

# PINKHAM WAY ALLIANCE

c/o Hollickwood School,  
Sydney Road,  
Muswell Hill  
N10 2NL

October 7<sup>th</sup> 2011

To: Haringey Cabinet Members,  
River House,  
225, High Road,  
N22 8HQ

And via e-mail

Dear Councillor Vanier,

## **"Pinkham Way application on hold"**

You may recognise the above quote as the headline for the Council's statement of July 19<sup>th</sup> last, which stated:

"The submission of a plan to put a waste processing plant in Pinkham Way has been put on hold following intervention by Haringey Council.....the NLWA has agreed to the Council's demands, which will see them submit a detailed plan for consultation with residents and consideration by the council's planning committee after the Inspector reports (on the NLWP) in April 2012"

This statement was clearly designed to be taken at face value. Indeed the Bounds Green councillors, who had faced unprecedented pressure from concerned residents, took the chance to publish a newsletter which interpreted it in such a way.

Simultaneously, however, a private response from an official in the planning department, answering a resident's query, indicated that the attempts to validate the application would continue. On July 21<sup>st</sup> our legal advisors wrote to Mr Crompton asking for clarification of this discrepancy.

At the date of writing – 11 weeks later - they have received no response, save a holding letter mentioning the difficulties about premises. This silence gives us the clearest indication of the attitude within some circles in Haringey, much clearer in fact than a written response ever could.

We would like to make the following points.

By allowing its officers to continue, or being unable to prevent them continuing the process of validation, the council has failed in its promise to put the application on hold. Were validation to happen now, the applicants would have the right to demand that Haringey proceed to determination. The council would have no option, otherwise the applicants would have the right to appeal to the Secretary of State on grounds of non-determination during the statutory period.

In that case, the 'agreement' made by the NLWA and Barnet would have been cast aside, and your July 19<sup>th</sup> announcement would have been, in effect, shown to be untrue.

Should the council permit its credibility to be put at risk in this way by the applicants and its own officials?

If the application is **not** validated, however, the question of determination etc would evidently not arise, and the council could fulfil its publicly stated promise to put the application properly on hold - a promise that ratepayers have the legitimate right to take at face value, as, plainly, did your colleagues in Bounds Green, who as you know include Ali Demirci, the present Chair of Haringey Planning Committee.

Furthermore – and very importantly – what was always indicated to be, and was when submitted, an **outline** application, is now suddenly being treated as **hybrid**, which, your officials claim, is one part detailed (for change of use) and one part outline (for buildings etc).

While there is no statutory definition of a hybrid application, a crystal clear illustration can be found in Section 24 of the DCLG document dealing with planning application fees:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/10.pdf>

Section 24, however states that a hybrid application is **‘one that seeks outline planning permission for one part, and full planning permission for another part, of the same site’**.

The illustration states that such applications deal with different parts of the **same site**, **not** different parts of the **same application**. There are no qualifying phrases, such as ‘in the majority of cases’, simply an unequivocal statement.

Thus, in our opinion, there is no evidence to show that this is in any way a well-founded route to validate these applications, which were plainly flawed from the outset. We have corresponded with officials about this, but remain unconvinced by the legal basis for the council’s actions.

Should validation go ahead and our above concerns become confirmed, the council, for the price of a few months delay for the applicants, would have needlessly laid itself open to a legal challenge and the loss of its own credibility.

The conduct of the previous (November 2010) Regulation 27 consultation, which, as you know, dealt with the redesignation of the Pinkham Way site, shows that our concern about procedures and motives is well justified. Entirely because of the points raised in the PWA’s submission to the Core Strategy examination, subsequent correspondence, and in our appearances at the public hearings, the Inspector found that that consultation was so flawed that a re-consultation was required. This is in progress at present; please be assured that its conduct is under minute scrutiny.

Whether the previous consultation’s flaws arose through human error, incompetence or willful disregard does not concern us. What it has led us to do, as you will appreciate, is to question ever more closely the council’s actions in this whole matter. We feel sure that in our position you would have the same concerns.

Given the promise to Haringey council tax payers in the statement of July 19<sup>th</sup>, the continuation of the validation process demonstrates bad faith on the council’s part – the council elected by us.

We ask you to instruct the planning department a) to cease their attempts to validate, and b) to return the applications relating to the former Friern Barnet Sewage Works at Pinkham Way to the respective applicants, the NLWA and Barnet council, as being inadequate and unacceptable as valid applications at this time.

Yours sincerely

Bidesh Sarkar  
Chair – Pinkham Way Alliance

