

**Further Representations by the Pinkham Way Alliance on responses made by
London Borough of Haringey (The Council) to submissions received during the
Revised Consultation on Core Strategy Fundamental Changes
22 September – 3 November 2011**

PWA wishes to make the following comments on The Council's responses.

1.1 The unreconciled conflict within the dual designation

1.1.1 To PWA's knowledge, the Pinkham Way site's particular dual designation is unique in London. There appear to be scattered similar situations elsewhere in the UK, but in a huge metropolitan area, the conflict between development and nature conservation is that much more acute. Yet the Council have shown little sign i) that they appreciated the depth of this conflict or ii) that they think it is any of their responsibility to offer some resolution.

1.1.2 With regard to i), in their reply to the Inspector's letter of July 21st 2011: "*How does the Council consider the designation of the Friern Barnet site as a LSIS to be consistent with its nature conservation designation?*" (Letter from Inspector to LBH, July 21st, 2011, Page 2, last bullet point) the Council replies: "*The dual designation of Friern Barnet site has always existed.*" (Letter from LBH to Inspector, July 27th 2011, Page 4, Section 5.1)

1.1.3 With regard to ii), in their Summary of Representations to the consultation, the Council states on almost 300 occasions that: "*The Council will continue to protect this site as a Site of Importance for Nature Conservation. The designation has not been removed. This dual designation presents challenges and it is accepted that the site cannot be developed for employment use without some impact on biodiversity. The level of impact should however be mitigated. The site maintains a dual designation for employment use and as a SINC, subject to no adverse effect on the nature conservation value of the site. With appropriate mitigation measures employment uses are feasible.*" (Summary of Representations, passim)

1.1.4 As an answer to the Inspector's question, the statement in 1.2 is meaningless. It is no more than a partially true statement of fact. The statement in 1.3 is an evasive mantra, which, in its repetition both last summer and in these responses, begs questions that the Council has offered no evidence it has either addressed or can answer.

1.1.5 And yet valuable and knowledgeable submissions from Dr Oliver Natelson (**No 376** in the Summary of Responses – attached to this submission as Appendix D – doc 2) and Miles Attenborough (**No 134** – attached to PWA's November 2011 submission to the re-consultation as Appendix C) have given an ideal basis for a discussion on 2b(xiii) of the Inspector's agenda. The response, especially to Dr Natelson's submission, is inadequate, the more so in the light of the

statement in the SCI: *“The Council defines consultation as ‘a process of dialogue which leads to a decision’”* (SCI, 2011, Page 4, Section 2.4)

Compare that with the view taken back in March 2011 by the Council’s Project Officer (Nature Conservation), Ian Holt.

In an e-mail addressed to Sule Nisancioglu, LBH Planning Dept, and dated 9th March 2011 Mr Holt comments ***“3.6ha of woodland will be destroyed as part of the development should it go ahead as currently proposed. Please note that we have a LB Haringey target to increase woodland in the borough by 0.5ha by 2015. In general the site is an important part of a larger ecological complex and corridor including other SINCs (Hollickwood Park, Muswell Hill Golf Course, Tunnel Gardens and Bluebell Wood, Albert Rd Rec and Rhodes Avenue Spinney)”***

1.1.6 In his first two sentences, underlined above, Mr Holt draws clear attention to one aspect of the conflict, which the Council in its later response to submissions expresses thus: *“The dual designation presents challenges”*.

Compare the Council’s later comment on ecology with Mr Holt’s earlier comment that *“In general the site is an important part of a larger ecological complex and corridor including other SINCs...”*

The Council comments *“The site maintains a dual designation for employment use and as a SINC, subject to no adverse effect on the nature conservation value of the site. With appropriate mitigation measures employment uses are feasible”*.

1.1.7 The SA of November 2007, dealing with mitigation, states: *“The term mitigation encompasses any approach which is aimed at preventing, reducing or offsetting significant adverse environmental effects that have been identified. In practice, a range of measures applying one or more of these approaches is likely to be considered in mitigating any significant adverse effects predicted as a result of implementing the SPD. In addition, it is also important to consider measures aimed at enhancing positive effects. All such measures are generally referred to as mitigation measures. However, the emphasis should be in the first instance on proactive avoidance of adverse effects. Only once alternative options or approaches to avoiding an effect have been examined should mitigation then examine ways of reducing the scale/importance of the effect.”*(LBH, Sustainability Assessment, November 2007, Page 96, Sections 6.1 & 6.2)

1.1.8 Were the present proposals to go ahead, there would be two years of tree-felling, earth-moving, excavating, pile-driving and construction, followed by two or three decades of heavy lorry and other vehicle movements. The Council must be aware of this, but makes no mention in its response a) of how ‘proactive avoidance of adverse effects’ might be achieved or b) in the event of the failure to avoid ‘adverse effects’, what ideas it offers for mitigation, or what level of mitigation it considers acceptable - for example, what plans it has to replace seven times the 0.5ha of woodland it has in its BAP already targeted to be planted by 2015.(LBH, BAP Executive Summary, Jan 2010, Page 10, Woodland Habitat Targets,1st bullet point).

1.1.8 Furthermore, PWA finds that the Council appears to misinterpret its own policies on green spaces. Mr Attenborough makes the following point, (134/1/5.1): *“The site’s location as part of a key green corridor within the Borough, its connection to neighbouring Green spaces, combined*

with the current under-provision of both woodland and local nature reserves within the Borough, as evidenced in Haringey's Biodiversity Action Plan of October 2009, mean this site should be protected from development, to prevent further fragmentation of the important matrix of green spaces of which the Former Sewerage Treatment works site is a part",

The Council's reply is: *"The aim of the SPG is to treat any consideration of green space in a joined up way, ensuring that the network of existing green spaces is effectively managed and that it is extended in areas where there is deficiency. The location of FBSW is outside of a defined area of open space deficiency (UDP map 8.1). the adjacent Hollickwood Park and the Muswell Hill Golf Course, as well as the adjoining Allotment Gardens, Albert Road Recreation ground and Bluebell Woods ensures that the local area is not deficient and that there is already a well preserved and effectively managed network of local green spaces to meet the provisions of the consultation draft All London Green Grid SPG".*

Naturally, open or green spaces should 'be extended where there is deficiency'. But the Council appears here to be saying that where the opposite is the case, ie where there is a sufficiency, a part of that sufficiency can expediently be sacrificed. Where a link in a chain is removed and the continuity is broken, the chain changes its nature and loses far more than simply the part that has been sacrificed. The logical conclusion of the Council's argument would mean that the supply of green space in any one location could be reduced until it equalled the borough average, which is clearly a nonsense, as, arithmetically, the process would never stop. Furthermore, the emphasis of the London Plan, reinforced by remarks made by the Mayor at a recent local forum, on the importance of saving and, where possible, expanding green spaces provides further evidence against the Council's apparent interpretation.

1.1.9 PWA feels that Mr Holt has made the Council's only coherent comments on Pinkham Way as a living site, rather than as an abstract planning conundrum. In a few lines he has given an outline of the value of the site and the problem; in its own comments, the Council has, in reality, said nothing. The conundrum cannot be resolved by repeating clauses from planning guidance, which exists to provide LPAs with the skeleton on which they themselves should provide the flesh of a solution to a real problem.

From its initial response of June 28th 2011 to the PWA June 1st Core Strategy submission until now, the Council has shown no capacity to address properly an issue which, in part at least, exists through its own inertia. The response this time takes the situation no further, and begs the same question Mr Brice asked in the 2011 EiP, as to what mitigation measures the Council might envisage for a site like Pinkham Way, where a large area of important ecological value might disappear.

1.1.10 PWA of course agrees that the site has had this dual status for a considerable time. That, however, is not in itself a sufficient reason for it to continue. What the Council has not grasped is that, during that considerable time, the balance between the two designations has altered fundamentally. The site's ecological value has grown, through a) the Council's own upgrading of the conservation status – from 1979-1998 Pinkham Way was graded SINC/EVS 2 and upgraded in 1998 to SINC EVS 1 - and b) the long term reclamation by nature, until, as PWA contends in Section 2 below, the site clearly falls under both of the London Plan exclusions.

The natural corollary of this is that the lack of demand for either industrial or employment use in the 49 years since the closure of the sewage works means that Pinkham Way's suitability for either use has deteriorated to the extent that the land "cannot be regarded as requiring development". It is a site of 'nil use'.

1.2 The Council's duty to protect the Pinkham Way site.

1.2.1 The statutory duty in respect of SINC's is contained in Section 40(1) of the Natural Environment and Rural Communities Act 2006, which states: *"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these functions, to the purpose of conserving biodiversity"*

1.2.2 Policy DMP28 of the Core Strategy states: *"The Council will not permit development on or adjacent to SSSIs, statutory local nature reserves, or other sites of importance for nature conservation value or ecological importance, a) unless there will be no adverse effect on the nature conservation value of the site, and b) unless the importance of the development outweighs the nature conservation value of the site. Both criteria a) and b) above must be met before any development will be considered."* (LBH Development Management DPD, Page 96)

Thus the Council discharges its Section 40 duty by prohibiting development which will have an adverse effect on an ecologically valuable site. Thus under this policy Pinkham Way would be protected.

1.2.3 SP8, however, as a high-level strategic policy, is unqualified in its safeguarding of a site for industrial use. Thus the planning decision-maker decides, on a case-by-case basis, whether a proposed industrial use, which adversely affects nature conservation status, is in 'general' conformity with the development plan. Thus the protection for Pinkham Way is undermined.

This diminished protection in SP8 is shadowed by Policy SP13, Section 6.3.23, which states: *"The Council will not permit development on SINC's and LNR's unless the importance of the development outweighs the nature conservation value of the site and appropriate mitigation measures are provided."* (LBH Pre-submission draft, May 2010, Page 158)

1.2.4 This is the first time that Pinkham Way's SINC1 status has needed defending, which could be achieved at a stroke, by applying DMP28. Yet the Council has not explained why it has not only failed to invoke that policy, but, having initially adopted the less strict policy in SP13, section 6.3.23 above, now proposes, at the request of a planning applicant, further to weaken the site's protection, as PWA explains fully in Section 4.2 below. In PWA's opinion, the site could not be worse protected without it breaching the Council's own rules.

This is policy making which, in PWA's opinion, is at once supine and arbitrary; it is no part of the Council's remit to ride roughshod over the opinions and desires of residents expressed in the hundreds of submissions to this consultation, residents whose opinions and desires the Council happily and unthinkingly adopts when they happen to coincide with its own – see Section 5.6 below. PWA contends that the Council's use of SP8 and SP13 is insufficient as a guarantee of the

site's ecological value, and that the answer to the Inspector's question 2b(xix) on the Agenda: *"Is the site deliverable in light of its nature conservation status?"* is a resounding 'No'.

2. Flawed Definitions of Brownfield/Previously Developed Land

2.1 The Council, in its description of the site as 'brownfield' (Summary of Representations to revised Consultation – passim), has failed to consider the following exclusion from the definition of 'Brownfield' in the London Plan: *"This excludes open spaces, and land where the remains of previous use have blended into the landscape, or have been overtaken by nature conservation value or amenity use and cannot be regarded as requiring development."* (London Plan 2011, Page 297 – Glossary)

2.2 In the Sustainability Appraisal – Addendum, Sept 2011, Hyder plc describes the site as follows: *"This site can therefore be categorised as previously developed land. As such, the draft North London Waste DPD has identified the site as a potential site for waste management. However, ecology has taken over the site, creating a green area. Any redevelopment should consider the biodiversity value of the site."* (Hyder plc, Sustainability Appraisal - Addendum, Page 19, SA objective 15 – Effects)

Although Hyder's comment that 'ecology has taken over the site, creating a green area' could be said to invite the reader towards the following exclusion in the London Plan, it fails to take the exclusion sufficiently into account: *"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 (to the extent that it can reasonably be considered as part of the natural surroundings)."* (London Plan 2011, Page 306 – Glossary. Also PPS3, June 2011 Page 26).

The SA Addendum is thus seriously flawed, as it proceeds on the mistaken assumption that the site is previously developed land. Moreover, notwithstanding that the failure to consider the allocation of the site against reasonable alternatives was highlighted in PWA's June 1st, 2011 submission, this SA also fails to conduct any evaluation of reasonable alternatives, contrary to PPS12 para 4.43, which states: *"The SA should perform a key role in providing a sound evidence base for the plan and form an integrated part of the plan preparation process. SA should inform the evaluation of alternatives. SA should provide a powerful means of proving to decision makers, and the public, that the plan is the most appropriate given reasonable alternatives."*

2.3 PWA contends that, if such unambiguous exclusions cannot be presumed to apply to the Pinkham Way site, they cannot then reasonably be presumed to apply to any site which an authority might hope to define as 'brownfield' or 'previously developed'.

The onus is on the Council to show that these exclusions do not apply.

3. The Council's reliance on the recommendations of the two Atkins Haringey Employment Land Studies – 2004 & the Update in 2008.

3.1 The Council is quite right in saying that the Atkins report urges Haringey: *“to adopt policies which strongly encourage the intensification and improvement of existing employment areas (particularly DEAs).”* (So convinced is the Council of the virtues of this recommendation that it repeats it well over 200 times in the Summary of Representations).

3.2 Likewise, PWA agrees that it is a sensible commercial aim to maintain a: *“frictional rate of vacancy which reflects a reasonable healthy market where demand and supply are largely in balance.....some degree of vacant land and premises is important to ensure the market functions efficiently by allowing an element of natural market 'churn' as well as choice for businesses seeking premises.”* (Summary of Representations, passim)

3.3 The vast majority of submissions concerned Pinkham Way; the reiteration of ‘intensification of employment sites’ is asking residents, quite misleadingly, to infer that this can be applied willy-nilly to Pinkham Way, as one might water a garden. Yet the other references in Atkins to ‘intensification’ deal either with Haringey Heartlands, or with small areas or specific groups of properties in Tottenham, Wood Green and Muswell Hill Broadway (Atkins 2008 Update, Page 73). Indeed, in a table entitled *‘Assessment of Potential – Vacant & Derelict Sites’*, under *‘Potential for accommodating further employment premises/site intensification’*, Atkins actually score Haringey at 0%. (Atkins 2009, Page 74, table 7.6). Yet in these responses three years later, the borough is asking residents to infer that Atkins is recommending ‘intensification’ for the site. Where is the evidence within the study?

3.4 The Council seems to be claiming that, because Atkins 2008 update recommends intensification of 30ha of brownfield land in the Heartlands, it is, by extension, arguing for general brownfield intensification. The important difference, however, is that Heartlands – identified (London Plan 2011, Page 60, Map 2.4) as one of only ten ‘Areas of Intensification’ in the whole of London - meets an essential qualifying criterion for intensification, as stipulated in the Mayor’s Industrial Capacity March 2008 SPG: *“The SPG sets out that mixed use should be focused near to public transport nodes or town centres. Good public transport is an essential pre-requisite for intensification.”* (Mayor of London, Industrial Capacity SPG, March 2008, Page 51, Section 8, quoted in Atkins 2009 P14 para 3) PWA also draws the Inspector’s attention to Atkins’ use, in both studies of the term ‘brownfield’ – in PWA’s opinion a miscategorisation(see 2.1 & 2.2 above)

3.5 The Heartlands 2005 Development Framework describes the area as follows: *“....adjacent to Wood Green, one of the main shopping centres in North London.... Wood Green has good public transport accessibility with two Piccadilly Line tube stations at either end of the High Road at Wood Green and Turnpike Lane, and Alexandra Palace and Hornsey Main Line stations providing easy access to the City and West End. Wood Green bus station lies at the north of the High Road and Turnpike Lane bus station to the south, and eighteen different bus routes serve the area”.*(LBH, Haringey Heartlands Development Framework, 2005, Page 5, paras 1-2)

The Pinkham Way site, on the other hand, is not near any town centre and is served by three bus routes only, against the eighteen for Heartlands. The nearest stations are Bounds Green or Arnos

Grove underground, around 20 minutes walk away, and New Southgate Overground, around 15 minutes walk.

3.6 There is an unreality in the use of the phrase ‘intensification and improvement’ in the context of Pinkham Way. In both Atkins 2004 and 2008 Update, there is the following unasked question, which Haringey, as a responsible council, and Atkins, as professional consultants paid to give a soundly based picture to both client and business, should have raised: ***“How valuable a part of the borough’s stock of vacant land – valuable not in terms of money but in useful, convertible property stock – can a vacant site be considered, when there have been no takers, even in good economic times, let alone in today’s conditions, for almost 50 years, and when the presumptions attached to the categorisation of the site itself can be shown quite clearly to have run out of validity?”***

In PWA’s view, there is also little point in talking of ‘frictional rate of vacancy’, “natural market churn”, “demand and supply largely in balance”, all terms used in the context of a normal liquid market, when this question – concerning 60% of the borough’s vacant land stock unused for decades - has simply not been asked.

And yet there is no discussion whatsoever of this point in either of Atkins’ reports (although the 2008 Update report separates off the site at one point when discussing the stock of vacant land – ***“Vacant land in DEAs amounts to 11.06 ha which represents 8% of DEA employment land supply in the Borough (3% when excluding the undeveloped Friern Barnet Sewage Works – DEA 6”***), Atkins 2009, Page 80, 2nd bullet point).

As a part of Haringey’s stock of convertible employment land, Pinkham Way should be ‘written down’ to a nominal value, because there has been, and continues to be, no market. PWA draws the Inspector’s attention to the point made in its November 2011 submission: ***“National Planning policy (PPS4) is clear that existing site allocations should not be carried forward from one version of the development plan to the next without evidence of the need and reasonable prospect of their take up during the plan period. In the event that there is no reasonable prospect of a site being used for the allocated economic use, the allocation should not be retained, and wider economic uses or alternative uses should be considered.”*** (PPS4 Policy EC2.1(h))

3.7 So, if, intensification is unrealistic, what ‘improvement’ could Haringey bring to the site? What do they understand by their use of the term in relation to Pinkham Way? With regard to the general run of sites, the meaning of ‘improvement’ is plain; since the vast majority of the sites in Haringey will be in the general run, it is a perfectly proper term for Atkins and Haringey to use. But, as so often in these responses, the Council is applying normal terms and recommendations to a site whose situation is far removed from ‘the general run’.

The word ‘improvement’, like the phrase “the dual designation presents challenges”, trips easily off the pen, but when the concepts are analysed in the context of Pinkham Way, both represent a whole host of issues that the Council has given no evidence that it has really acknowledged.

3.8 The Inspector’s letter to the Council of July 21st 2011 asked the following question: ***“Is the site, as indicated by the Council, actually a ‘well established industrial area’?”*** (Page 2, 2nd bullet point). The Council has failed to answer this, because the answer is ‘No’.

- The site is not in any current industrial use, nor has it been since 1963
- It is not even allocated for industrial use, but for employment use. These are not interchangeable terms either in normal or legal language

In section 3.2 of their reply of July 27th 2011, the Council states: *“The proposed changes in designation to some of the 22 UDP defined employment areas reflect the alteration of the uses to those areas over the years.”* The use of the site has not altered, either since it was allocated as an employment site under the 2006 UDP hierarchy, nor, as PWA say above, since the sewage works closed in 1963. It is irrational, therefore, for the Council to attempt to suggest that the site is a ‘well-established industrial area’.

4. The combined influence of pre-application discussions and the NLWA’s Core Strategy response of June 21st 2010 in the proposal to re-designate.

In the November 2010 Fundamental Changes to Core Strategy, the Council stated *“A change in designation will ensure this DEA is targeted towards more traditional industrial uses. Complies with pre-application discussions which have already taken place to use part of site for recycling centre and other part as waste station”* (LBH, Proposed Fundamental Changes to Core Strategy, Nov 2010, Pp 24-25)

Yet, in the Summary of Representations, the Council state: *“Although aware of pre-application discussions for Pinkham Way, the Council did not propose re-designation because of this”* (LBH, Summary of Representations, 2012, passim)

In his Agenda for February 22nd, the Inspector asks the following at 2b(x): *“What is the rationale for the change?...What prompted the alteration following the pre-submission draft Core Strategy?”*

We now know that two of the three sessions of pre-application discussions had taken place - in November 2009 and another in January 2010(the third was not until March 2011).

In PWA’s view, the major event between May and November 2010 was the NLWA’s letter of June 21st in response to the Core Strategy pre-submission draft. The letter is attached as Appendix A. This letter dealt not only with the designation of the site itself, but made suggestions and requests about other aspects of the Pinkham Way issue, which PWA sets out below.

4.1. The NLWA’s comment on Designation and Use as Waste Site

4.1.1 In the ‘Options’ section of the Site Allocations document published with the May 2010 Core Strategy pre-submission draft, Haringey gave the following description of Pinkham Way:

Owner: NLWA, LB Barnet
Current Use: Derelict, formerly used as a sewage treatment works
Options: Employment generating uses & opportunity to deculvert stream
Planning History: None

Other Relevant Information: Within DEA 6 – Friern Barnet Sewage Works. Identified in NLWP for waste site (LBH, Site Allocations DPD, 2010, Page 53, Attached as Appendix B)

To PWA, apart from the inaccuracy of the Planning History, this seems a perfectly proper way for the Council to have described the site. Both the joint NLWA/Barnet ownership, and the identification of the site in the NLWP, were simply noted. No other comment was offered by the council, save in the 'Options' section above.

4.1.2 The timing of events is critical. Two of the three sessions of discussions 'complied with' in the November Fundamental Changes 2010 document, as noted above, took place in Nov 2009 and Jan 2010. Thus, by the time the May 2010 pre-submission draft would have been in preparation, any information divulged in the discussions – which Haringey only acted upon in November 2010 - would have already been available.

Yet, in that May 2010 document, Haringey continued to designate Pinkham Way a DEA, relying, as the Council itself states on the Mayor's SPG on Industrial Capacity of March 2008: ***"The Mayor's Industrial Capacity SPG urges boroughs to make employment land available for....waste facilities"*** (LBH, Pre-submission Draft, May 2010, Page 118, Para 5.1.20)

This was clearly not sufficiently robust for the NLWA. The SPG actually makes but a single reference to 'employment areas', ***"Policy 4A. 27 of the London Plan identifies broad locations suitable for recycling and waste treatment facilities including SILs (both Preferred Industrial Locations and Industrial Business Parks), local employment areas (including Locally Significant Industrial Sites) and existing waste management sites."***(SPG, Industrial Capacity, March 2008, Page 44, section 6.3).

4.1.3 But the same section of the SPG begins thus: ***"Policy 3B.4 in the London Plan emphasises the need to make strategic and local provision for waste management on industrial sites."***(ibid) The emphasis in the SPG is actually on the release of surplus industrial land for among other things, 'social infrastructure', with some direct references to 'waste'. This emphasis is, if anything, even stronger in Section 4.19 of the London Plan 2011, (Page 120).

4.1.4 It is the NLWA letter which recognizes the true emphasis in the SPG, and aims to place the designation of Pinkham Way in the middle of the industrial land hierarchy, set out by the Mayor in the above-mentioned Section of the 2011 London Plan, of i) strategic industrial locations, ii) locally significant industrial sites, and iii) other industrial sites, which include employment land. The letter states: ***"The Core Strategy does not explicitly refer to the use of the Pinkham Way site as a waste management site; instead paragraph 5.1.20 refers to the Mayor's Industrial Capacity Study SPG urging boroughs to make employment land available for uses including waste management facilities and to the emerging North London Waste Plan as the document which will identify sites for future waste management facilities. Whilst the Authority anticipates that the protection for existing and future waste management sites as outlined in the London Plan will be referenced and included within the North London Waste Plan, it would be legitimate and helpful for all if the specific use and protection to be afforded to the site could be included here within the Core Strategy document."*** (Appendix A, page 5, para 3)

4.1.5 In the following paragraph the NLWA gives its reasons for the suggestion. As they are designed to influence Haringey, they need examination: ***“Additionally, given the planning history of the Pinkham Way site as a sewage treatment works, that the North London Waste Authority has now exchanged contracts for the Pinkham Way site, that it is listed within the Authority’s Outline Business Case for PFI credits and that the North London Waste Plan has set out proposals for potential waste management sites including Pinkham Way, the Authority considers that the site should be clearly listed as a waste site within the Core Strategy”.*** (Appendix A, Page 5, para 4)

4.1.6 PWA offers the following comments on this paragraph:

i) ***“..the planning history of the Pinkham Way site as a sewage treatment works”.*** PWA finds that the gap of nearly 50 years makes a link which is, even if defensible, tenuous in the extreme. The Council is actually wrong in saying that there is no planning history, as a number of applications have been made over the years, notably by Barnet Council, who in 1998 applied for residential permission. As PWA notes later on in Section 5.7, one of the reasons for rejection given by Haringey was the loss of ecological value of the site. Over the years there has plainly been some unofficial dumping on the site – there is an impressive collection of heavily mossed concrete lampposts for instance. But the overwhelming impression that a stranger visiting Pinkham Way would form is of scrubland with extensive tree cover – a natural landscape.

ii) ***“..the North London Waste Authority has now exchanged contracts for the Pinkham Way site”.*** For a planning applicant to make such a remark to a LPA is irrational – what possible concern could that be to the LPA, whose reply to a normal applicant would be ‘That’s your risk and is irrelevant to any planning considerations’. There must therefore be another motive. In PWA’s view, the NLWA is reminding Haringey that, as a member council, the Council was liable for one seventh of the cost of the site that the NLWA had bought unconditionally.

iii) ***“..that it is listed within the Authority’s Outline Business Case for PFI credits”.*** This has no relevance to the Council’s function as LPA. It should be noted, though, that, a short time before the start of the November 2010 consultation, DEFRA had **already** announced that the NLWA’s PFI credits had been withdrawn. (<http://www.defra.gov.uk/news/2010/10/20/changes-to-pfi-programme/> - 20.10.10). Defra’s comment at the time is worth noting: ***“We have concluded that we must withdraw the provisional allocation of PFI credits from seven project(including NLWA – PWA), on the basis that, on reasonable assumptions, these projects will no longer be needed in order to meet the 2020 landfill diversion targets set by the European Union”.***

iv) ***“..that the NLWP has set out proposals for potential waste management sites including Pinkham Way”.*** The NLWP is a draft plan, which even now has not been tested in public examination, and, as the Inspector will be aware, is meeting strong opposition.

4.1.7 These last two reasons, though patently irrelevant to planning considerations, spell out to the Council that all parties are moving ahead, and that, to all intents and purposes, Pinkham Way’s future should be regarded as a ‘done deal’. In PWA’s opinion, the Council is being diverted strongly away from its proper function as independent LPA towards its ‘obligations’ as a member of the Authority.

4.1.8 As PWA has said above, from the dates of the two meetings already held, it can be assumed that the Council would have known all that is set out in the paragraphs from the NLWA letter (in sections 4.1.4 & 4.1.5 above) before the May 2010 draft was compiled. Yet, in that draft, Pinkham Way is still listed DEA. By contrast, in the November Fundamental Changes document, with no additional evidence presented by the Council, the redesignation was proposed, and the future of Pinkham Way was clearly signposted.

4.2. The NLWA Request for Design Criteria to be modified - with the unspoken mention of Policy DMP13 point (f)

On Page 6 of the letter, the NLWA responds to Chapter 3 of the Development Management Policies DPD, specifically Policy DMP13 on Page 44, asking for relaxation of the criteria, some of which they list. The full list of criteria in the DPD itself, however, says at point (f): *“The council will require developments to adopt appropriate measures to protect and enhance biodiversity”*, a demand which the NLWA omits from the list it quotes itself, only to refer to it obliquely at the end of the paragraph: *“The Authority therefore considers that it would be unwise to require such facilities (ie waste) to meet the same design criteria as some other types of residential building or to add unnecessary costs to the development of such an essential public service. The Authority therefore recommends that waste facilities should be exempt from any such policy requirement or at the most that the requirements for waste facilities are drafted such that they must ‘have regard to’ to these requirements or other appropriate environmental impact schemes.”* (Appendix A, Page 6)

In the Schedule of Further Minor Changes Post Hearing, the Council made the following proposal, which PWA contends is linked to the request in the NLWA letter. As PWA said in Section 7 of its November 2011 submission, the proposed amendment, which PWA strongly opposes, weakens the environmental protection of the site:

“Amend 7th sentence to read as follows: “The Council will not permit development on SINC’s and LNRs unless the importance of the development outweighs the nature conservation value of the site and appropriate mitigation measures are provided. In these cases, and where a site has a dual designation, appropriate mitigation measures must be carried out.” (Schedule of Further Minor Changes Post Hearing, 158/6.3.23)

4.3. The NLWA Request to remove the Reference to ‘De-culverting the stream.’

4.3.1 On pages 9-10 of its letter the NLWA responds to the Site Allocations DPD. It comments as follows on the option to de-culvert the stream that flows across the site, *“In addition, the Authority considers that it is inappropriate for the site description of Pinkham Way to refer to the ‘opportunity to de-culvert stream’. The Authority is unsure why this has been specifically included, particularly when the site is identified within the North London Waste Plan as a potential site for future waste facilities and as a Defined Employment Area. We request therefore that this reference is removed”* (Appendix A, Page 10, para 1)

We do not know what the Council’s decision is on this point, as no new Site Allocations DPD has been published. It seems to PWA that proper consideration of the Core Strategy is impossible

without it, and we ask the Inspector to urge Haringey to make it available as soon as possible, and particularly in proper time for the February 22nd hearing.

4.3.2 In the meantime PWA offers these thoughts:

i) The NLWA's request disregards Haringey's BAP - *'other opportunities to restore water courses exist on the former Friern Barnet Sewage Works site.'* (LBH, BAP 2009, Page 42)

ii) The NLWA request does not comply with the London Plan 2011. Table 7.3 in the London Plan shows a 2020 target to enhance 100 hectares of rivers/streams habitat out of the 2008 base total of 614 ha. Note 5 to the Table says *"Increase involves fullscale restoration resulting from de-culverting or reprofiling of the river channel"* (London Plan, Page 237, Table 7.3 & Note 5) The thrust of Policy 7.28 of the Plan (Page 245) - on the Blue Ribbon network - is to enhance rivers and streams, including by de-culverting. While Bounds Green Brook is not itself part of the Blue Ribbon network, within a mile of the Pinkham Way site it flows into a Blue Ribbon waterway, Pymmes Brook. In addition, the culvert of the Bounds Green Brook along the North Circular has been improved during the recent improvement scheme, and the plans for New Southgate note the opportunity to de-culvert the Brook (London Borough of Enfield, New Southgate Masterplan, Final Version, 2010, page 5, fig 1.3) The New Southgate plan also makes this stipulation: *"Ecological and water quality improvements to Bounds Green Brook should seek to enhance the area and utilise the Blue Ribbon Network. The brook should provide a useful function as a wildlife corridor and sustainable urban drainage site, in accordance with London Plan policy 4C.3."* (ibid., page 104, Section D.9)

4.3.3 The Council repeats that no decision has been made on the use of the Pinkham Way site for waste. In the light of that statement, the PWA contend that there is no justification for the option to de-culvert to be deleted. PWA further contend that, taking into consideration the London Plan 2011, the London Rivers Action Plan, the Council's own BAP, and the tenor of the remarks in the New Southgate Masterplan, it would actually be impossible for the Council to accede to the NLWA's request to remove the reference to de-culverting, an opinion reinforced by Section 110 of the Localism Act 2011, which deals with the 'Duty to Co-operate', also covered in paragraphs 44-47 of the draft NPPF.

4.4 Summary of PWA's comments in Section 4

How could the comment on 'pre-application discussions' have been so egregiously drafted? This comment in November 2010 put Haringey into a most difficult position. The Council's comment that it was now only 'aware' of the discussions would not convince a primary school child. To proceed from 'awareness' to 'compliance' is quite a normal and logical step; to attempt the opposite could result in an intellectual hernia.

PWA can only conclude that the Council, having initially followed a proper borough planning procedure for the pre-submission draft, allowed itself during summer 2010 to be browbeaten into a flawed and indelible piece of drafting – in compliance with the 'pre-application discussions' and the June 21st letter - and that the whole drive for the change in designation came from a decision made under duress to smooth the NLWA's plans and to please the other six member boroughs.

The PWA cannot help noting the NLWA's marked success rate in having its suggestions adopted by the Council, against that of the hundreds of people who made submissions to this consultation. The NLWA 'strike rate' is around 1000 times greater.

The following section will illustrate how minimal is the threat from retail development which Haringey has cited as part of the evidence for the re-designation.

5. The Threat from Retail Development.

5.1 On Page 34 of the re-consultation document (CSSD 03) it is stated that *"The site is close to out of town centre retail uses on the other side of the North Circular in Enfield and Barnet. Enfield recently adopted a masterplan for New Southgate for mixed use development. The current designation for the site includes B uses but also provides flexibility to non-B type employment generating uses such as small scale 'walk-to', leisure, creative and cultural industries. Accordingly, the Council is of the view that a Locally Significant Industrial Site (LSIS) designation will provide stronger protection for the long term future of the site for employment use and having regard to the pressures identified above will deter approaches for uses on the site such as large retail use which is suitable for town centre locations"*. (LBH, CSSD-03 consultation document, Sept 2011, Page 34)

5.2 The catchment of Friern Bridge Retail Park (FBRP), opposite the Pinkham Way site on the north side of the A406 North Circular is 55,000 people within a 2km radius. The 'Key Points' section in the FBRP brochure – attached here as Appendix E - states on Page 5, when describing the catchment, i) that household income is 14% above the national average, ii) that 64% of the catchment is ABC1, also above the national average, and iii) that they are above average spenders in all retail categories. In other words, if local people found the FBRP attractive and convenient they have had enough disposable income to ensure that it would have performed a great deal better than it has since its opening in 1997.

FBRP's handicap is that – at 178,000 sq ft - it is squeezed, and will continue to be squeezed, by Brent Cross Shopping Centre (900,000 sq ft) to the west and by Edmonton Ravenside (500,000 sq ft including the adjacent IKEA and Tesco superstores) in the east. Indeed, during the week, it has been common to go to FBRP – even when the site has been fully occupied - and find not more than 70 or 80 cars parked.

5.3 In the extract from the re-consultation document above, there is mention of the New Southgate Masterplan. This is a proposed redevelopment, over several years, of the triangular area bounded by the A406 in the south, and by New Southgate Overground and Arnos Grove Underground stations in the west and east respectively. According to the plan, 766 new dwellings are scheduled to be built (New Southgate Masterplan, Final Version, 2010 Table page 18, Table 4.1, Development Schedule. For map of area see Table 1.1, page viii)

For balance, PW is making an allowance of 25% above the projected average household size for 2016 of 2.23. Thus we find that the new dwellings, including the 25% uplift, will eventually house

an increase in the local population of around 2100 – under 4% of the FBRP catchment mentioned above.

Included in the plans are some new local shops, as well as upgrading for the existing shopping areas on Friern Barnet Road to the immediate north. Given also that a visit to the FBRP or a putative development on the Pinkham Way site would entail a trip back to New Southgate along the stretch of road that is the most congested road in London in the evening (Mayor's answer to question 4036/2010, 15 December 2010) – and a stretch that locals avoid like the plague **at almost every time of day** – the likelihood of a sudden demand as a result of the New Southgate plans does not exist.

5.4 A member of PWA talked to one of the managing agents for FBRP during January 2012. The latter's opinion was that FBRP would continue to be squeezed as described above, and that there was no possibility of anyone's wanting to propose a retail development on the Pinkham Way site.

On what grounds could the Council have perceived this threat? Not from the responses to the May 2010 pre-submission draft, which would be the logical place if, in November 2010, the designation of Pinkham Way was truly being altered for that reason. Not a single response mentions the need to safeguard the site from retail use. In any case, even if there was a true threat, what was to stop the Council's adding a simple rider that the site was unsuitable for retail, as indeed they have done under 'Regeneration Area' (CSSD-03, Page 13 top)?

5.5 Additionally, during the summer of 2011, Barry James, a local resident, had an e-mail exchange with the Council, in the person of the planning officer Marc Dorfman, ranging over much of the Pinkham Way issue. The relevant extract from the exchange is attached as Appendix C.

At one point, the Council writes: ***“National, London and local policy all agree retail should be focused in town centres – more sustainable and equal (issue of good and energy efficient access). It is also clear that the existing out of centre retail park close to Pinkham has poor access and is not performing well. Neither Haringey, Barnet nor Enfield are proposing a new town centre in this location and consultation with local people through their local plans has shown no desire or support for this. Any out of centre retail application would draw investment out of existing and agreed town centres where communities and local planning authorities are working hard to retain viability and vibrancy – eg the Mayor has recently launched a £50m fund to support the vitality of existing town centres – not out of town centre”.*** (Appendix B, Point 6 in red type)

5.6 This comment, made under three months before the start of the re-consultation, does not show apprehension of over-expansion of retail. In fact, from what the Council says, the existing facility appears more than enough. As Haringey comments, a) the access is poor – **NB** the Inspector should note, in the light of Point 2b(xxi) of the Agenda, that this the same 'poor access' which would be used by every single vehicle of the 550 or so which would daily be entering the Pinkham Way waste site should the present planning applications be approved – b) the FBRP is not a good performer, and c) nobody local when consulted shows desire or support for more retail (PWA cannot help noting that in this instance the views of local people have been expediently taken into account when they coincided with the Council's own).

5.7 It is also worth noting at this point some of the reasons given in 1998 by the Council Planning Sub-committee (full text in Appendix C(i)) for the rejection of an application for residential development on the site made by Barnet Council: the isolation of the site, the lack of transport accessibility, and the loss of ecological value. Why would the same factors not affect any retail development?

6. The Council's Characterisation of the Pinkham Way site.

In the Summary of Representations, the Council characterises the Pinkham Way site thus: *"A brownfield site....In addition to the evolved ecological nature of the site, it is also contaminated due to its previous use and as a result of dumping.....(it) is, in part, impenetrable due to dense undergrowth."* (LBH, op.cit, passim)

In PWA's view, the Council – leaving aside the flawed use of 'brownfield' - is attempting to devalue the Pinkham Way site as an ecological entity, perhaps with a view to some future ecological equation, whereby a site of low value in Location A needs less mitigation in Location B.

In fact, almost all of what the Council says about Pinkham Way can be accurately applied to Coppett's Wood, which has enjoyed LNR status since 1997.

Before expanding on this, PWA offers the Inspector a brief history of the Coppett's Wood site, situated on the other side of the A406 north of Tescos and NW of the Pinkham Way site. This was also a sewage farm(The Finchley Sewage Works), which opened and closed in the same years, 1885 and 1963, as Friern Barnet Sewage Works. The Coppett's Wood sewage treatment installation was to both east and west of a central section of ancient woodland.

After the closure there followed 20 years of regeneration, during which there was extensive dumping. The land, even now, remains contaminated throughout. In 1983, Barnet published plans to turn the whole area into playing fields.

After Barnet's announcement, a team of volunteers led by Dr Oliver Natelson, a soil chemist and local resident, whose submission (No 376) the Inspector will have seen, conducted extensive surveys on the amount of usage of existing local playing fields. They found that there was not sufficient use of the existing stock to warrant the provision of more. In addition, they researched the practicality of laying down fields in Coppett's Wood itself, and found serious problems.

Barnet were thus persuaded against the plan and the site was labelled a nature reserve (small 'n', small 's'). At the time of the decision the presence of ancient woodland played no part in the decision.

In 1997, the efforts and commitment of Dr Natelson and his team bore fruit when Coppett's Wood was granted LNR status.

6.1 'The Evolved Ecological Nature of the Site'

In using this phrase, the Council is doing no more than restating that nature abhors a vacuum, which has been the case for the 4.5 billion years of Earth's history. The fact that the 'Ecological Nature' evolved from a sewage works is immaterial – it must after all evolve from something - and in any case, the Council needs only look at its own BAP, Section 9.3 of which describes how wasteland can provide 'stunning' diversity. While the council is hoping to show a negative, the section in the BAP, coupled with the evidence to be found in Dr Natelson's and Mr Attenborough's submissions, shows the opposite.

6.2 'Contamination and dumping'

As mentioned above, Coppett's Wood remains contaminated throughout, but is open to the public. After the conservation group took responsibility for the site, Barnet Council closed it for around a year to remove drums of bleach, asphalt, and some other serious contaminants, after which the site was opened for full access. There were also, as on Pinkham Way, some dumped cars, which were also removed. Most of the remainder of what was dumped remains. including large numbers of concrete lampposts, which remain to this day, some of which have been fenced off and some where the fencing has disintegrated.

Local residents have picked top fruit and blackberries on the Coppett's Wood site, and there have been no reports of ill-effects. Mr Chris Faulkner, of the Freehold Community Association, who the PWA understands has recently made or will soon be making a Village Green application for the Pinkham Way site, told PWA in an e-mail on 10th November 2011: ***"Freehold residents have used the Pinkham Way site for the past 47 years without any consequences as far as I'm aware"***.

6.3 'Dense Undergrowth'

A tour round the other 8 Grade 1 SINCS in Haringey would show many areas of dense and impenetrable undergrowth. As PWA is sure the Council's own environmental expert, Mr Holt, would advise the Council, dense undergrowth is essential for many species for shelter, security and foraging. A ten minute stroll around Coppett's Wood would take the walker around large areas that are ***'impenetrable due to dense undergrowth'***. This is not, as the Council appears to believe, a negative as regards the ecological value of the Pinkham Way site.

7. MOL Designation

Haringey, in responding to the representations of the Pinkham Way Alliance promoting MOL status for the Pinkham Way site, dismissed this approach in the Summary of Representations on the basis that: ***"The site at FBSW does not meet the criteria for MOL designation as set out in Policy 7.17 of the London Plan 2011. The site does not have strategic value to London as a whole and previous open space assessments have not identified it as a site that should carry either the strategic designation of MOL, or the more local designation of SLOL."***(op cit, 384/13/5.1)

PWA disputes this view. The table below sets out the criteria for MOL designation as displayed in Policy 7.17 of the London Plan 2011, assesses the site against these criteria and concludes that it is wholly suitable for MOL designation.

Policy 7.17 states that in LDF preparation:

“Any alterations to the boundary of MOL should be undertaken by boroughs through the LDF process, in consultation with the Mayor and adjoining authorities” and “To designate land as MOL boroughs need to establish that the land meets at least one of the following criteria”

MOL designation criteria from Policy 7.17 of the London Plan 2011	Assessment of Pinkham Way site against MOL designation criteria
<p>a) it contributes to the physical structure of London by being clearly distinguishable from the built up area</p>	<p>The Pinkham Way site forms a natural extension to extensive tracts of open land to the south and west (Muswell Hill Golf Course) and Hollickwood Park which are already designated as MOL. This site is ‘clearly distinguishable from the built up area’ and does contribute to the physical structure of London. Development of the site would actually diminish the value of the existing MOL by reducing the ‘openness’ factor that can currently be experienced by thousands of vehicle occupants along the North Circular Road, users of the Friern Bridge Retail Park, Hollickwood Park and Muswell Hill Golf Course. This would severely reduce the strong ‘physical structure’ element that the several open spaces currently designated as MOL possess.</p>
<p>b) it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London</p>	<p>When considered together with its surrounding tracts of extensive designated open space we find land that is used for sport and recreation (Muswell Hill Golf Course) and Hollickwood Park that does serve significant parts of London. PWA also draws the Inspector’s attention to its reference(Section 6.2 above) to the long term amenity value of the land to local residents, and the fact that in the Atkins Open Space Study, 2003, the site is described as Private Recreational Open Space.(See relevant map in Appendix F)</p>
<p>c) it contains features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value</p>	<p>The biodiversity value of the site is currently of Borough value. With the stream de-culverted there should be scope to increase the value of this site to one of metropolitan significance. Whilst PWA realizes that no two sites have the same conditions, it notes that in 2006, four years</p>

	after a de-culverting, restoration and flood alleviation scheme for the River Quaggy in Sutcliffe Park, Greenwich,(Appendix G, Page 13) the area of the park surrounding the scheme was created an LNR, having previously had no status.
d) it forms part of a Green Chain or a link in the network of green infrastructure and meets one of the above criteria.	Part of the site is designated as an ecological corridor on the UDP Proposals Map which is part of the link in the network of green infrastructure. The eastern edge of the site abuts the ecological corridor that runs along the railway. It therefore fully meets this criterion.

For the purposes of MOL designation the Policy requires a piece of land only to meet at least ‘one’ of the criteria.

The Pinkham Way site fully meets two of the four criteria for MOL designation, (a) and (d), and partly meets or has the potential to meet the other two.