



Ms Emma Williamson
London Borough of Haringey
Planning, Regeneration and Economy
Level 6
River Park House
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Our ref: E/3676

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BY EMAIL: localplan@haringey.gov.uk

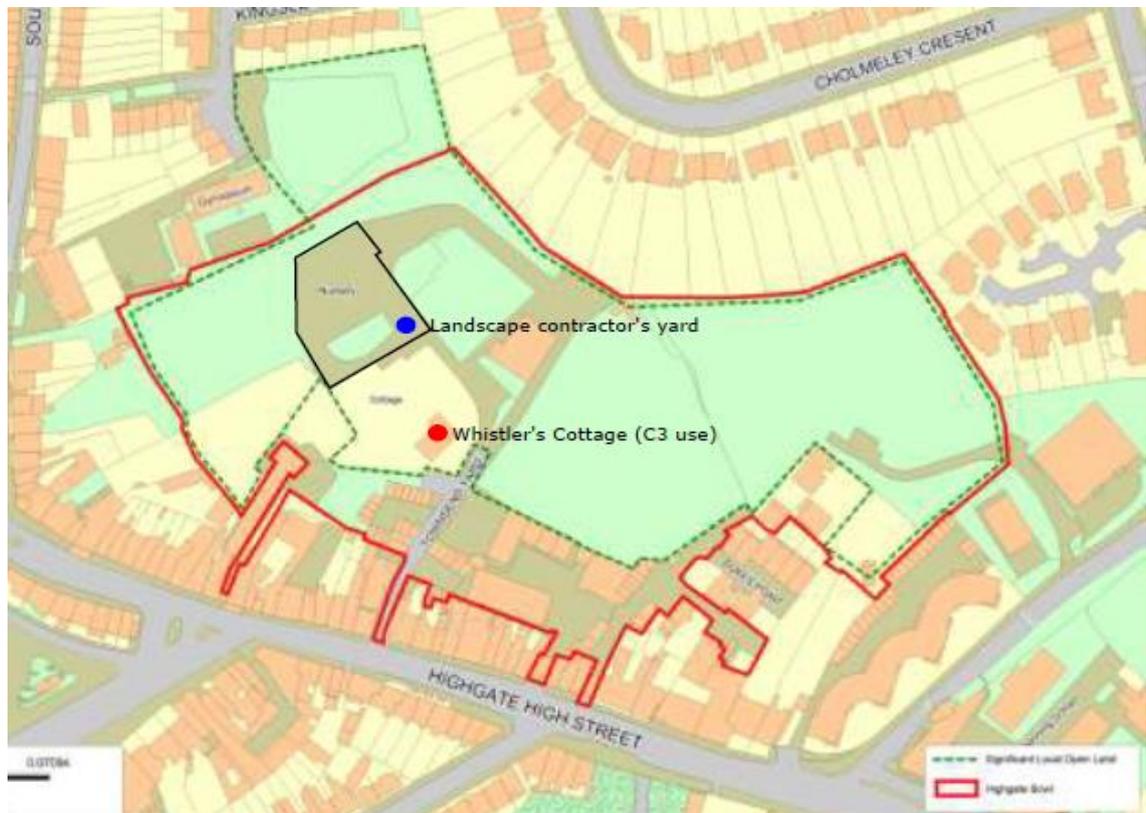
Dear Ms Williamson

**RE: HARINGEY LOCAL PLAN MAIN MODIFICATIONS PUBLIC CONSULTATION
OUR CLIENT: Omved International Ltd ("the Objector").**

1. The Objector owns the land at Southwood Nursery as delineated on PLAN 1 attached to this submission. The Objector was represented at the Examination in Public ("EiP") in August 2016 and made representations with regards to SA42- Highgate Bowl and Development Management Policy DM20.
2. The Council has now published its proposed modifications to the Local Plan. This representation relates to modifications that directly affect the Objector's property interests in the Plan area.
3. The relevant documents are:
 - a. The Site Allocations DPD; and
 - b. The Development Management DPD.

Site Allocations DPD: SA42 - Highgate Bowl: Proposed Modification SAMod80

"Amend the site allocations map for Site Allocation SA42: Highgate Bowl to show the potential open space boundary within the site as set out in the Preferred Option consultation document."



4. The site allocation map identifies the Southwood Nursery portion of the allocation as open space to include the existing employment site where Capital Gardens landscape and maintenance business continues to operate from the various sheds in the landscape contractor's yard. This has been in operation for 25 years. It is securely fenced with no public access. It employs around 10 full time employees and some sub-contractors.
5. It also includes Whistler's Cottage, where the Council has certified that there is a lawful residential use. We confirm this has been implemented.
6. The allocation is not justified on the Objector's portion of the allocation as the proposed designation conflicts with the existing private land use rights of the Objector. It is not an appropriate designation for this portion nor effective as open space as it is not deliverable. The Council has no resolution supporting compulsory acquisition of the land.

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7. The Local Plan's recognition that there is no need for further open space and the Council's severe budgetary constraints, make this a most implausible prospect.
8. There is an extant commercial and residential user on the site and the land is in private ownership. There is no possibility that open space on this portion will be delivered voluntarily and so the continued proposed designation for such a use is irrational, illogical and commercially harmful because it would place the present employment use in jeopardy. This issue was brought to the attention of the Council at the EiP.
9. The proposed designation cannot, on any objective reading of the NPPF, be sustained and will not pass the soundness test. The Council cannot close its mind to this material consideration brought to its attention repeatedly.
10. A further fundamental error infects the allocation in addition to failing the NPPF soundness test - **SA 42** and the proposed modification **SAMod80** is contrary to the Council's own policy **DM40**.
11. **Policy DM40** does not permit loss of existing employment-generating land. This is inconsistent with an open space allocation. It would be Wednesday unreasonable for the Council to fail to give determining weight to its own policy in defining the boundary of this open space allocation, particularly as it has identified there is no local need for additional open space.
12. This conclusion is reinforced by the fact **SAMod80** disregards the Inspector's advice at the EiP that stressed the importance of the Development Management policies informing the site allocations to ensure positive preparation and consistency in plan making.
13. This conflict adds to the unsoundness of continuing to propose the allocation of the objector's land as part of the open space. It will place the landscape contractor's business in jeopardy, resulting in the loss of employment-generating land and jobs.

Site Allocations DPD: SA42 - Highgate Bowl: Proposed Modification SAMod81

Amend the third site requirement as follows:

“Development offers the opportunity to secure the area identified by the green line on the site allocation and Policies Map as open space ~~Highgate Bowl itself will be redefined as Significant Local Open Land.~~”

14. Whilst we fundamentally disagree with the green line for the reasons outlined above, we strongly support the decision to remove the proposed Significant Local Open Land (“SLOL”) designation from the Highgate Bowl allocation as a whole because it is inconsistent with the previous UDP Inspector’s conclusion about the land’s function, who concluded it would be adequately safeguarded as a result of inclusion in the Conservation Area.

Site Allocations DPD: SA42 - Highgate Bowl: Proposed Modification SAMod82

Amend the fifth site requirement as follows:

“enhanced access to the Bowl will be ~~required~~ supported through the arch of Duke’s Head Yard, and through Townsend Yard”;

Site Allocations DPD: SA42 - Highgate Bowl: Proposed Modification SAMod83

Amend the sixth site requirement to read:

“public routes through the various land parcels that make up the Bowl could be introduced to unify the open space, subject to the operational requirements of existing landowners and/or occupiers.”

Site Allocations DPD: SA42 - Highgate Bowl: Proposed Modification SAMod84

Amend the sixth development guideline to read:

“the provision of public access to the are to designated as open space would be supported ~~should be within the new users of the open space will be encouraged, while generally keeping it open for public use~~”

15. The Southwood Nursery portion of the allocation is in private ownership with no public access.
16. We support the softening of language to say enhanced access will be supported rather than “required” and “*subject to the operational requirements of existing landowners and/or occupiers.*”

Site Allocations DPD: SA42 - Highgate Bowl: Proposed Modification SAMod85

Amend the third development guideline to read:

~~“due to the proximity of public amenity offered by the newly designated open space)~~
Due to the site’s backland location development should reflecting a mews-typology.”

17. The objector has nothing further to add on this point.

Development Management DPD Policy DM20: Open Space and Green Grid: Proposed Modification DMMod45

~~A Open Space is protected from inappropriate development by Policy SP13. The Council will not grant planning permission for proposals for development~~ Development that protects and enhances Haringey’s open spaces will be supported ~~would result in the loss of open space, unless an assessment has been undertaken which shows that the open space is surplus to requirement for use as an open space.~~

18. **DMMod45** is inconsistent with **London Plan Policy 7.18** which resists the loss of protected open space, while **Policy DM20** is not resisting the loss of protected open space but loss of any open space. Plainly, this goes far beyond the scope of the London Plan Policy.
19. **Policy DM20** should include the word “protected” to align with the London Plan policy.

Development Management DPD: Proposed modification DMMod46

G. Sites over 1Ha in size which are located in identified areas of open space deficiency should seek to create new publicly accessible open space on the site, in accordance with

[the open space standards set out on the Haringey Open Space and Biodiversity Study \(2013\) subject to viability.](#)

20. The objector has nothing further to add under this point as the Southwood Nursery site does not extend to 1ha.

Development Management DPD: Proposed modification DMMod46

Para 4.11 Planning policy at all levels recognises the importance of open space to supporting sustainable development. High quality open space can make an important contribution to the health and well-being of communities. ~~The NPPF provides that planning policies must be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision.~~ The NPPF states that existing open space, sport and recreation facilities should not be built on unless clearly surplus to requirements, or where the loss would be replaced by equivalent or better provision in terms of quantity and quality, or where the need for and benefits of the development clearly outweigh the loss. Haringey's Open Space and Biodiversity Study (2013) shows that there is a significant quantitative shortfall in accessible open space to meet the needs of the Borough's population, and for this reason Strategic Policy SP13 establishes a presumption against any net loss of open space, and with the exception of small scale ancillary facilities, resists development on open spaces.

21. The NPPF states existing open space should not be built on unless clearly surplus to requirements. The Southwood Nursery portion of the allocation is not an existing open space and the site is not identified as being within an area of open space deficiency.

Development Management DPD: Proposed Modification DMMod48

22. *Para. 4.15 The population in Haringey is projected to increase by approximately 75,000 people between 2015-2035. The additional population will be accommodated through the promotion of more compact urban development on existing brownfield land. This, however, should not lead to a reduction in amenity and places greater priority on the need to protect and maintain a well-distributed, well-connected and accessible supply of open space. will place pressure on local services, including open spaces. In this context, it is important that the Council prioritises the protection and enhancement of the Borough's open spaces, as well as improving public access to them. For this reason, open space does not fall within the NPPF definition of 'brownfield / previously-developed sites', although brownfield sites that exhibit open space characteristics offer the potential to secure further provision upon redevelopment.*

23. The Council defines open space as:

“all land in London that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use. The definition covers the broad range of types of open space within London, whether in public or private ownership and whether public access is unrestricted, limited or restricted.”

24. Predominantly undeveloped includes previously developed land. Proposed modification **DMMod48** is inconsistent with **NPPF para 111** which encourages the reuse of land that has been previously developed. This element of the plan is inconsistent with national policy and is consequently unsound.

Conclusion

25. The Council is asked to modify the final DPDs as set out above. All the objections are consistent with the Inspector’s request at the EiP that the Council should consider non-designated open space and previously developed land within the context of the requirements of **Policy DM20**. This objection shows that inclusion of the identified land within the open space allocation has not been properly considered within the modifications, which, as a result, are fundamentally unsound.

Yours sincerely,

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PLAN 1



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