

Pinkham Way Alliance

Representations

Haringey Local Plan: Strategic Policies Inspector's Main Modifications (PINS/Y5420/429/4)

31 August 2012 – 12 October 2012

Introduction

1. PWA welcomes the opportunity to comment on the Main Modifications proposed by the Inspector. However, we would ask the Inspector to note that we consider the value of this consultation on the modifications is significantly diminished by the lack of context in terms of our not having sight of an overall Inspector's report, and, in particular, of the Inspector's conclusions about important matters other than those covered in Modification 28.
2. We acknowledge that the Inspector may already have addressed some or all of the matters we raise below in his report but, without knowing his conclusions on these matters, we feel obliged to set them out fully in this consultation response.
3. In our view these matters do relate to the question of the soundness of the Plan. It is difficult to judge the appropriateness or adequacy of the modifications without having a clear understanding of the Inspector's findings on these key matters. On the basis of the information we have before us, PWA considers that the suite of modifications put forward for consultation are inadequate and insufficient on their own. In our view this renders the plan unsound and we would invite the Inspector to conclude that this is the case.
4. We look first at Modification 28, regarding Policy SP8, followed by Modification 41, on SP13 which covers SINCs, and which is currently, inextricably linked to SP8. We then make a brief comment on Modification 26, concerning Air Quality, and cover some issues regarding the proposals map. We finish with a request for findings of fact to be included in the Inspector's report on a range of matters. We believe this will assist both the Borough and local residents in understanding the current context in which further assessments should be undertaken in respect of the Pinkham Way site.

1. Modification 28

- 1.1 PWA supports the Inspector's decision to remove the Former Friern Barnet Sewage Works (Pinkham Way) and the Bounds Green Industrial Estate sites from the list of LSIS designated sites on the grounds that there is no sound basis for creating new Locally Significant Industrial Sites at this time.
- 1.2 PWA notes the Inspector's conclusions in his letter of 24 August 2012 that the plan needs to be modified accordingly to take the classifications back to what they were in the Haringey Core Strategy Proposed Submission 2010 (Core Strategy 2010) but with further modifications to SP8 as proposed by the Inspector.
- 1.3 If the Inspector has concluded, contrary to PWA's submission that it is appropriate that Pinkham Way should continue to have a dual designation of Employment Land and SINC No 1 Borough Importance, we consider that Modifications 28 and 41 are inextricably linked and that it would be artificial to consider the implications of one without looking at the other.
- 1.4 While Modification 28 may provide an appropriate solution in respect of other employment sites, we do not consider it does so in respect of Pinkham Way.
- 1.5 Our understanding is that the effect of Modification 28 would be to "return" Pinkham Way to the status of "Local Employment Area" and to put it within the "Employment Land" sub category of that classification (with the additional modifications suggested by the Inspector). In PWA's view, the dual designation on this site has led to much confusion and misunderstanding within the Council and the local community, and we consider that this would continue to be the case even if Modification 28 is carried forward into the final plan. PWA therefore proposes that, if the dual designation is to be retained, further clarification is needed as to how this will operate. Without such further clarification, there will continue to be confusion and inconsistency within the Plan itself, making it unsound.
- 1.6 On the assumption that no further modifications are proposed (over and above those which are the subject of this consultation) we make the following points on unsoundness:
 - 1.6.1 The Pinkham Way site would effectively have been carried forward as an employment allocation from the UDP (which itself is very dated) without the necessary and required review of the site's continued suitability for such an allocation having been carried out. As such the Core Strategy does not comply with the relevant

national policy and guidance. This is important for this site in particular, because, unlike the others, it has no existing buildings, no infrastructure, is open space and is the only SINC of Borough No 1 Importance within this category of sites. Thus it is an anomaly; as such, it should be removed from the plan.

- 1.6.2 The site does not meet the criteria for designation as a Local Employment Area as there is no existing or recent history of employment. New information about the planning history of this site has recently been disclosed by the Council as part of its objection to the recently lodged Village Green application. This confirms that the site was designated public open space immediately after the closure of the sewage works and remained so until 1982 when it was designated a DEA¹. It was never developed as a DEA and in 1998 it was designated SINC Borough No 1 Importance. To this day it has not been developed as a DEA but has continued to mature as a SINC. The site has none of the characteristics of employment areas and all the characteristics of natural open green space. It is a unique and valuable site with potential to be a wonderful resource for the local community across three boroughs
- 1.7 In the Inspector's letter of 24 August 2012, towards the end of paragraph 5, we note that the Inspector points out that the ***"intended Sites Allocation DPD would provide a suitable opportunity to robustly access the DEAs of the Borough and to alter their specific designation if warranted to ensure the aims of Policy SP8 are secured"***.
- 1.8 At Modification 40 there is a reference to "...review and upgrade or remove, as appropriate, existing open land to or from MOL designation where there is evidence to support such a move".
- 1.9 However, nowhere in the Inspector's letters or in the proposed modifications is there any reference to *robustly assessing sites which have dual designations to ensure the aims of both designations are secured.*
- 1.10 The greenfield status of the site renders it inappropriate for any allocation for employment use given the availability of alternative, previously developed sites which are suitable for allocation.
- 1.11 The allocation of the site for any built development is in direct conflict with its designation as a SINC of borough wide importance. As the two uses are incompatible and would lead to an internal conflict between 2

¹ LBH Briefing Note 21 August 1998 http://www.haringey.gov.uk/lpa_haringey_appendix_2.pdf

separate policies within the Core Strategy the allocation of the site for development would also put the plan in conflict with NPPF paragraphs 109 and 110. For these reasons the plan would be unsound.

- 1.12 In light of the fact that supporting evidence of the SINC No 1 Borough Importance designation was submitted to the EiP and agreed, we request the Inspector to consider recommending that that SINC designation be retained, and that the Employment designation be removed from the Pinkham Way site – or at least to recommend that the site should not be allocated for employment use - until such time as a robust and proper assessment can be carried out.
- 1.13 We consider it would be unsound to allow the dual designation to remain in the plan whilst at the same time weakening the protection provided, see our comments on Modification 41 below.

2. Modification 41

- 2.1 PWA objects to Modification 41, in that Policy SP13, as proposed for modification, fails to give adequate protection to SINCs and other designated sites. In addition, the proposed wording of the policy implies that the dual designation of a site is an appropriate approach to be taken in a development plan. In PWA's view such a designation is inappropriate because it creates a position of uncertainty as to the protection of sites which are designated and valued for their biological/ ecological interest.
- 2.2 Modification 41 conflicts with and is weaker than the existing policy DMP28 which is carried over from the Saved UDP (OS6) into the LDF Development Management Policies.
- 2.3 The DMP policies have not yet completed the process of public consultation and have not been through an EiP where they can be properly and thoroughly examined for soundness. Until that process is completed there is no sound basis for changing that policy and it is our understanding that the saved UDP (OS6) should remain the prevailing policy for protection of SINCs.
- 2.4 We suggest the modification 41, page 158 para 6.3.23 should be amended as follows: delete 7th sentence beginning with the words "The Council will .." and add, after the last sentence of that paragraph which finishes " **... and harmful development.**", the following additional sentence:

'Further policy provision on protection of SINCs and LNRs is provided in Haringey's Local Development Framework document Development Management Policies'.

- 2.5 PWA is of the view that the inclusion of Modification 41 could be interpreted as an attempt to pre-empt the outcome of a proper and full public consultation and examination of the DMP policies relating to protection of SINCs.
- 2.6 In the event that the Inspector is not minded to reject Modification 41, we would request that, after the underlined words "appropriate mitigation measures must be taken", the following be inserted: '**any mitigation proposals to be the subject of full public consultation**'

3. Modification 26

- 3.1 PWA suggests the following amendment to Main Modification 26:
- 3.2 Delete 4.4.8 and replace with the following: "The whole of the borough of Haringey is an air quality management area (AQMA) for the pollutants of NO₂ (nitrogen dioxide) and PM₁₀ particulates which are the most prominent air pollutants. The dominant source of NO₂ and PM₁₀ emissions in Haringey is road transport with a variety of other sources contribution to emissions. This has implications for air quality which is being addressed through the measures outlined in the council's air quality action plan. Haringey is already taking action to reduce existing pollution and prevent new pollution. For example, monitoring has identified hot spots of poor air quality in the borough. As part of the requirements to control and reduce potential or actual pollution resulting from development in the borough, developers will be required to carry out relevant assessment and set out mitigating measures in line with the national guidance. **"In addition they will be required to provide evidence that demonstrates that these measures will be effective in the particular circumstances of the development"**. Further detail on the council's approach to environmental protection is set out in the Development Management DPD and the Sustainable Design and Construction SPD.

Request for Findings of Fact in the Inspector's Report

1. We respectfully request that the Inspector considers the benefit of clarifying a number of matters relating to the Pinkham Way site.
2. The Inspector will recall that during the course of the EiP the Council made it clear on a number of occasions that it considered the Pinkham Way site was a brownfield "well established industrial area". Although they subsequently conceded, after appropriate and fair examination of the evidence by the Inspector, that it could **not** be considered a well established industrial area, there was no similar clarification about whether the site should be classified as brownfield land and/or as open space. Nor was there any clarification about the planning status of the site, ie that it has a nil use.

3. PWA is of the view that because of the lack of clarity on these matters, there is confusion within the Council about which policies are relevant to the site. For example, in the Site Allocations DPD 2010 there are 8 policies listed as relevant against the Pinkham Way Site entry but SP13 is not one of them. This is probably the most important policy to apply to this site and should have been included. Brownfield sites are normally treated differently to Open Spaces. Yet the Inspector will recall the many references to the site being a brownfield site, including in the Sustainability Appraisal supporting CSSD-3.
4. We believe a finding of fact on these matters would assist the Council as they are relevant matters which need to be taken into account when the Council carries out the robust review of the DEAs referred to in the Inspector's letter. It would also instill confidence in the local community that the site will be fairly and properly assessed on the correct basis. And it would remove the ambiguity and misunderstandings about the planning status of this site which have resulted, in our view, both in the misapplication of policies and the non application of appropriate policies to the site during the preparation of the Core Strategy.
5. The issues we refer to are as follows:
6. Whether in view of the Inspector's site visit and the evidence produced at the EiP as to the physical nature and condition of the site, the Inspector considers that:
 - (a) the site is properly to be regarded as brownfield land/PDL or
 - (b) the site is not brownfield land/PDL, because it falls within the category of land which is excluded from the definition of brownfield land/PDL in the London Plan and in the NPPF
 - (c) the site is Open Space
 - (d) the site has a nil use
7. In conclusion, PWA considers that the suite of modifications put forward for consultation is inadequate and insufficient on its own to render the plan unsound. PWA would invite the Inspector to conclude that this is the case.
8. PWA is also concerned that, without further modifications to the Core Strategy the Council will seek, at the earliest opportunity, to reclassify Pinkham Way / FFBSWS to enable its use for waste purposes, and that the PWA and the large numbers of residents who participated in the Core Strategy consultations and examination will be put to considerable inconvenience and costs in yet again having to oppose such an allocation in another development plan document. We do not believe that such an outcome would reflect the Government's stated commitment to a Localism agenda

9. The dual designation, together with the proposed weakened SINC protection in Modification 41 leaves Pinkham way, the last undeveloped open space of any significant size in the borough of Haringey, which is also a designated SINC of high value (No 1 Borough Importance), unnecessarily vulnerable.

Proposals Maps

1. The accompanying maps and schedules to the plan (including Maps No 7, 16 and 24) will need to be amended to show the Pinkham Way site accurately described and designated before the Strategic Plan is adopted. We would welcome an opportunity to comment on the revised plans before adoption if that were possible.
2. The site description of FFBSW (Pinkham Way) should be amended following the Inspector's report to reflect accurately the outcome of his deliberations.

Bidesh Sarkar
Chair - Pinkham Way Alliance
12 October 2012