

Submission by the Freehold Community Association to the HARINGEY MAIN MODIFICATIONS Consultation.

Submitted Friday 13th January 2017

Whilst we support the removal of the land at Pinkham Way from the Site Allocations DPD The Plan will still be unsound for the following reasons: -

Strategic Designation - Maintaining the "Employment" designation of the land in their strategic policies is perverse and is not supported by robust evidence and this strategic designation should be removed.

Strategic Flood Risk - Our Consultant's report clearly evidenced the importance of the land to the future elimination of strategic flood risks in LB Barnet and LB Enfield. The land should be "safeguarded" for future flood alleviation infrastructure.

Open Space - Haringey's Open Space study failed to fully assess the evidence supporting an "open space" designation for Pinkham Way. Para 73 & 74 NPPF requires assessment of "NEED" for open space, which is defined in the framework as "All open space of public value.....". However Section 336 of the Town and Country Planning Act 1990 provides a statutory definition of Open Space for land owned by a public authority and "used for the purposes of public recreation" . See **THE QUEEN ON THE APPLICATION OF GOODMAN [2015] EWHC 2576 (Admin)**.

The Village Green application clearly demonstrated lengthy use of the public land at Pinkham Way by Freehold and other residents for public recreation and as such this use established a "bare license" which cannot be removed without following the statutory procedures laid down in Sections 122 and 123 of the Local Government Act 1972.

As these procedures were not followed by the public land owner (LB Barnet) then the S.336 statutory designation of Pinkham Way as open space prevails and must be recognised in Haringey's Main Modifications of their strategic and site specific policies and the land afforded the protection from development as stated in NPPF 74. We contend that the S.336 open space designation is also a matter for the Inspection to consider and decide upon as failure to do so would be unlawful and render Haringey's local plan unsound.

NPPF 17 : Core Planning Principles - SINC, Flood alleviation and open space designations for Pinkham Way are all fully compatible with each other and meet the core planning principles at bullet point 9. These designations would also meet the need for different land uses to support the sustainability of the Freehold community.

Mrs J. Pettitt - Chairman
Freehold Community Association

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