

Response from Evelyn Ryan to consultation on

Haringey Local Plan: Strategic Policies

Inspector's Main Modifications

31 August 2012 – 12 October 2012

1. I would like to make the following comments on the Schedule of proposed Modifications attached to the Inspector's letter of 22 August 2010. I have taken into account the further clarification provided by the Inspector in his letter of 24 August 2012.
2. My comments are made without sight of the Inspectors full report. Some of them may have already been addressed in the report. As I am not in a position to know whether they have been or not I have had to prepare my responses allowing for the possibility that some of them have not been covered by the Inspector.
3. In their current form, I consider the modifications are inadequate and insufficient on their own and that without further amendments they would render the plan unsound.
4. I will comment initially on Modification 28 which relates to Policy SP8. Then I shall comment on Modification 41, on SP13. This relates to SINCs. I consider these two modifications to be closely connected because of the dual designation of Employment and SINC on the Pinkham Way site. I have suggested a small amendment to Modification 26.
5. Finally I have asked the Inspector to clarify a number of points which came up at the EiP and which potentially could lead to misunderstandings and confusion if they are not dealt with.

Modification 28

6. I welcome the Inspector's decision to remove the Former Friern Barnet Sewage Works (Pinkham Way) site from the list of LSIS designated sites on the grounds that there is no sound basis for including them.
7. My understanding from the Inspector's letter of 24 August 2012 that this would mean the Pinkham Way site classification would revert to the format in the Haringey Core Strategy Proposed Submission 2010 document, except with the additional modifications to SP8 proposed by the Inspector. If the Inspector considers that Pinkham Way should retain its dual designation of Employment Land and SINC No 1 Borough Importance, then Modifications 28 and 41 must be read together.

8. Modification 28 does not resolve the Pinkham Way issues. The dual designation on this site has led to misunderstandings within the Council and within the local community. This would not be overcome even if Modification 28 were to be included in the plan. If the Inspector considers it appropriate to retain the dual designation, then additional clarification would be needed about how it is to operate in practice. If that is not provided, there will continue to be confusion and inconsistency within the Plan itself, making it unsound.
9. The Pinkham Way site would have been carried forward as an employment allocation from the UDP but without an appropriately robust review of the site's continued suitability for this allocation. I would argue that in such a case the Core Strategy would not comply with the relevant national policy and guidance. Pinkham Way is unique among the DEA designated sites. It does not fit into the description given in the plan as to the characteristics of such sites. For example, there are no buildings on the site, no infrastructure, just verdant green space, covered in trees, shrubs and plants. Unlike the others, it has not been developed for over 45 years, it has no existing buildings, no infrastructure, and is the only SINC of Borough No 1 Importance within this category of sites. The site has all the characteristics of a SINC but none of the characteristics of Employment Land. It is the only SINC No 1 Importance that has a dual designation. In my view it is an anomaly and should have no place in the strategic plan.
10. Removal of the Employment designation from the site would remove the anomaly and indeed the source of much confusion and misunderstandings surrounding the Pinkham Way site. I would therefore ask the Inspector to consider recommending that the Employment designation be removed but the SINC No 1 Borough Importance be retained.
11. New information, in the form of a Councillors briefing note dated 1998¹, (not made available for the EiP) has been disclosed as an appendix to the Council's objections to the Village Green application relating to the Pinkham Way site. It sets out the planning history of the site from 1950 – 1995 and among the comments made in the document, the following are set out here to support my request that the designation of Employment Land be removed:

“Middlesex Development Plan (1950-65) identified most of the site as Public Open Space plus orchard and nursery and Council Depot”

“Employment uses on the site would be difficult to service by public transport and would be inaccessible to Tottenham workers ...” and that

¹ LBH Village Green: Appendix 2 - Note of 21 August 1998 http://www.haringey.gov.uk/lpa_haringey_appendix_2.pdf

“arguably it would be more difficult to retain/conserv e any elements of ecological value on the site if it were developed for employment uses”

“factory or warehouse development would be likely to have greater adverse impact on the character and amenity of adjacent MOL on the South and West”

“GLDP saw it as part of a larger area of MOL”

12. I believe the Council should have disclosed this information to the EiP rather than claim that the site had no planning history which is what they did.

13. The site has none of the characteristics of employment areas and all the characteristics of natural open green space. It is a valuable open space immediately adjacent to an area of open space deficiency and has the potential to provide access to a high value open space for the residents in that area.

14. I note the Inspector has pointed out to the Council (letter of 24 August 2012) that they might take an ***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***”.

15. I would ask the Inspector to reflect on the position where there is a dual designation on a site, as there is here, and perhaps offer some advice as to how the Council might go about ensuring how the aims of both Policies SP8 and SP13 would be secured.

16. Given the nature of these particular policies it is difficult to see how the aims of both could be secured at the same time. I would argue they are irreconcilable. Policy DMP28 (the policy applicable until such time as it has been replaced, see below) states “The Council will not permit development on or adjacent to SINC s a) unless there will be no adverse effect on the ... Value of the site and the importance of the development outweighs the value of the site.” Any development is likely to have some adverse effect on the site if it involves erection of structures, however small.

17. In my view this demonstrates an irreconcilable conflict between two policies in the plan and this is in conflict with NPPF (paras 109 and 110). For these reasons the plan would be unsound.

18. There are alternative, previously developed sites which are more suitable for allocation for Employment use.

19. I would ask the Inspector to consider recommending that the SINC No 1 Borough Importance designation be retained, and that the Employment designation be removed from the Pinkham Way site until such time as a robust and proper assessment of the site can be carried out.

20. I believe would be unsound to allow the dual designation to remain in the plan whilst at the same time weakening the protection provided, see Modification 41 below.

Modification 41

21. Policy SP13, as proposed for modification, does not give proper protection to SINC's and other designated sites. 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. I believe that 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 nature conservation/ ecological interest.

22. 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.

23. 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. Therefore the saved UDP (OS6) should remain the prevailing policy for protection of SINC's.

24. I would ask the Inspector to consider the following amendment to Modification 41, page 158 para 6.3.23 : 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 SINC's and LNR's is provided in Haringey's Local Development Framework document Development Management Policies'.

25. Any attempt to alter the carried over saved UDP policies in the DMP would be tantamount to pre-empting a proper and full public consultation and examination of the DMP policies relating to protection of SINC's.

Modification 26

26. I wish to suggest the following amendment to Main Modification 26: After “....set out mitigating measures in line with the national guidance” add **“In addition they will be required to provide evidence that demonstrates that these measures will be effective in the particular circumstances of the development”**.

Request for Findings of Fact

27. I would like to ask that the Inspector considers the benefit of clarifying a number of matters relating to the Pinkham Way site.

28. 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 the Council 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.

29. Because of the lack of clarity on these matters, I believe 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.

30. 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 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.

31. The issues referred to are:

32. 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 the site is properly to be regarded as brownfield land/PDL

or the site it 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

33. the site is Open Space

34. the site has a nil use

35. The suite of modifications put forward for consultation is inadequate and insufficient on its own to render the plan unsound and the Inspector is invited to conclude that this is the case. I am 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 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.

36. I do not believe that such an outcome would reflect the Government's stated commitment to a Localism agenda.

37. 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

38. 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. I would welcome an opportunity to comment on the revised plans before adoption if that were possible.

39. The site description of FFBSW (Pinkham Way) should be amended following the Inspector's report to reflect accurately the outcome of his deliberations.

Evelyn Ryan
12 October 2012