: High Road West

1. Sites NT2 and NT3 should be considered together due to the functional relationship between the two. NT3 is inherently linked to the stadium scheme by virtue of the fact that the access to the stadium is through the site (NT3). It is misleading to separate the two. Neither has been subject to the proper procedures in accordance with the legislation and guidance referred to above.

Site Allocations DPD Scoping Report

1. The Scoping report accompanying the Site Allocations DPD sets out the sustainability objectives and methodology which will be used to assess the sites selected. There are two problems with the approach set out in the Scoping Report.
 - First the sites have already been selected and any assessment will now be retrospective;
 - Second there is no mechanism within the methodology for looking at alternative options for any given site.
2. These problems mean that the Scoping report will not allow alternatives or sites to be properly assessed. This approach therefore does not provide a lawful or sound basis for drafting a new land use allocation and will not meet the sustainability objectives which are set out within the Scoping Report.

Tottenham Area Action Plans

Tottenham Area Action Plans: Regulation 18 Consultation Document

1. The AAP Regulation 18 Consultation Document is incomplete, imprecise and misleading. The detail set out in the Scoping Report sets out clearly the structure of the AAPs and the geographical areas which they will cover. Most people will not look at the scoping report for this information and as the AAP does not contain or present it clearly, the interested stakeholders are likely to be deprived of a fair chance to comment.
2. This problem is compounded by the inset maps which are extremely difficult to read and follow. They are so poorly drafted and aspirational that they only serve to confuse matters more. They do not provide the clarity and predictability of planning outcomes that the NPPF plan-making guidance requires.
3. This imprecision makes it difficult to understand the basis on which the documents have been prepared, what function they are intended to serve, and what problems they intend to address. The absence of this information clearly set out at the beginning of the principal document means the consultation process that has been set in motion is not sound, nor is it fair.
4. This process of plan making is fundamentally flawed and unsound and will result in the evidence being forced to fit pre-determined outcomes rather than (as the law and guidance requires) outcomes which follow from and are based upon the evidence base, as is clearly the requirement of the Local Plan process. The following points should be noted:
5. The AAP being prepared is inconsistent with other documents and without the evidence base that justifies it. In particular the employment land study has not been revisited (p.2). Such evidence is all the more important given the emergence of new trends, census data figures and national and regional policies identified at p.3. The snapshots are not a substitute for a detailed and robust evidence base and neither are they sufficiently detailed to justify the preparation of the AAP documents or their trajectory, which has been substantially defined and determined by this Consultation Document.
6. The Consultation Document states that the THFC scheme has the potential to transform the area into a sports and leisure destination (p.6 and Northumberland Park AAP Map 3). This was not the substance of the THFC CPO case and is not the objective of the CPO. Just because a potential development is in the pipeline does not justify an AAP being prepared on the back of it or adopting it as if it is set in stone. If aspirations for the area have changed such that the Council now thinks it should be a

sports and leisure area then that in itself should be tested through consultation and not presented as a fait accompli.

7. Part of the THFC CPO site is a designated employment area whose last lawful use was as employment land. It is premature to decide on the reallocation of this land ahead of the production of the employment land update. It is intended to produce this document to inform the next iteration of the AAP (p.7) but this is too late, as key land use decisions are being taken on the basis of this iteration which are not supported by the evidence.
8. Jumping a consultation stage and not pursuing the Issues and Options stage is a fundamental obstacle to a sound or just planning process. The Issues and Options stage, properly undertaken, should give the existing community the opportunity to help influence the terms in which the AAP is drafted rather than being given a document prepared by others. It is the difference between asking the community what their aspirations are for the area or asking the community what they think of the Council's aspirations for the area, and that difference is fundamental.
9. The role of the existing residential and business communities is excluded from the AAP process, and indeed, they are defined as the problem and are to be dealt with through decanting, dilution and removal. Such significant social engineering and its impacts should be expressly identified in the issues and challenges and specifically identified for assessment and appraisal as well as an issue for proper evaluation, debate and wider discussion in considering the appropriate options and issues before deciding what are the most appropriate policies for the plan or programme in question.
10. Delay is not a compelling reason for not undertaking plan making properly (p.11). The riots were 2 years ago and so the impact of delay has already occurred. The riots and associated social and economic problems are a reason for undertaking the necessary plan-making procedures properly and not for circumventing them. The scale of change envisaged by this AAP is a once in 50 year event, and the scale of investment that this presupposes deserves a measured and robust approach that should not be rushed or fudged. The Council could produce a robust and sound AAP at the same time as speeding the process up, by investing more resources in plan making and producing a project managed timescale rather than the vague timeline approach that has been adopted. The whole process could be done easily in half the time the Council currently envisage, and much more thoroughly.

Tottenham Area Action Plans: Scoping Report

1. The Regulation 18 Consultation does not make it clear that two AAPs are being prepared and there is a significant inconsistency between it and paragraph 1.1 of the Scoping Report. The explanation in the Scoping Report is more credible but there is a fundamental confusion between the two documents. Our comments in respect of this document are set out below.

2. The set of consultation questions asked in the scoping Report (section 1.5) are different from those set out in the Regulation 18 Consultation documents which confuses matters further and it will be difficult for local communities to participate fully in the process on a basis of equality.
3. The evidence base is not complete yet so it is not possible to identify the baseline situation from which policies and objectives can be derived (paragraph 1.5 of the document).
4. The reference to the THFC scheme should be expanded to make reference to the outcome of the CPO which is as yet unknown (paragraph 14). Much of the evidence against the THFC scheme is highly relevant to the current plan-making process, particularly the evidence relating to reasonable alternatives to the THFC and their comparative assessment: the plan-making process should not be based on a biased or partial optioneering and sustainability appraisal process. The document should, for example, indicate what contingency plans may be necessary in the event that the current CPO is not confirmed.
5. The THFC ground has the ability to be a heritage asset because of the clear communal values associated with it (paragraph 5.18). Other football grounds of a comparable era and appearance (such as St James Park, Newcastle FC's ground) have been found worthy of protection both as designated and undesignated heritage assets. The Council have not considered this question in relation to this site, and until it has, the scoping report does not take full account of the full range of factors that it is required to and will not be able to evaluate or assess them properly. The process is flawed.
6. The method of assessment shown in paragraph 8.2 is exceptionally crude. Insufficient differentiation is shown between the different possible outcomes that will not allow different options to be compared closely enough with each other to identify genuinely better alternatives. This methodology makes it too easy for assessment to be retro-fitted to justify already selected and predetermined outcomes.
7. Many of the problems identified with the area arise from previous strategic interventions by the Council in the 1950's and 1960's. The LPA is now proposing similar strategic interventions largely to undo the effects of their previous attempts. Having failed once, every measure should be taken to avoid repeating these mistakes by using exemplary (and, at the very least, legally and policy compliant) methods of plan making and assessment rather than the methods currently chosen.

8. The AAP is dependent on a number of schemes which have already received planning permission but some of which may not be buildable. This is not a firm foundation on which to base strategic interventions and is a source of significant weakness. This weakness should be identified and assessed in the scoping report so that it can be evaluated and mitigated.