

## DEFINITIONS OF PREVIOUSLY DEVELOPED LAND AND OPEN SPACE

<p><b>NPPF: Previously developed land<sup>1</sup>:</b> Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes:</p>	
<b>Exclusion</b>	
Land that is or has been occupied by agricultural or forestry buildings	Not applicable - (as far as can be ascertained from the historic record, the history of the site shows it was undeveloped agricultural land, without any buildings, before the construction of the sewage treatment works but since that was over 5 decades ago it is assumed that this exclusion does not apply)
land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures	Not applicable - (there is no history of permitted development for waste disposal by landfill, on this site. Unlawful tipping, fly tipping and dumping of eg municipal street lampposts took place on parts of the site sporadically over the years <sup>2</sup> , the last known such activity was in 1980.)
land in built up areas such as private residential gardens, parks, recreation grounds and allotments	The site has been used as a recreation space over many years by people in the locality and this is evidenced by the village green application <sup>3</sup> , the reference in Jacobs to dog walking <sup>4</sup> and in Atkins to private recreational space <sup>5</sup> An OS map of 1951-2 shows allotment gardens in the western corner of the site <sup>6</sup> .
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	<p>A visual inspection of the site leaves no doubt in the mind of any impartial bystander that any remains of permanent structures have 'blended into the landscape in the process of time'<sup>7</sup></p> <p>There is no evidence that there are hard standings on the site from the previous use as a sewage works or any other use. The topography of the</p>

<sup>1</sup> NPPF Annex 2 p55

<sup>2</sup> Jacobs land use plan (see Appendix 4 of submission on Main Matter 1 by Responder 271- E Ryan)

<sup>3</sup> Village Green Application – details on Haringey Council website

<sup>4</sup> Appendix 2 - extract Jacobs Botanical Survey Report June 09 para 4.1

<sup>5</sup> Atkins 2003 Open Spaces Sport Assessment report LBH

<sup>6</sup> OS old map 1951-2 <http://www.old-maps.co.uk/maps.html> (coordinates 528736 191624)

<sup>7</sup> Photos submitted at EiP in February

	<p>site differs little from the adjoining Hollickwood Park or Muswell Hill Golf Club. The three sites form a continuous rising plane that ascends from the A406 to the North, in the direction of the higher ground of Muswell Hill and Alexandra Park to the South. No significant land mass features distinguish the topology of the three sites from one another. The only visual differences are that the surfaces of the Park and Golf Course have been maintained, while the Pinkham Way site has not.</p>
<p><b>London Plan: PDL Previously developed land</b><sup>8</sup> is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The definition includes defence buildings</p>	
<p><b>Exclusion</b></p>	
<p>Land that is or has been occupied by agricultural or forestry buildings</p>	<p>Not applicable - (as far as can be ascertained from the historic record, the history of the site shows it was undeveloped agricultural land, without any buildings, before the construction of the sewage treatment works but since that was over 5 decades ago it is assumed that this exclusion does not apply)</p>
<p>Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures</p>	<p>Not applicable - (there is no history of permitted development for waste disposal by landfill, on this site. Unlawful tipping, fly tipping and dumping of eg municipal street lamp posts took place on parts of the site sporadically over the years, the last known such activity was in 1980.<sup>9</sup>)</p>
<p>Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed</p>	<p>(see comments at NPPF definition below)</p>
<p>Land that was previously-</p>	<p>A visual inspection of the site leaves no doubt</p>

<sup>8</sup> London Plan 2011, Glossary, p306

<sup>9</sup> Record from Environment Dept extract

<p>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)</p>	<p>in the mind of any impartial bystander that any remains of permanent structures have 'blended into the landscape in the process of time' and can 'reasonably be considered as part of the natural surroundings'</p> <p>There is no evidence that there are hard standings on the site from the previous use as a sewage works or any other use. Hollickwood Park has been created out of the site, the Pegasus Bridge has been built since the previous uses ceased. The topography of the site differs little from the adjoining Hollickwood Park or Muswell Hill Golf Club. The three sites form a continuous rising plane that makes a southward ascent from its North end, where Hollickwood Park and the Pinkham Way site abut the Muswell Hill Golf Course. No significant land mass features distinguish the topology of the three sites from one another. The only visual differences are that the surfaces of the Park and Golf Course have been maintained, while the Pinkham Way site has not.</p>
<p><b>OPEN SPACE DEFINITION</b></p>	
<p>(The NPPF<sup>10</sup> definition of open space "All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity")"</p> <p>(London Plan definition<sup>11</sup> "All land</p>	<p>The site is open space of borough wide public value. It has recognized public value in the SINC designation. It acts as a visual amenity for Hollickwood Park, Muswell Hill Golf Club and for passing traffic on the busy NCR. It acts as buffer from the NCR for the local residents and also as a 'lung' absorbing pollutants etc from the heavy passing traffic and reducing the noise. It offers opportunities for recreation for the local community. It offers an important opportunity to address the overall open space deficiency in the borough as a whole and in the Bounds Green ward in particular as there is a potential cycle/footpath access route through to the site from Bounds Green via Cline Road or Blake Road. The site therefore falls into the NPPF definition of Open Space.</p> <p>Prior to development of the sewage works in</p>

<sup>10</sup> NPPF p54

<sup>11</sup> London Plan 2011 p305

<p>in London that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers a broad range of types of open space within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted.”)</p>	<p>the late 1800-s the site was undeveloped agricultural land<sup>12</sup>. There were allotments in the western corner of the site in the early 1950-s<sup>13</sup>. Jacobs Former Land Use Plan shows this western area as having an “Unknown history.Fly tipped”<sup>14</sup>. It would appear therefore that this area of the site remained undeveloped.</p>
	<p>Ownership permits the site to fall within the definition of open space. Access permits the site to fall within the definition of open space. There are no buildings or other permanent structures on the site, therefore the site is presently undeveloped. That leaves for consideration, for planning purposes, whether the fact that the site was <u>previously</u> developed counters its obvious present appearance as being open land. The definition of “previously developed land” in planning policy must be considered. I have already shown that the site falls within the exception to the definition of “previously developed land”, whereby it is not, for planning purposes, to be regarded as previously developed land. It is therefore submitted that Pinkham Way site is neither previously developed nor presently developed. In that case, it cannot be deemed “developed” and must be considered to be “undeveloped”. The site therefore falls into the London Plan definition of Open Space as being “predominantly undeveloped”, indeed wholly undeveloped in this case.</p>

<p><b>London Plan: Brownfield Land<sup>15</sup></b> Both land and premises are included in this term, which refers to a site that has previously been used or developed and is not currently fully in use, although it may be partially occupied or utilised. It may also be vacant, <b>derelict or contaminated</b>. This excludes</p>	
<p><b>Exclusion</b></p>	
<p>open spaces</p>	<p>The NPPF defines open space as “All open space of public value, including not just land, but also areas of water (such</p>

<sup>12</sup> See Appendix 4 of main rebuttal document Extract from p12 Arup Scoping Report March 2011 for NLWA

<sup>13</sup> OS old map 1951-2 <http://www.old-maps.co.uk/maps.html> (coordinates 528736 191624)

<sup>14</sup> Jacobs Fig 3 Former Land Use Plan April 2009 (

<sup>15</sup> London Plan Glossary p297

<p>I</p> <p>land where the remains of previous use have blended into the landscape,</p> <p>or have been overtaken by nature conservation value</p> <p>or amenity use</p> <p>and cannot be regarded as requiring development</p>	<p>as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity".</p> <p>The Pinkham Way site is an open space of borough wide public value. It acts as a visual amenity for Hollickwood Park and Muswell Hill Golf Club and for passing traffic on the busy NCR. It acts as buffer from the NCR for the local residents and also as a 'lung' absorbing pollutants etc from the heavy passing traffic.</p> <p>It offers an important opportunity to address the overall open space deficiency in the borough as a whole and in the Bounds Green ward in particular as there is a potential cycle/footpath access route through to the site from Bounds Green via Cline Road or Blake Road.</p> <p>Prior to development of the sewage works in the late 1800-s the site was undeveloped agricultural land<sup>16</sup>. An OS map of 1951-2 shows allotment gardens in the western corner of the site<sup>17</sup>. Jacobs Former Land Use Plan shows this western area as having an "Unknown history.Fly tipped"<sup>18</sup>. It would appear therefore that this area of the site remained undeveloped.</p> <p>A physical inspection of the site will show that the remains of the previous sewage use (and subsequent unlawful tipping) have blended into the landscape.<sup>19</sup></p> <p>Over the years the site has developed into a valuable nature conservation site. It is now a verdant green open space whose importance has been recognized by its designation of an important nature conservation site of No 1 borough wide importance.</p> <p>The site has been used as a recreational amenity for the local population for many years. References to the site have included "evidence of recreational activity on the site" and "private recreational space."<sup>20</sup> A Village Green application has recently been registered with Haringey Council which provides substantial evidence of local recreational use over many years. An OS map of 1951-2 shows allotment gardens in the western corner of the site<sup>21</sup>.</p>
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<sup>16</sup> Extract Arup Scoping Report March 2011 for NLWA p12

<sup>17</sup> OS old map 1951-2

<sup>18</sup> Jacobs Fig 3 Former Land Use Plan April 2009

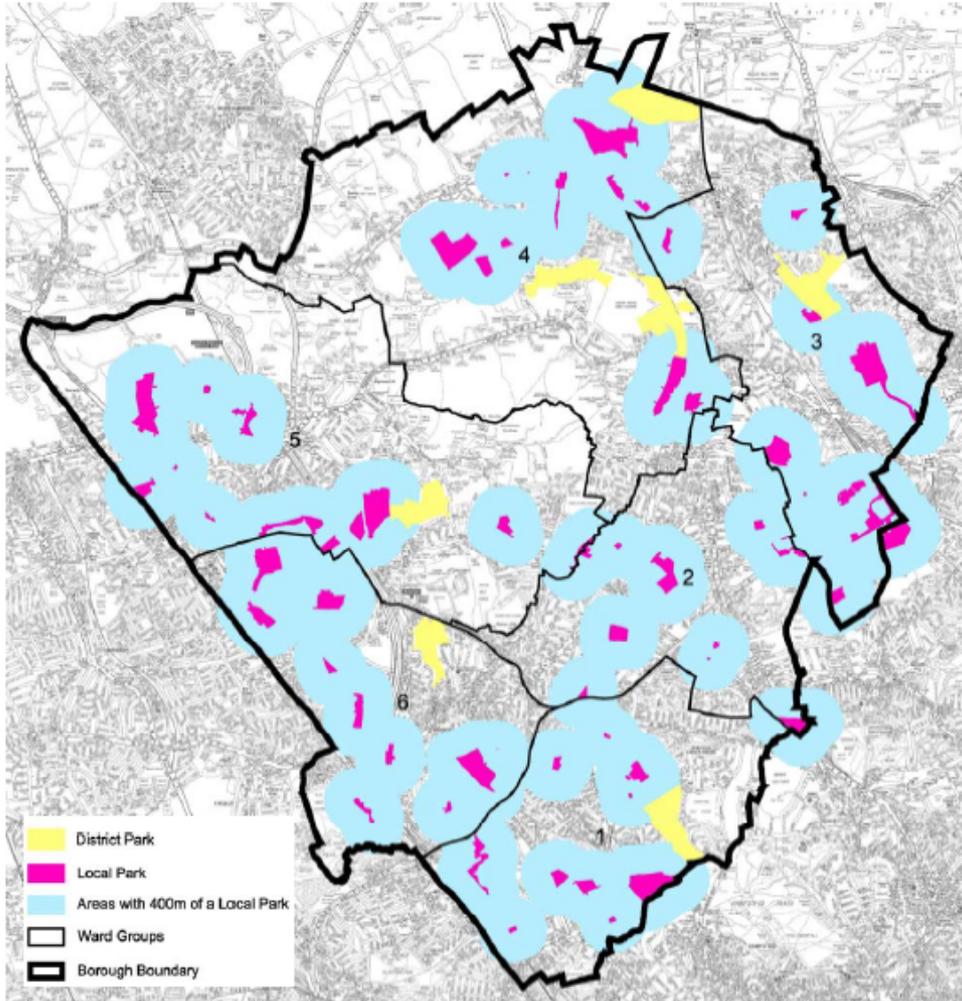
<sup>19</sup> Photos "Sewage back to nature" and "Absorbed into the landscape"

<sup>20</sup> Appendix 1 Atkins Open Spaces and Sports Facilities 2003 LBH map?

<sup>21</sup> OS old map 1951-2 <http://www.old-maps.co.uk/maps.html> (coordinates 528736 191624)



Map 10 – Public open space deficiency



12.2.7 Map 10 identifies those areas of the borough that are deficient in public open space. The more rural northern half of Barnet has the largest area of public open spaces but these are the least accessible. This provides a context for levels of formal provision and does not reflect informal use of open space nor patterns of usage of Barnet's or neighbouring borough parks such as Hampstead Heath and Canons Park.

12.2.8 The Assessment review of areas of deficiency in public open space supported those areas identified in Barnet's 2006 Unitary Development Plan. Areas highlighted as having a deficiency in district parks ie being more than 1.2 kms from such a park included North and East Finchley, Brent Cross – Cricklewood and Edgware. Areas highlighted as having