

Comment on Responses by London Borough of Haringey (The Council) to the Inspectors questions for hearing on 22 February 2012 relating to matters arising from Revised Consultation on Core Strategy Fundamental Changes 22 September – 3 November 2011

From: Evelyn Ryan and Jeffrey Lever

1. Since we sent our response to the further consultation exercise on 8 February, a number of documents disclosed by the Council under the Freedom of Information Act have come to our attention. We feel they may be helpful to the Inspector when considering the evidence and submissions relating to the issue of brownfield, or previously developed land at Pinkham Way.
2. They also address some of the statements made by the Council in its response to the questions raised by the Inspector in the Agenda for the hearing on 22 February 2012.

Brownfield Land

3. A Plan entitled Former Land Use Plan - Fig 3 produced by Jacobs on 27 April 2009 and disclosed by the Council as one of a number of plans in response to a Freedom of Information request, shows that only a small part of the Pinkham Way site (Area A) was in fact used as a sewage treatment works. The rest of the site has never been developed. The plan identifies parts of the site which have been used as 'Historic Landfill for parks and highways' (Area B), 'Former Refuse Tip' (Area C), and 'Unknown History. Fly Tipped' (Area D). **Appendix A**
4. The attached 'Figure 2 – Ecological Assessment of Current Site' produced by Jacobs in their Development Constraints Report April 2008, shows the ecological nature of the site. There is no residue of the former sewage works shown. Nor is there any mention of it in the report itself. (This Jacobs report was disclosed by the Council in response to a Freedom of Information Report) **Appendix B**
5. There is no history of any planning consents on this site so all these uses other than the sewage treatment works were in breach of planning control. See site description from the Council's Site Allocations Development Plan Document which records planning history as 'none' **Appendix C**
6. The evidence therefore shows that only a small part of Pinkham Way site can possibly be described as "previously developed" or "brownfield". The rest has never been developed and therefore can only be described as natural greenfield land. In the Haringey Open Spaces and Recreation Standards SPD, Atkins described this site as "Natural Greenspace Provision", see Table B.3 **Appendix D**
7. We believe that the area on which the sewage works was located is no longer brownfield land either. The attached photographs show that the remains of the original sewage treatment works have blended into the landscape in the process of time. These can barely be identified at this time of year if you know what to look for but they are completely obscured from early spring onwards. See attached photos '**Absorbed into landscape**', '**Sewage back to nature**' and '**vestiges of sewage works**'

8. In light of the above evidence we respectfully ask the Inspector to recommend in his Report that in future all references to the Pinkham Way (Friern Barnet Sewage Works) site in the Core Strategy and its supporting suite of documents should be to Open Greenfield Land and to make a finding that the site is not brownfield or previously developed land in compliance with The London Plan definitions.

9. We would also ask that the Inspector considers recommending that the dual designation of this site is removed and that the only designation that is appropriate is the SINC Borough No 1 Importance.

Inspector's Questions

xiv is the site adequately assessed in terms of its open space value?

10. The fact is that the fence currently surrounding the site was not erected until some time in July 2010. Before that, the only fencing that existed was at the top of Orient Road and we understand that it was erected by Barnet Council to stop fly tipping on that part of the site. For a long time there was a large expanse of unfenced land which allowed members of the public access to the site.

11, A Botanical Survey undertaken by Jacobs in June 2009 and disclosed by the Council in response to a Freedom of Information request states at para 4.1 that

“The site is used on occasion by dog-walkers and in the past has clearly been subject to fly-tipping in the form of dumped burnt-out cars, however public access during the summer months appears far more limited – probably due to the dense nature of much of the vegetation”

12. and at para 3.2.2.

“However, some other species were noted along the pathways and slightly less dense areas” Appendix E

13. There are clear signs on the site by way of pathways etc that the public have been using the site prior to 2010. I understand that a Village Green Application has been lodged with the Council recently. It would not be possible to make such an application without sufficient evidence of public use over a long period (with or without permission).

14. The Council also state in response to question xiv that ***“because the site was not publicly accessible it was not counted when determining open space provision in the local area”***

15. Appendix D attached to this document shows that Atkins included a 6.5ha SINC in the Bounds Green Ward as part of their calculation of natural green space provision. We believe that Pinkham Way is the only SINC in that area of that size which would mean that it was included.

xvii. Should the CS include specific recognition of the site's nature conservation value, for example ‘subject to no adverse effect on the nature conservation value

of the site'? Is the designation consistent with the Council's Community Strategy and Biodiversity Action Plan?

16. As we were not at the previous EiP we would like to take this opportunity to request the Inspector to consider an additional amendment as follows:

"The Council will not permit development on SINC's and LNRs unless there are exceptional circumstances and 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."

17. We recognize that exceptions to strict control may need to be considered, but this should not be made inevitable by providing for it in the Core Strategy. Such exceptions should be dealt with by considering any exceptional circumstances governing a particular proposal at the time such a proposal is made.

xix. Is the site deliverable in light of its nature conservation value?

18. Under this section (at d) the Council has introduced reports that were commissioned by the London Borough of Barnet as evidence that the Pinkham Way site is deliverable. Why is the Council quoting from reports which were commissioned by a planning applicant for that site whose application is yet to be validated by the Council, let alone considered and determined? The Reports appear to have persuaded the Council to give up on Pinkham Way as a SINC as at (i) it concludes that

"The surveys have therefore shown that the nature conservation value of the site does not provide a constraint that would affect the deliverability of the site. "

19. It is not appropriate in our view for the Council to rely on its planning applicants to determine its strategic policy or to determine whether the site is deliverable or not. The Jacobs reports (all commissioned by Barnet Council) are now being relied upon by Haringey Council as evidence that the SINC No 1 Borough Importance at Pinkham Way is deliverable! Is it not premature to come to that conclusion? Will deliverability not depend on how much of the conservation value of the site is likely to be lost as a result of a particular planning proposal? What about the de culverting opportunity on this site which the Council's own policies protect – would that not possibly be a constraint on deliverability? In its rush to deliver up this site, the Council appears to have overlooked the Jacobs Botanical Survey of June 2009 (disclosed in response to a Freedom of Information request) which found that

"The site at Friern contains a high diversity of plant species and is designated as a Site of Borough Grade I Importance for Nature Conservation, the citation of which notes that it is a typically diverse wasteland site with high botanical diversity and supports a good range of wildlife. The site is therefore considered to be a valuable habitat, especially due to the size and location in such an urbanised environment, with the most valuable habitats being the more diverse woodland-edge areas, the ruderal areas and the mature trees." We suggest this indicates the reverse, that the site is not deliverable (see Appendix E).

20. We are now aware that the Council has been in discussion with representatives of Barnet Council and The North London Waste Authority about the extent of loss that is anticipated if the current proposals for Pinkham Way by these joint applicants go ahead. In a minute of a meeting held in March 2011 (disclosed in response to a request under the Freedom of Information Act) it is revealed that a significant amount of the conservation value of the site will be lost. If there is a major development on the site, the part that is not lost will struggle to survive in its shadow. The size of this open space and the fact that there are relatively few buildings within its vicinity is a major part of its conservation value. **(Appendix F)**

21 February 2012