

# Objection to the Framework Core Strategy – Supplement

## 27th October 2011

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### Supplement to Submission from Barry James - dated 22nd October 2011

The attempt, by Haringey Council, to change the land designations of Pinkham Wood (frequently referred to as Friern Barnet Sewage Works) is tainted by omissions and misleading representations.

#### 1. Email dated September 27th 2011

- 1.1 Marc Dorfman, a senior Council officer working in the Council's Planning Office, argues the Council case in an email dated September 27th 2011 (*a copy of the full email is replicated at the end of this supplement*).
- 1.2 Mr Dorfman suggests that the Council wishes to protect the Pinkham Wood site's status as a site for employment but that 'he' is concerned that the site's current designation could be justified for use as 'retail employment', a usage that the Council wishes to discourage. It is unclear from the email whether the Council places greater importance on the provision of employment, even if it is 'retail based', or whether the Council is prepared to forego such employment possibilities at Pinkham Wood just to protect town centre trading conditions.
- 1.3 Mr Dorfman's email fails to mention the caveat currently attached to the EL designation "subject to no adverse effect on the nature conservation value of the site". This is consistent with the circulated consultation documentation which also fails to mention this key caveat on the current designation.
- 1.4 Mr Dorfman also mentions that the 'possibility of a waste management based application' emerged during the time of the additional consultation and that the Authority did not want this "possible development to be unreasonably jeopardised". While it is unclear quite how the NLWA's application might be jeopardised, **this is clear evidence that the Council has set out to take positive action to protect the NLWA's "waste management based application"**. **The actions of the Council's Planning Services are therefore acknowledged to be in support of the NLWA's application for a waste management situation on the Pinkham Way site.** This appears to undermine the carefully constructed pastiche of 'Haringey's planning independence' repeatedly promoted by the Council's Leader.
- 1.5 The argument for changing the land designation at Pinkham Wood appears to be that the Council does not want to see a 'retail based employment opportunity' to suddenly emerge that would put the NLWA's application at risk, notwithstanding the NLWA's ownership of the land. Since the site has existed as green space for 50 odd years, it is hard to believe that a credible 'employment' opportunity application might suddenly appear at this particular time – one that the Council's Planning Service could not resist due to the designation of the land and which would displace the employment use apparently preferred by the Council.

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1.6 Mr Dorfman's email amply illustrates the biased view held by the Council towards the NLWA application. He promotes the benefits of the application without mentioning any of the drawbacks ( e.g. substantially increased traffic in an area already known to be polluted to a significant extent below defined air quality thresholds) and he fails to mention that the current designations (ER with the caveat and the SINC) almost certainly jeopardise the NLWA application. Indeed Mr Dorfman actually maintains that the possibility of using Pinkham Wood as a site for waste management purposes is the same whichever land designation applies. If this is the case, then the Council should be content to agree with the withdrawal of the proposed changes.

## **2 Framework Core Strategy Document / Submission Proposals Map**

- 2.1 Pinkham Wood currently has a dual land designation – EL (for Employment Use, subject to no adverse effect on the nature conservation value of the site) and SINC (site of Important for Nature Conservation). Mr Dorfman, in his email, refers to the Pinkham Way site's dual designation in the past tense (3rd line / third para). His statement is consistent with the Council's unstated wish to drop the SINC and caveat, potentially without proper consultation.
- 2.2 His document further refers to the Council Planning Service's transparent & professional behaviour towards the waste planning issue. This suggestion of the Planning Services transparency and professionalism does not extend however to the quality of the consultation documentation being placed in front of the public – see following comments.
- 2.3 On page 34 of the Framework Core Strategy document, there is a reference to the existing SINC designation but the following explanation of the proposed introduction of the LSIS makes no mention of the SINC or the caveat and, should it suit the Council's purpose at a later date, it could argue that the SINC and the 'employment' designations were both dropped in favour of the LSIS.
- 2.4 On page 22 of the Framework Core Strategy document, a table entry for DEA6 clearly shows the proposed change from EL to LSIS without any reference to SINC or the caveat. This entry however does include a reference to the NLWA's planning application. Surely if the situation merits mention of a 'possible planning application' in the notes, then the existence of a SINC is also warranted. The absence of such a note could be retrospectively argued to be evidence that the SINC had been dropped as part of the proposal to introduce a LSIS.
- 2.5 In the Submission Proposals Map, the accompanying table (last page) makes a reference to the change of designation for Pinkham Wood (Friern Barnet Sewage Works) from 'Employment Land' to "Locally Significant Industrial Site". Once again, there is no mention of the SINC, nor is there mention of the caveat on the EL designation.

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- 2.6 In fact, there is no reference to the Council's intention to keep the SINC or the caveat associated with the ER designation anywhere in the consultation documents. It is quite evident that the Council's Planning Service is seeking to drop both the SINC designation and the caveat without making it clear that it is doing so. **This is not transparent & professional behaviour.** The consultation documentation is therefore deeply flawed and wholly unacceptable.
- 2.7 The Council should be asked to do the consultation again, in a manner consistent with its published promises. Alternatively, since in his email Mr Dorfman has made it clear that he thinks that the existing designations do not jeopardise the favoured NLWA application for the Pinkham Wood site, the Council should simply withdraw Pinkham Wood from the proposed designation changes.

### 3. Strategic Open Plan Space Assessment

- 3.1 In October 2003, Haringey Council commissioned Atkins to conduct a Strategic Open Space Assessment. A copy of the Report is included in the material (evidence) offered in support of the Core Strategy and it is available on the Haringey Council website. Given the acreage of the Pinkham Wood site, it is difficult to reconcile the complete absence of Pinkham Wood from the assessment.
- 3.2 On page 24 of the Atkins Assessment, Regional Parks & Open Spaces (Metropolitan Open Spaces and Green Belt Land) are characterised as "large areas of natural heathland, downland, commons, woodlands including areas not publically accessible but which contribute to the overall environmental amenity". Haringey Council clearly bought into this characteristic for Pinkham Wood when it designated it as a site of "Importance for Nature Conservation" [SINC]. However, the Pinkham Wood site is not mentioned in the assessment.
- 3.3 The Atkins Assessment includes a chapter on the Non Recreational Value of Open Spaces (Chapter 6). This chapter features SINC's but does not appear to mention Pinkham Wood. However it should be noted that certain relevant figures (ancillary documents) are referred to but not available in the accompanying material offered on the website. It seems strange that Haringey Council are able to offer numerous ancillary documents from Figure 2.1 to Figure 9.14 but the documents for Figure 6 are missing. In the context of a time-limited consultation, one has to wonder if the missing documents contain information that the Council considers inconvenient for its case to change the land designations at Pinkham Wood.

[http://www.haringey.gov.uk/index/housing\\_and\\_planning/planning-mainpage/policy\\_and\\_projects/local\\_development\\_framework/openspace\\_rec/open\\_space\\_and\\_sports\\_assessment\\_2003.htm](http://www.haringey.gov.uk/index/housing_and_planning/planning-mainpage/policy_and_projects/local_development_framework/openspace_rec/open_space_and_sports_assessment_2003.htm)

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### Supplement Summary

The case for changing the land designation appears to rest solely on a concern within the Council's Planning Service (*see attached email text*) that the NLWA's planning application might be put at risk by an unexpected application for 'retail employment' on the Pinkham Way site. Since the site in question is owned by the NLWA, the idea of a competing late entry retail application, which would jeopardise the NLWA opportunity, is a complete nonsense.

If Mr Dorfman is correct and the EL/LSIS land designations both properly accommodate the NLWA's application (subject to a range of other considerations), then it becomes clear that the perceived risk or jeopardy which worries the Council's Planning Service is actually the SINC designation and the caveat on the ER designation for the Pinkham Wood site.

Haringey Council are obviously seeking to remove both the SINC and the caveat by omission and stealth. There is no clear statement that the SINC or the caveat are being dropped but then there is no clear statement that either are being retained. The documentation is obviously drafted and presented in a way that anticipates that consultees will either not realise or notice that the SINC and the caveat are being dropped.

**Once again, Haringey Council is seen to be conducting a consultation which is prejudicial to the interests of fairness and natural justice.**

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### Addendum - Full Text of Mr Dorfman's Email dated September 27th 2011 & the original message which led to Mr Dorfman's Response

-----Original Message-----

From: Barry James

To: Dorfman Marc

Subject: Pinkham Way - Change of Land Designation - Sent: 27 Sep 2011 15:58

Dear Mr Dorfman

Some months ago, you spoke at a meeting at Bounds Green School (chaired by Cllr Joanna Christophides) where you were challenged from the floor (during a Q&A Session) on the matter of the flawed consultation on land designation at Pinkham Way. At the time, I believe you said that the change of designation from "employment" to "industrial" was of no significance since it changed nothing in the consideration of the proposal from NLWA for a waste plant at Pinkham Way. Please provide a response to the following questions: (a) did you make the point I refer to above? (b) if not, what was the point you were making? (c) notwithstanding what you said at the meeting, if the change of designation is of no significance, then why is the Council persevering with this change of designation? (d) if the change of land designation has a purpose (to the extent that the Council is persevering with the consultation on this change of land designation), what is the purpose? You will appreciate that this matter is urgent since the new consultation is running AND I NEED YOUR RESPONSE BEFORE THE CONSULTATION CLOSES!

Thanks for your urgent attention

warm regards

Barry James 12 The Drive, N11

-----Response From Marc Dorfman Haringey Council Planning Service -----

Dear Mr James,

Thanks for your email. (Dear Ciara and Sule please file).

Using Mr James's paragraph numbers to reply:

A) I would need to look at meeting note and context to check what I said/did not say. I remember being asked to talk about the planning application for Pinkham Way and how and when the application would be validated.

B,C and D) With regard to the employment designation (DEA - designated employment area) issue - the Planning Service carried out consultation before the Pinkham application was submitted) on making stronger/narrower the DEA designation of some employment sites across the borough and making others weaker/broader - the later to support and encourage development where there was a weak demand, poor land use location based on good planning principles, and where more mixed development would be appropriate - this to support overall the aims and targets of the Haringey UDP/LDF 2006-26.

For Pinkham and its neighbouring site (east of railway embankment/Bounds Green), I/service had grown concerned that such sites could go to "retail employment" with its current UDP designation - a use which should be focused in town centres and not in such out of centre locations. I was also

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concerned that existing UDP designations could threaten the Bounds Green employment site which was consolidating well as a non retail employment location (with recent industrial/employment pp granted and implemented) and Pinkham - which had a dual designation - employment and ecology - because too high a land value designation (eg retail employment) could make it difficult to secure a good balance between these two uses - and this was/ is the Council's stated overall aim - a good balance and the site's formal planning designation for some time. At the time of the additional consultation - the Draft Waste Plan and pre application discussions with NLWA/Barnet, (balance between waste/depot/ecology) were indicating a "possible" application that "may be appropriate and may be able to meet" general Haringey/Nth London stated planning aspirations. Ie: need for extra waste site/facilities to support a growing population in smaller household sizes that is only slowly reducing/recycling its waste; well located for the north part of North London; with good access to the arterial road network for ease of management; if possible on un used/under used site; industrial/employment location; appropriately buffered from residential (park/golf/railway/arterial rd, land fall away from residential), yet close enough to consider the opportunity for decentralised energy to reduce carbon emissions and energy prices and improve energy security. The authority did not want this "possible" development and environmental improvement and management opportunity unreasonably jeopardised.

The possibility of using the Pinkham site as a waste/depot/ecology facility, (subject to capacity, design, management, impact, public/statutory consultation), under the existing or proposed new DEA designation is no different. But under the existing designation the site could also be used for out of centre retail and employment contrary to the thrust of local, london and national planning policy.

The employment land consultation carried out went to consultees/respondents who had been involved in the LDF Core Strategy work and was approved by Haringey councillors. The Inspector at the Core Strategy Inquiry felt the consultation should be even broader. The Council was/is happy to comply.

The Council and the Service, continue to be transparent and professional around the development and management of "waste planning" . We have heard some community and resident concerns and want to give these further time and opportunity to be heard and assessed. Haringey has negotiated with the applicants and the NLWA that these concerns are heard at an independent Inquiry (into the Waste Plan in Feb 2012) to honour its commitment to being transparent and supportive of community engagement. This is not a legal requirement, nor is it an admission of poor process - plans and applications/development correctly overlap. A similar level of scrutiny would have been applied if after the waste/depot/ecology application had been validated and consulted upon, the scheme was considered and assessed by the Haringey Planning Cttee. However the level of concern raised by some community and residential representatives has demanded what they feel is a higher level of scrutiny - and the Council is happy to offer and support this.

Best Regards  
Marc Dorfman  
AD Planning and Regeneration - Haringey