

Current Action – The Planning Application

Progress of the Planning Application to date¹

A joint outline planning application was submitted to Haringey Council by the North London Waste Authority² (NLWA) and Barnet Council on 31 May 2011 for,

- (a) the construction of a massive Mechanical Biological Treatment waste facility to manage 300,000 tonnes of waste per year for the NLWA, and
- (b) a council vehicle depot for Barnet Council to accommodate their fleet of refuse, recycling and staff vehicles, plus a small office and storage building and a refueling station. Barnet Council's existing vehicle depot is located at Mill Hill.

Immediately before submitting the planning application, the NLWA explained in their *Pinkham Way Newsletter* that they were applying for outline planning permission, "because we want to establish the use of the site for waste development and define the restrictions within which the companies bidding for the waste contract have to work".

The suitability of the site for waste use, or otherwise, is a matter to be thrashed out at either the Examination in Public of the North London Waste Plan³, which is the strategic

¹ This article was last revised 27/11/2012

² The North London Waste Authority North London's waste disposal is carried out by a statutory body, the North London Waste Authority (NLWA), which is managed by a board of fourteen directors, comprising two councillors from each of the seven participating London Boroughs. The Boroughs are Camden, Islington, Hackney, Haringey, Barnet, Enfield and Waltham Forest. For some years, the NLWA has been developing a major procurement based on their Outline Business Case. The NLWA considers that, in addition to more than forty waste-licensed sites existing in North London, it requires two additional large sites, one of them being the Pinkham Way site. The assumptions underlying this procurement were challenged by PWA and others, including waste experts, in their written submissions to the EiP of the North London Waste Plan in June 2012. However, Mr. Andrew Mead, the Planning Inspector, halted the hearing on the first day, because the North London Councils had failed in their legal duty to cooperate with Councils outside London who receive waste from the NLWA area.

³ The North London Waste Plan North London's strategic land use planning for waste is overseen by a committee of seven councillors (one from each of the Boroughs which participate in the NLWA) supported by planning officers seconded from the councils, and various consultants. The North London Waste Plan contains the purported rationale for bringing 300,000 tonnes per annum of residual waste from across the North London region to the Pinkham Way site. The Plan is heavily influenced by the NLWA's procurement aspirations, and a site-scoring exercise which identifies the Pinkham Way site as suitable is highly dubious. However, the NLWP contains other notions that are not compatible with the NLWA's planned procurement. The most significant for the future of the Pinkham Way site is the notion that the existing waste licensed sites should receive investment and reorientation so as to improve their suitability and efficiency for waste management. If this were a serious prospect, and achieved, no need would arise to utilise the Pinkham Way site. This, and other signs of incoherence in the NLWP are what cause us to say that it is heavily influenced by the NLWA's procurement wishes. In informal discussion, a Greater London Authority waste official suggested to PWA members that the preferable sequence of events is that first a waste plan is made and adopted after its EiP. After that, the waste managers devise any major procurement, compatibly with the plan. When the sequence is reversed, "residents get unhappy", stated the same official.

land plan for waste in North London, or at the Examination in Public of the strategic land plan for Haringey Council. It is not for Haringey Council's planning committee (on the advice of an individual planning officer dealing with the application) to make such a strategic decision about a site of this size and overall value to the residents of Haringey.

These proposals have little benefit and a lot of detriment for Haringey and for its residents. Barnet Council has most to gain from it, and at Haringey's expense. If successful, the relocation of Barnet Council's vehicle depot would clear the way for the redevelopment and/or sale of the Mill Hill site. It would rid Barnet Council of a noisy and troublesome operation in Mill Hill, and instead dump it over the boundary into Haringey for Haringey's residents to put up with. On its own, Barnet Council's proposal would have had little or no chance of success, so it is a condition of sale of part of Pinkham Way to the NLWA, that the NLWA must make a joint planning application with Barnet Council. In effect, Barnet Council is trying to "piggyback" on the NLWA's proposal for its waste facility.

Is the planning application 'on hold' or is it being processed to validation?

In July 2011, after considerable objections, and arguments from the local community that the application should not be considered until after the NLWP had been subjected to public scrutiny, Haringey Council declared that the application was being put 'on hold' until the completion of the Examination in Public of the NLWP, which was expected later that year.

To date it has not been possible to clarify exactly what 'on hold' actually means, but it is clear that it does not mean all activity on the application has stopped.

On 27 April 2012 Haringey Council stated, in a letter to a resident, that "the planning application continues to be on hold and has not been validated. While on hold, it will not progress to validation, consultation or decision." ... "Haringey Council and the applicants have agreed that the application should stay on hold and await public consultation, consideration and decision until after the Examination in Public into the NLWP is completed".

In June 2012 Haringey Council stated, in another letter to a resident, that "... the application is invalid because it is missing information necessary before it can be validated, once that information is supplied the application can and will be validated" (emphasis added).

It appears that in spite of their assurance that while "on hold" the planning application will not progress to validation, Haringey Council is continuing to process the application with a view to validating it. In reality, it is not "on hold" at all.

Planning Regulations require applications to be dealt with expeditiously

Haringey Council has had this application since May 2011, and it is known that pre-application discussions between the Council and the NLWA and Barnet Council have been taking place since late 2009. Even an application of this size and complexity should

not take 18 months to validate. This application should either have been withdrawn by the applicants, or Haringey Council should have determined it as invalid many months ago.

Pinkham Way Planning issues

Initial identification of the Pinkham Way site for waste use

How the Pinkham Way site came to be identified and offered up in the first place as suitable for waste use is still a mystery. There is no record in Haringey Council of any consideration being given to the benefits or disbenefits for Haringey of putting forward the Pinkham Way site as suitable for waste. Prior to local government reorganisation, the previous planning authority, Middlesex County Council, had designated the site as open space, and it is officially designated in Haringey's Unitary Development Plan 2006⁴ as a Grade 1 Site of Importance for Nature Conservation (SINC) of Borough-wide importance. Nobody in Haringey Council appears to have raised any questions about offering up a 13 acre site of borough wide importance for nature conservation.

A report was prepared for the Council's Cabinet meeting of 8 Sept 2009. This report was entitled *The North London Waste Plan – Preferred Options*. It reported the process and projected timetable for preparing the NLWP. The Cabinet members were asked to agree the first draft of the NLWP for the purpose of consultation (the Draft Plan).⁵

The report made no reference to the fact that one of the identified sites in the Draft Plan was in the Borough of Haringey, let alone that it was a very large 13 acre open space with a dual designation of borough wide importance for nature conservation and employment land.

The least that would have been expected in such a report was that it would bring to the Members' attention relevant factors relating to the site which it was about to be allocated for waste use in the Draft Plan.

For example, it might have mentioned the fact that the largest site in the list of ten shortlisted sites in the Draft Plan (and indeed the site identified as being one of the two most suitable sites for inclusion in the Draft Plan) was actually the Pinkham Way site in the borough of Haringey. It would have been normal to see a summary description of the site, including the fact that it was designated a Grade 1 SINC of Borough-wide importance. It might have mentioned the likely adverse impact on the nature conservation value of the site if it was developed for waste use; i.e. most of the SINC would be lost. It would have been normal to have mentioned in the report that this SINC was not just any old SINC, or any old employment site, but a very large piece of

⁴ A UDP is an old-style development plan containing all of the Council's land use planning policies and forming the principal basis on which planning applications for development in the Borough were determined. Under the new planning system, the former UDP is 'saved' as a Development Plan Document.

⁵ See <http://www.minutes.haringey.gov.uk/mgConvert2PDF.aspx?ID=3890&T=10>

land graded No 1 borough importance for nature conservation, half of which is covered in semi-mature woodland.

It would also have been normal for the report to summarize the impact on the Council's strategic plan of losing 13 acres of green open space and a sizeable amount of woodland in one sweep, when Haringey has an overall deficit of open space and the Council has a commitment to increase the amount of woodland in the borough. Perhaps it might have included a sentence or two about the justification for releasing the site for waste use and even a little about the potential benefits to Haringey of a waste use on the site, and perhaps a little reassurance for members about mitigation for loss of residential amenity for those local residents who might be affected by the likely 24-hour operation!

But there was nothing, not even a short paragraph on any of these matters. The Cabinet minutes of that meeting do not mention the Pinkham Way site either, so presumably it was not brought to anyone's attention verbally either, at the time the report was considered. The councillors listed in the minutes as present at this Cabinet meeting were Councillors Kober (Chair), Reith (Vice-Chair), Amin, Basu, Bevan, Canver, Dogus, Haley and B. Harris. Also listed as present were Cllrs Adamou, Alexander, Dobbie, Engert, Gorrie and Newton.

The other six NLWP participating Councils also received reports on the NLWP Preferred Options around the same time that year. In reports to these councils, wherever their land was identified, there were clear and specific references to what sites within their borough were ear marked and the implications for their council's strategic plan. Haringey Council was the exception: even though it had the largest, and arguably the most valuable site in conservation terms, ear marked for inclusion in the NLWP, not a mention of the Pinkham Way site was made in its Cabinet report. The report and minutes of that Cabinet meeting are available on Haringey Council's website.

Haringey Council's depiction of the site at the EiP of its Strategic Plan

The Pinkham Way site is approximately 13 acres (6.5 hectares) in size. Unusually, it had a dual designation. It was designated as a site suitable for employment use⁶ and as a

⁶ Designated Employment Area – now called Local Employment Area These areas will be treated more flexibly, and uses that generate employment other than the B use class will be considered. Some of these activities fall outside the confines of the B class uses that are characteristic of those in the Industrial Locations but nevertheless provide a source of employment and contribute to the local economy. In principle, mixed use development, including residential, employment and community facilities, may be appropriate in some Local Employment Areas. These areas provide the opportunity to provide essential community infrastructure for the local community at large. In accordance with the findings of the Haringey Employment Study 2008, a more proactive and positive approach to planning for economic development is required. It will be important for Local Employment Areas to take a flexible approach to economic development by not placing significant restrictions on the type of employment use that is permitted on allocated sites

Site of Importance for Nature Conservation No 1 Borough Importance⁷. PWA has argued that these designations cannot be reconciled and that the site should be designated a SINC only.

The site was used by the former Friern Barnet Sewage Works from about 1890. When that closed down in the early 1960's, Middlesex County Council designated the site public open space. There was sporadic unlawful fly tipping and dumping on parts of the site between 1963 and 1980, but over the 50 years since the sewage works closed down, nature has taken its course. The Pinkham Way site has developed into a wonderful, mature, natural habitat.

It is covered in semi-mature woodland, scrub, grasses and wild flowers, providing food and shelter for a range of species, some protected by legislation. For example, it is known that bats use the site for foraging and possibly for roosting, and there have been recent reports of newts spotted on the site.

Nonetheless, at the Examination in Public of Haringey's strategic plan it became clear that the Council considers this site to be a *derelict, brownfield, well established industrial site suitable for industrial use*. The Council gave no justification for taking that view, and we anticipate that the Inspector's report will not support it.

Examination in Public of Haringey's Strategic Plan

Haringey's Strategic Plan was subjected to Examination in Public (EiP) in February 2012. In the Strategic Plan, Haringey Council had proposed to change the dual designation of Pinkham Way to SINC and Locally Significant Industrial Site (LSIS). This would have allowed more intensive industrial use on the site with all the implications that would have for harm to the SINC.

PWA's submission to the EiP argued strongly against this proposed change. We also argued that the site should not be treated as if it were a brownfield industrial site, but instead should be treated as a verdant open green space of considerable conservation value to the borough.

Inspector rejects Haringey Council's proposed change in designation of Pinkham Way

We are awaiting the Haringey EiP Inspector's full decision, but he has already indicated by letter⁸ that he will not permit Haringey Council to change the designation of the

⁷ SINC These are Sites of Interest for Nature Conservation. They are selected primarily for habitats of inherent wildlife interest, but some sites may be selected for supporting rare or scarce species of plants or animals outside such habitats. The areas concerned may be areas of 'natural' habitats, or they may be man-made. Once identified, designation and protection of the areas are done by local authorities through their planning policies. In some areas, the designation is subdivided. For example, in Haringey, SINC's are divided into two categories, SINC No 1 Borough Importance (which means the site has value borough wide) and SINC No 2 Importance (which means the site has more localised value)

⁸ See: http://www.haringey.gov.uk/letter_re_main_mods_and_table_final.pdf

Pinkham Way site to Locally significant Industrial Site⁹. He said there was no justification for doing so. This is a major setback for Haringey Council (and the applicants) because the new designation would have brought the site within the ambit of the London Plan policies for land suitable for waste use.

The Inspector went further and proposed a major modification to Haringey Council's new Employment Policy. He asked Haringey Council to carry out further public consultation on this modification. PWA responded by arguing that the site should not continue to have a dual designation because the two designations are not compatible. We also argued for stronger protection for the nature conservation value of the site. The Inspector's report is expected early in 2013.

Rigorous and transparent assessment of Pinkham Way Site needed

Haringey Council should withdraw the Pinkham Way site from the NLWP and carry out its own rigorous, proper and transparent assessment of the site. Only then will the community have confidence that the Pinkham Way site has been subjected to a fair and reasonable assessment of its true value.

North London Waste Plan Examination in Public

The NLWP¹⁰ EIP commenced in June 2012, but was suspended almost immediately by the NLWP Planning Inspector, on the grounds that it was not legally sound. He found that the seven North London boroughs had failed to fulfill their duty to cooperate with certain surrounding boroughs who currently take waste for landfill from North London.

⁹ Locally Significant Industrial Sites (LSIS) These are well established industrial areas and the aim is to retain them solely for uses that fall within B1, B2, B8 uses or uses that share strong similarities to this use class. Retail development does not fall within the scope of this policy. In line with the 2008 Employment Study, the Council will protect these areas to provide choice and flexibility in employment land. The Council will look at opportunities to improve and enhance the general environment of these areas and buildings but will not permit any change of use from those listed above.

¹⁰ The North London Waste Plan North London's land use planning for waste is overseen by a committee of seven councillors (one from each of the above-mentioned London Boroughs) supported by planning officers seconded from the councils, and various consultants. The North London Waste Plan contains the purported rationale for bringing 300,000 tonnes per annum of residual waste from across the North London region to the Pinkham Way site. The Plan is heavily influenced by the NLWA's procurement aspirations, and a site-scoring exercise which identifies the Pinkham Way site as suitable is highly dubious. However, the NLWP contains other notions that are not compatible with the NLWA's planned procurement. The most significant for the future of the Pinkham Way site is the notion that the existing waste licensed sites should receive investment and reorientation so as to improve their suitability and efficiency for waste management. If this were a serious prospect, and achieved, no need would arise to utilise the Pinkham Way site. This, and other signs of incoherence in the NLWP are what cause us to say that it is heavily influenced by the NLWA's procurement wishes. In informal discussion, a Greater London Authority waste official suggested to PWA members that the preferable sequence of events is that first a waste plan is made and adopted after its EIP. After that, the waste managers devise any major procurement, compatibly with the plan. When the sequence is reversed, residents get unhappy, stated the same official.

The Inspector gave the North London Councils the option either to withdraw the submitted NLWP and put right the illegality, or to accept a formal report that the NLWP could not be adopted in its existing form. The boroughs have not yet announced which option they will choose. Watch the NLWA and NLWP websites for further information on this.

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Further analysis of the planning application to Haringey Council by North London Waste Authority and Barnet Council, and future prospects

Haringey Council's duties as a planning authority

The duty of a Planning Authority is to assess its area, formulate plans and land-use policies, and to protect these policies and plans through planning control, once they have been consulted on and tested as "sound" at an Examination in Public by a Planning Inspector. All developers then have to apply to the Authority for planning permission, which the Authority will grant or refuse according to whether the proposal conforms to its policies and plans. The Planning Authority for the Pinkham Way site is Haringey Council which, in our view, is wholly failing in its duties regarding that site. Specifically, as we shall demonstrate below, Haringey Council has been unduly influenced by the North London Waste Authority (a planning applicant) which wants to use the site for waste processing.

The Sale that was to be kept secret

Barnet Council, which owned the Pinkham Way site, sold about three quarters of it to the North London Waste Authority (NLWA). In a contract of sale, dated 17 December 2009, the NLWA contracted with Barnet Council, significantly, that they would keep the existence of the contract secret for as long as possible, while they jointly prepared an outline planning application, which they submitted to Haringey Council in May 2011.

The significance of the secrecy clause is that it expressly demonstrates the authorities' early intent to manage public opinion rather than to inform, let alone consult. They applied for permission to build a huge waste processing plant on the NLWA's part of the site, with the depot for Barnet Council's refuse trucks to be relocated from Mill Hill on to Barnet Council's retained part of the site.

These steps were part of Barnet Council's game-plan to sell part of the site for more than £12 million, dump their refuse fleet over the borough boundary into Haringey, and redevelop and/or sell their Mill Hill site for housing. Without the NLWA as a joint applicant, there would be no prospect of Barnet Council to obtain planning permission

for their refuse truck depot on the site. NLWA gained by securing Barnet Council's agreement to sell it part of the site. But any possible benefit for Haringey is beyond imagination.

Haringey Council's planning complacency

Meanwhile, Haringey Council smoothed the way for the destruction of the Pinkham Way open space by designating it as Locally Significant Industrial Site (LSIS) in their Strategic Plan. That designation would have aligned the site with the London Plan's policy that significant waste sites should be located on LSISs.

The pressure put on Haringey Council to do this is evident in a note Haringey's Planning Department wrote explaining their LSIS proposed redesignation. ***"Complies with pre-application discussions which have already taken place to use part of site for recycling centre and other part as waste station"***, it spelled out.

This is a breathtaking admission that Haringey Council's strategic land use plan can be shaped by favoured planning applicants, at least if they are the NLWA and Barnet Council. However, when confronted by representations made by Pinkham Way Alliance and other objectors, Haringey Council failed to persuade the Planning Inspector at the plan's Examination in Public, that any evidence existed to support designating the site as LSIS.

A local resident also presented cogent planning reasons why Haringey Council is wrong to deem the site "brownfield", since the remains of the sewage works that closed in 1963 have merged back into nature. That fact means that planning policy no longer treats such a site as "previously developed land". For 50 years, the site has been a 6.3 hectare open space, and has been used as such by local inhabitants.

The site, which includes 3.6 hectares of semi-mature woodland, is an open space benefiting from splendid views over the surrounding suburbs. In any sequential test of sites to be preferred, other, genuinely brownfield sites, fall to be developed first.

Proposal to destroy a valuable, irreplaceable verdant open space

Local residents, including the Pinkham Way Alliance, strongly objected to the planning application being processed by Haringey Council before the Haringey Strategic Plan and the NLWP were subjected to public scrutiny.

Prior to local government reorganisation, the previous planning authority, Middlesex County Council, had designated the site as open space, and it is officially designated in Haringey's UDP 2006 as a Grade 1 Site of Importance for Nature Conservation (SINC) of Borough-wide importance.

Haringey Council's dual designation of the site as "employment" is as suspect as their LSIS designation that failed. Such a dual designation conflicts with protecting the SINC, and is anomalous. No other Grade 1 SINC in Haringey is put at risk of damage in this way.

The site has not had any employment on it since the decommissioning of the Friern Barnet sewage treatment plant fifty years ago. All traces of the plant were removed, or have been covered over by natural growth. For more than forty years, local inhabitants have used the site for informal recreation such as dog walking, wildlife spotting, bonfire nights, and children's play; and teachers have taken their pupils on to the site to observe the wildlife.

Today the site is a valuable open space comprising semi mature woodland and open scrubland amidst surrounding communities in Haringey, Enfield and Barnet boroughs who lack open space, as the planning files of all three boroughs record. It was recently fenced in by the NLWA, without the necessary planning permission.

Detriment to Haringey residential areas – and Barnet Council's "nimbyism"¹¹

In addition to the destruction of this irreplaceable amenity, the proposed huge waste plant would have a significant, detrimental impact on the surrounding residential area, including odour nuisance, noise from the heavy vehicles, visual intrusion and deterioration in air quality.

It would worsen the notorious traffic congestion on the already gridlocked sections of the nearby North Circular Road, Colney Hatch Lane where it bridges the NCR, and in Friern Barnet Road where desperate drivers flee to escape the gridlock, creating a new one.

It is also unreasonable, greedy and selfish for Barnet Council, with a greater land area than any other North London borough, to try to foist its refuse truck depot on to the neighbouring borough of Haringey.

Waste Plan untested – yet Haringey Council accepted planning application

North London's waste disposal is carried out by seven North London councils acting together as the North London Waste Authority (Haringey, Camden, Islington, Hackney, Barnet, Waltham Forest and Enfield). Consequently, land use planning for waste across the whole of North London, which is strategic, is also carried out jointly, by a committee of seven councillors (one from each authority) supported by planning officers seconded from the councils, and various consultants.

In July 2011 the North London Waste Plan, the purported rationale for bringing 300,000 tonnes per annum of residual waste from far and wide to the Pinkham Way site, had not yet been tested by its Examination in Public. Yet here was Haringey Council entertaining a planning application for just that.

¹¹ NIMBY – an acronym for "Not In My Back Yard"

Demonstration forced suspension of the planning application

A well-supported protest demonstration outside the Haringey Council meeting of 18 July 2011, which the Council knew was being organised, caused the Council to prepare and pass a resolution that day, the operative part of which is

“This Council notes ... that as a result of negotiations led by Haringey Council, the North London Waste Authority have recognised the Council’s concerns and agreed that an application, with more details to be submitted, should not be determined by Haringey Council until after receipt of the independent planning inspector’s report into the North London Waste Plan in 2012.”

Haringey Council subsequently referred to this resolution as putting the planning application “on hold” until the North London Waste Plan had been tested by its Examination in Public, and the Leader of Haringey Council, Councillor Claire Kober, reiterated that the test of the strategic need for the site in the NLWP was a pre-requisite to any legitimate application to Haringey Council as the local planning authority. Writing to a local resident, two days later, she stated:

“Only after the Inspector has reported his/her findings ... will the application for Pinkham Way be processed ...since by this time its appropriateness as a waste site would have been fully tested at an Examination in Public ... with all parties putting forward evidence in front of an independent inspector.” (emphasis added)

Waste Plan needed impartial public examination first

It was clear to Haringey Council, then, that it would be an abuse of the planning system for Haringey’s Planning Committee alone to consider the site-specific planning application for Pinkham Way before the soundness of the seven councils’ overall waste plan, which included their site selection process that drove that application, had been tested. As Cllr Kober wrote the following February 2012

“I would need to reserve judgement on the appropriateness of the Pinkham Way site, until the outcome of the Examination in Public and the independent Planning Inspector’s Report on the NLWP. This will take a wide range of factors into account when testing the site’s suitability ... It is understandably important to be aware of all these issues, to give full consideration to such a significant matter given the need to deal with waste through a new facility.” (emphasis added)

This letter correctly confirmed, again, that the relevant considerations of the strategic NLWP that propelled the choice of Pinkham Way for waste would be completely bypassed, wrongly, if a site specific planning application were made straight to Haringey Council.

North London Waste Plan hearing halted

The Examination in Public (EiP) of the North London Waste Plan (NLWP) by the Planning Inspector Mr. Andrew Mead opened on 12 June 2012 to examine the soundness of the

plan. The first morning was for the North London councils to demonstrate that their plan was legally sound.

However, the waste planning authorities of the East and South-East of England complained that the North London councils had failed to comply with their legal duty to co-operate with them in making the plan, a duty which arises because North London exports significant quantities of waste to them for landfill, and argued that the plan therefore was not legally sound.

Argument put by a barrister representing the North London Waste Plan team, and an even lengthier one from a QC representing the North London Waste Authority, failed to convince the Inspector that the Plan was legally sound, and he halted the proceedings. The EiP had lasted just under two hours as against the six days that were scheduled.

The Planning Inspector's preliminary decision on the North London Waste Plan

The Inspector ruled, on 31 August 2012, that: "the plan is not legally compliant and so I cannot continue any further with the Examination". As to his final decision on the EiP, he gave the North London Councils a choice, either

"to receive my report on the Plan which will not deal with any planning issues and ... will recommend non adoption of the Plan ... Alternatively, the Councils may choose to withdraw the Plan from submission and so return to the stage of preparation. ... Were the Councils to follow the latter route they may seek to remedy any defects which have been identified."

The Inspector then explained what steps might be taken to remedy the failure to cooperate, but continued:

"This process, in turn, may lead to alterations to the Plan and the need to revisit the Sustainability Appraisal ..."

From this, it is clear that the Inspector envisaged significant revisions to the Plan to be made whichever of the two options the Councils chose. If the Plan were not adopted, it would have to be remade. If it were withdrawn, the Plan would have to be altered to reflect the quite unpredictable outcome of cooperation with the South and South-East councils. That would also have the knock-on effect of requiring another Sustainability Appraisal, in part or whole – itself a substantial undertaking.

A Sustainability Appraisal is designed to test the suitability of a plan against a raft of environmental criteria; and it should thus form a significant underpinning of a plan's soundness. The Sustainability Appraisal which had been produced for the submitted NLWP was beset with warnings or caveats about the unreliability of the evidence on which the Plan was based. Just a few examples are:

Para 4.60 p 48 "The data reported here has relied to a large extent on subjective opinions ... there are areas of the appraisal where the evidence base has a high degree of uncertainty."

Para 4.61 p 49 “There are significant uncertainties in the existing baseline for waste management in the North London area”

Para 5.16 p 70 “There are substantial inconsistencies in the waste data available for the North London area. The data that are available vary in their origin, reliability, and recentness.”

Councillor Loakes presses on regardless and Haringey Council follows

The NLWP EiP Programme Officer informs us that the seven councils will not make their choice until the end of November 2012, yet the day after the hearing was halted, Councillor Clyde Loakes, Chairman of the North London Waste Authority, determined to press on regardless without waiting for a new or amended North London Waste Plan to pass the test of independent scrutiny in public.

In a statement evincing his intention to bypass the NLWP EiP and rely on “compliant” Haringey Council to wave through the inappropriate development, Loakes said:

"The simple fact is that we have to find additional sites for new, modern waste management facilities within the north London boundaries – and Pinkham Way is the most suitable site in our area. We understand that local people will have concerns about the impact of the facilities proposed for Pinkham Way, and I can assure residents that all these issues and concerns will be addressed as part of the design of the facilities and in the planning process." (Waltham Forest Guardian, 13 June 2012)

Haringey Council did not disappoint Loakes. By October 2012, Haringey Council’s Leader had abandoned her earlier desire for independent scrutiny. Claire Kober acknowledged that:

“ ... the [North London Waste] Plan has not met the new ‘Duty to Cooperate’ ... As a result of this, the Inspector has not yet looked at or tested any information in the Plan.”

However, she contended that

“Even when there is no adopted Waste Plan in place, one is usually in the process of being produced (eg the NLWP) and the further it has progressed through the consultation and adoption process the more it is to be taken into account when judging any planning applications that might come forward for actual schemes. In the meantime, while we don’t have a finally approved NLWP, Central Government sets out in National Policy PPS 10¹² how applications for waste management should be dealt with if no Waste Plan exists or is in the process of being made. If and when a planning application comes in it will be

¹² A “PPS” is a planning policy statement

judged on its merits and the appropriate weight given to the latest Waste Plan or its emerging draft.” (emphasis added)

Preparing an abuse of the planning system?

Kober’s statement omits any reference to the London Plan and to the National Planning Policy Framework (NPPF), both of which are also relevant and must be taken into account, not to mention Haringey Council’s own policies on biodiversity and open space. Both the London Plan and the NPPF have policies applicable to all planning applications.

The London Plan strongly supports the protection of open spaces and biodiversity and directs waste development to industrial sites, as does PPS10. Indeed PPS10 recommends using brownfield land first where possible – a sequential approach. Pinkham Way is not brownfield land, it is open green space.

The new National Planning Policy Framework prohibits building on existing open spaces unless an assessment has been done which clearly shows the open space to be surplus to requirements. Haringey has an overall deficiency of open space, so the Council cannot validly accept that the open space at Pinkham Way is surplus to its requirements.

With regard to the NLWP, no reliance can be placed on a Plan that is going to be remade or amended following constructive, active engagement between the North London Councils and the other councils, with an outcome which is, therefore, entirely unknown.

Cllr Kober’s inference (following similar remarks by Cllr Loakes), that Haringey Council Planning Committee will be able to rely on all the information that “the Inspector has not yet looked at or tested”, in a Plan which is all but sewn up, but just not “finally” approved, is completely wrong, not to say a sly attempt to profit by the failure of the Plan to date. She might give some thought to the fact that there is also a substantial amount of evidence undermining the Plan, that now also will have to be taken into account if assessing whether any reliance can be placed upon the NLWP.

A plan that is not adopted, or has to be withdrawn from its EiP, does not retain the authority of one nearing examination stage and not yet challenged. Not only does correcting the unlawfulness require alterations to the Plan, but the scathingly critical, wide-ranging submissions of representors to the Examination in Public, including from waste experts, are now in the public domain, removing any probability that any particular part of the Plan will survive public scrutiny.

Conclusion

Pinkham Way Alliance therefore concludes that:

1) **Haringey Council should turn down as premature** any attempt by NLWA and Barnet Council to obtain planning permission for waste treatment on the Pinkham Way site before the North London Waste Plan is adopted, or at least has been tested through an Examination in Public. Any such attempt would be an abuse of the planning system, seeking to evade the public scrutiny of the independent Planning Inspector for a controversial plan that has already failed.

2) **Haringey Council should immediately withdraw the Pinkham Way site from the NLWP** and carry out its own rigorous, proper and transparent assessment of the site. Only then will the community have confidence that the Pinkham Way site has been subjected to a fair and reasonable assessment of its true value.

DEFINITIONS PAGE

DEA – now called Local Employment Area

Such an area will be treated more flexibly and uses that generate employment other than the B use class will be considered. Some of these activities fall outside the confines of the B class uses that are characteristic of those in the Industrial Locations but nevertheless provide a source of employment and contribute to the local economy.

In principle, mixed use development including residential, employment and community facilities may be appropriate in some Local Employment Areas. These areas provide the opportunity to provide essential community infrastructure for the local community at large. In accordance with the findings of the Haringey Employment Study 2008, a more proactive and positive approach to planning for economic development is required. It will be important for Local Employment Areas to take a flexible approach to economic development by not placing significant restrictions on the type of employment use that is permitted on allocated sites

Locally Significant Industrial Site (LSIS)

Such a site is a well established industrial area and the aim is to retain it solely for uses that fall within B1, B2, B8 uses or uses that share strong similarities to this use class. Retail development does not fall within the scope of this policy. In line with the 2008 Employment Study, the Council will protect these areas to provide choice and flexibility in employment land. The Council will look at opportunities to improve and enhance the general environment of these areas and buildings but will not permit any change of use from those listed above.

North London Waste Authority

North London's waste disposal is carried out by a statutory body, the North London Waste Authority (NLWA), which is managed by a board of fourteen directors, comprising two councillors from each of the seven participating London Boroughs. The Boroughs are Camden, Islington, Hackney, Haringey, Barnet, Enfield and Waltham Forest. For some years, the NLWA has been developing a major procurement based on their Outline Business Case. The NLWA considers that, in addition to more than thirty waste-licensed sites existing in North London, it requires two additional large sites, one of them being the Pinkham Way site. The assumptions underlying this procurement were challenged by PWA and others, including waste experts, in their written submissions to the EiP of the North London Waste Plan in June 2012. However, Mr. Andrew Mead, the Planning Inspector, halted the hearing on the first day, because the North London Councils had failed in their duty to cooperate with Councils outside London who receive waste from the NLWA area.

North London Waste Plan

North London's strategic land use planning for waste is overseen by a committee of seven councillors (one from each of the above-mentioned London Boroughs) supported by planning officers seconded from the councils, and various consultants. The North

London Waste Plan contains the purported rationale for bringing 300,000 tonnes per annum of residual waste from across the North London region to the Pinkham Way site. The Plan is heavily influenced by the NLWA's procurement aspirations, and a site-scoring exercise which identifies the Pinkham Way site as suitable is highly dubious. However, the NLWP contains other notions that are not compatible with the NLWA's planned procurement. The most significant for the future of the Pinkham Way site is the notion that the existing waste licensed sites should receive investment and reorientation so as to improve their suitability and efficiency for waste management. If this were a serious prospect, and achieved, no need would arise to utilise the Pinkham Way site. This, and other signs of incoherence in the NLWP are what cause us to say that it is heavily influenced by the NLWA's procurement wishes. In informal discussion, a Greater London Authority waste official suggested to PWA members that the preferable sequence of events is that first a waste plan is made and adopted after its EiP. After that, the waste managers devise any major procurement, compatibly with the plan. When the sequence is reversed, residents get unhappy, stated the same official.

SINC

This is a Site of Interest for Nature Conservation. Such sites are selected primarily for habitats of inherent wildlife interest, but some sites may be selected for supporting rare or scarce species of plants or animals outside such habitats. The areas concerned may be areas of 'natural' habitats, or they may be man-made.

Once identified, designation and protection of these sites are done by local authorities through their planning policies. In some areas, the designation is subdivided. For example, in Haringey, SINC's are divided into two categories, SINC No 1 Borough Importance (which means the site has value borough wide) and SINC No 2 Importance (which means the site has more localized value).
