

Draft North London Waste Plan
Regulation 18 Consultation
Representations on behalf of the Pinkham
Way Alliance

Main Report

September 2015

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Contact

David Diggle
david.diggle@turley.co.uk

30 Sep 2015

1. Introduction

- 1.1 These representations are submitted on behalf of the Pinkham Way Alliance in response to the public consultation in respect of the Draft North London Waste Plan (DNLWP). The Alliance is concerned with the soundness of the overall waste strategy proposed and particularly with the identification of the Pinkham Way site as an area allocation suitable for waste management facilities (through draft Policy 3).
- 1.2 Pinkham Way is a Site of Importance for Nature Conservation, Grade 1, of Borough Importance (also known as the Former Friern Barnet sewage works) adjacent to the A406 North Circular, Hollickwood Park and Muswell Hill Golf Course. The sewage works closed in 1963, and the land was subsequently used for landfill, both official and unofficial. Over the decades nature has overtaken the site, and it now presents itself as an undeveloped green space of some 6.5ha, more than half of which is semi-mature woodland. Throughout these representations the shorthand label of Pinkham Way SINC is used to refer to the site and should be taken to include the full extent of the combined land ownership of the North London Waste Authority and Barnet Council, described in the NLWP as 5.94ha.
- 1.3 The Pinkham Way Alliance is a community campaign group which came together in early 2011, when local people living in the vicinity of the Pinkham Way SINC became concerned about plans by the North London Waste Authority (NLWA) and Barnet Council to develop the site for a large scale MBT waste facility and a refuse transport depot. The Pinkham Way SINC is an acknowledged ecologically valuable green space within the local area and PWA considers that it warrants protection both for its nature conservation value and its value to the local community as an open space.
- 1.4 The PWA's membership has continued to grow since the plans for this development first became public and the Alliance now has some 3,000 supporters. The membership consists of businesses, Residents' Associations and schools, as well as individual residents, and is drawn not only from the residential areas that would be most directly affected by the potential loss of this important local asset, but covers the wider area across three boroughs, Haringey, Barnet and Enfield that would be affected by development of the site and its ramifications.
- 1.5 The PWA has taken an active interest and played an active part in representing residents' interests in the preparation of the Haringey Local Plan: Strategic Policies document and the original Submission version of the North London Waste Plan, having made several representations and appeared at the public examinations in respect of both plans. As a consequence of its work to date, the PWA has a detailed knowledge and understanding of the Pinkham Way SINC and of how greatly it is valued by residents in the surrounding area.
- 1.6 The site is designated in Haringey's Local Plan as a 'site', a term which was used throughout the life of the previous NLWP. Its description as an 'area' in the current NLWP is, in PWA's view, an artifice.

2. Summary of Representations and Proposed Designation

2.1 The PWA urges the NLWP to remove the prospective designation of the Pinkham Way site (A22-HR) for built waste management facilities from the Plan. The Pinkham Way SINC is an open space with high environmental value, and is not a suitable site for inclusion, nor is it a previously developed site, as it falls within the exceptions to both definitions as set out in the NPPF and the London Plan. The retention of the site in the NWLP would be contrary to national and regional policy, but also in conflict with local policies which seek to protect SINC's and open space in all seven participating boroughs. As such, special justification would be required to retain the site in the Plan. Such justification is demonstrably absent from the Plan and its associated evidence base.

2.2 Although set out more fully in the following sections of these representations the PWA's principal submissions are as follows:

(A) **Need and Spatial Strategy**

The PWA has critiqued the need case advanced in the NWLP and its associated evidence base. It is inherently critical of the case advanced including the options to waste generation and waste management.

Any prospective Spatial Strategy should aim to direct new waste management development towards the 'right places' in North London. These will be places that are accessible by different modes of transport, close to where additional waste is expected to arise in future and near existing waste management facilities. They should reflect the existing pattern of economic development in North London and should avoid places with a sensitive natural or built environment, hydrology or close to existing communities.

The Spatial Strategy fails to deliver these objectives particularly in respect of the area allocation of Pinkham Way SINC.

(B) **Compliance with Government Policy, Local Plans and other Strategies**

(B1) The NLWP is inconsistent with planning core principles contained in the NPPF which seek to conserve and enhance the natural environment and ensure that the redevelopment of brownfield land is prioritised, and with supporting advice in NPPW.

(B2) The NLWP is inconsistent with other strategic policies such as those included within the London Plan which seek to protect bio-diversity, open space and to provide access to nature. The London Plan also directs WPA's to identify appropriate sites in strategic industrial locations or within locally significant employment areas; Pinkham Way SINC does not fit within any of these categories.

- (B3) The NWLP is inconsistent with the Haringey Local Plan which asserts the Council will not permit inappropriate and harmful development on SINC's and upon valuable open space.
- (C) **Pinkham Way SINC and its proposed area allocation**
- (C1) The Pinkham Way SINC is an important Site of Nature Conservation of Borough-wide significance and its protection as such should be the primary land-use objective. It is an area of open green space which forms part of an important green chain and is adjacent to an ecological corridor, a small area extends onto the site. The proposed identification of the site as an area suitable for built waste management facilities is at significant odds to and incompatible with the sites importance for nature conservation and as an open space which is highly valued by local residents.
- (C2) The site's importance for nature conservation and as open land is significantly down-played in the NLWP and its associated evidence base (i.e. site search exercise; sustainability appraisal). The selection of sites is based on inappropriate criteria and incorrect professional judgement. The wrong methodology to site assessment has been adopted.
- (C3) The proposed allocation in the NWLP is at odds with the public announcements made by the NLWA in that it has no immediate or medium term plan to use the Pinkham Way SINC for waste use.
- (C4) The proposed allocation is not justified either in the NLWP nor its associated evidence base. The proposed allocation is at odds with advice in Planning Practice Guidance (para 040) relating to suitable sites and areas. This suggests that "such areas could include, for example, particular industrial estates where the WPA is satisfied that any number of individual sites would be suitable for waste management." The Pinkham Way SINC is not, and never has been, a well-established industrial area; on the contrary, it is open space with high environmental value.
- (C5) The Pinkham Way SINC is unsuitable for built waste management purposes and an unsustainable solution when assessed against environmental, economic and social factors and the spatial strategy. The PWA considers that the identification of the site as an area allocation is fundamentally wrong and based upon flawed evidence professional judgement and assumptions. No evidence has been put forward to demonstrate that the site is needed, let alone that the need is such as to qualify as exceptional circumstances and the importance of any proposed development outweighs the nature conservation value of the site.
- (C6) No credible evidence has been put forward to indicate that a waste development facility on the Pinkham Way SINC site would be suitable, viable or deliverable; its proposed allocation is therefore unjustified.
- (C7) PWA is therefore of the view that retention of the Pinkham Way site in the plan would render the Plan unsound.

3. Current Status of the Site

- 3.1 PWA has long argued that the correct status of this site is open space/SINC with high environmental value. The basis for this position is that the site cannot be categorised as either brownfield land or as Previously Developed Land (PDL) because it falls within the exclusion to the definition of both in the London Plan and in the NPPF.
- 3.2 It is a green open space; it contains no buildings (see plan at Appendix 9). Approximately 60% of the site is covered in semi-mature woodland and the rest is so heavily vegetated for a good part of the year as to be virtually impenetrable.
- 3.3 As such, the site has no place in the NLWP and it is totally unsuitable for waste use allocation.
- 3.4 A detailed analysis of the exceptions to the definitions in both the London Plan 2015 and the NPPF 2012, together with supporting photographs, is attached at Appendix 1.
- 3.5 In connection with this it should be noted that a site visit was conducted in December 2013, which was attended by the Haringey Council's Cabinet Member with responsibility for Planning and Enforcement, the Head of Place and Sustainability, the Head of Development Management and the Conservation Officers from both the Council and the NLWA, together with the Head of Waste Services and the Press Officer from the NLWA. Three representatives from the PWA also attended. Although this site visit provided a full opportunity for exploration of the site features, none of the officers in attendance were able, when asked, to identify any building elements, hard standing areas or fixed structures remaining from the site's historic use as sewage works, other than the vestigial foundations mentioned above.
- 3.6 Although there was some evidence of rubble and other materials that are believed to have been unlawfully tipped on the site since the decommissioning of the sewage works, these do not constitute "remains of the permanent structure" or "fixed surface structure" for the purposes of either of the definitions of previously developed land as quoted above.
- 3.7 Legal precedent for the application of the relevant definitions can be found in the case of *Dodd and Hands v the Secretary of State for the Environment, Transport and the Regions* ([2002] EWHC 84 Admin2002 WL 45299) in which Mr Justice Sullivan considered an application to overturn the Secretary of State's decision to dismiss an appeal following the refusal of planning permission for new dwellings on the site of a former station goods yard. In that case the key issue was the interpretation and application of the definition and exclusions as set out in the now superseded planning policy guidance note PPG3 in respect of which the Inspector had concluded that:
 - Although the station platform remained, a third of its length was now within the private area of the former station house and not part of the appeal site
 - The condition of the site was compatible with some hard surface remaining beneath the poor grass and weeds that covered much of the surface of the site.

- Apart from the platform and glimpses of a hard top surface there was no evidence of the previous use.
 - Although the site was enclosed by a fence the appearance and character of the land was little different from other open land in the vicinity of the site.
 - The relevant test in Annex C to PPG3 is whether or not the remains of the fixed or surface structures associated with previous use have blended into the landscape not whether they have blended into the natural landscape (our emphasis).
 - Having regard to the above factors, the site had blended into the landscape and could not properly be regarded as previously developed land.
- 3.8 Mr Justice Sullivan found that the Inspector had correctly assessed whether the site had blended into the landscape and had correctly applied the exception test in PPG3 and he concluded that there was no reason for the court to overturn the Inspector's decision to dismiss the appeal.
- 3.9 Pinkham Way SINC is exactly the type of site the authors of the NPPF and the London Plan would have had in mind when formulating the exclusion to the definition of brownfield land, i.e. when land has been left unused for a period, and where nature has to all intents and purposes reclaimed it.
- 3.10 The Glossary at Appendix 3 of the NLWP correctly defines brownfield land as “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, derelict, or contaminated. This **excludes open spaces and land where the remains of previous use have blended into the landscape**, or have been overtaken by nature conservation value or amenity use and cannot be regarded as requiring development.”
- 3.11 However, the Glossary only contains a partial definition of PDL, leaving out the critical exclusion that is directly applicable to the Pinkham Way site, i.e. land that was previously developed but where the remains of the permanent structure or fixed 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).
- 3.12 The Pinkham Way SINC is appraised in the Sustainability Assessment as site HAR01.
- 3.13 At SA Objective 2 (maintenance of green infrastructure and open space) it states that:
- “Although the site has previously accommodated development it is almost completely re-vegetated and contains numerous mature trees and vegetation. There is currently no public access to the area but its development for a waste facility could result in a loss of a site that has potential to form part of the green infrastructure network. It is therefore considered that the proposed use of the area could have a negative impact on the maintenance of green infrastructure and open space.”*

3.14 At SA Objective 6 (maintenance protection and enhancement of biodiversity, protected species, habitats) it is stated:

- *“It is within a borough site of importance for nature conservation (SINCS) and, although it previously contained a sewage treatment work, the area has almost completely re-vegetated and contains numerous mature trees. The use of the area for a waste management facility is likely to result in the loss of trees and other features that provide habitat. As such, developing the site for a waste management facility could have a negative impact on “nationally protected species habitats; impact on or loss of BAP priority habitats and species”*

3.15 At SA Objective 8 (impact of climate change) it states that the use of the area for a waste facility **would** result in the loss of green infrastructure which could help alleviate the impacts of higher summer temperatures expected as a result of climate change

3.16 At SA Objective 10 (protection/improvement of Air, Water and Soil quality). It is stated that:

- *“Although the site(sic) has previously been a sewage works the remains of the permanent structure or fixed surface structure have seemingly blended into the landscape in the process of time, and as such, it is unlikely to be considered to be previously developed land...”*

3.17 At SA Objective 12 (efficient use of land and natural resources), it is stated that

“Although the area has previously been a sewage works the remains of the permanent/fixed surface structures have seemingly blended into the landscape in the process of time and as such it is unlikely to be considered to be previously developed land. As such, the use of the area for a waste facility would result in the loss of greenfield land.

3.18 The Pinkham Way SINC is identified in the Haringey Local Plan as "Employment Land" within the "Local Employment Area" category of identified employment land designations. Policy SP8 states that such sites need protection as local employment generating sites and defines "Employment Land" as land which is "deemed acceptable for other employment generating uses that complement the traditional B Use Classes such as small scale "walk-to-retail", cafes and crèche/ nursery".

3.19 The site is also designated as a Site of Importance for Nature Conservation (SINC) of Borough importance (Grade 1) which is protected under Policy SP13 of the Local Plan. This requires that all new development should protect and improve sites of biodiversity and nature conservation through, inter alia, the protection, enhancement and creation of SINCS. Paragraph 6.3.24 states that the Council "will not permit development on SINCS unless there are exceptional circumstances and where the importance of any development coming forward outweighs the nature conservation value of the site. In such circumstances, or where a site has more than one designation, appropriate mitigation measures must be taken and, where practicable and reasonable, additional nature conservation space must be provided".

- 3.20 In the PWA's view the inclusion within paragraph 6.3.24 of the words "or where a site has more than one designation" underlines the flawed approach that the Council has adopted to the treatment of the Pinkham Way SINC for many years. The paragraph refers to "a site with more than one designation as if this was common to a number of sites within the Borough. However, the Pinkham Way SINC is the only site within the Borough which has a "dual designation" and it has had this unique status for the past 20 or more years. This is because, although the site was first designated for its nature conservation value in the early 1990s, it was subsequently allocated for employment use in the first Unitary Development Plan (UDP) which was adopted in 1998, with this allocation having subsequently been carried forward in the replacement UDP when this was adopted in 2006.
- 3.21 The Pinkham Way SINC is unique in the way that Haringey Council has designated it in various development plans. As far as PWA can establish, there is no other dual designated Grade 1 SINC within the Greater London area.
- 3.22 PWA notes that the Pinkham Way SINC has been identified as requiring additional protection in the Haringey Local Plan by UDP saved policy Schedule 1 – SSP5 which permits *“Employment generating uses subject to no adverse effect on the nature conservation value of the site”*¹.
- 3.23 In the NLWP site profile for A22-HR (Pinkham Way SINC) against ‘Key Issues’ there is a reference to *“Haringey’s SSP5, which requires development to be mitigated by improving the nature conservation value of the area”*. This is incorrect. The policy is unequivocal. There should be **no adverse effect** on the nature conservation value of the site.
- 3.24 The status of the Pinkham Way site has recently been reviewed by Haringey Council and PWA has made a number of detailed and substantive submissions during the course of that consultation, challenging the basis and justification for the retention of the Employment designation on the site. In particular, PWA has challenged the non-disclosure of relevant evidence during the consultation process, the consistency and the basis of the viability evidence provided to the Council, and the Council’s reluctance to accept the evidence from its own consultants on employment suitability.
- 3.25 The on-going correspondence relating to that consultation is attached at Appendix 2. The EIP for the Site Allocations Development Plan Document is scheduled to take place in February 2016.

The relevance of the site's ownership to the Council's decisions on site allocations

- 3.26 The PWA is aware that the site is in the ownership of both the North London Waste Authority (NLWA) and the London Borough of Barnet.
- 3.27 The NLWA progressed its purchase of part of the site to support its application for PFI funding and as an essential part of its strategy for the future procurement then in progress of a waste management and treatment contract across the North London area.

¹Appendix 10 - Map relating to saved UDP Saved Policies Schedule 1 SSP5

However that acquisition made on an unconditional basis and in the absence of any development plan allocation or planning permission in place for the use of the site for waste treatment purposes.

- 3.28 In 2011, both the NLWA and Barnet Council (the owners of respective parts of the site) submitted a joint planning application for the site to be redeveloped as a waste management facility and refuse lorry park. This was eventually withdrawn, having sat in Haringey Council's planning department for over two years without ever having been validated and registered. At the end of 2012, the NLWA abandoned its planned MBT on the site as consistently falling waste arisings made it unnecessary. Ten months later, the procurement strategy within which the development envisaged at Pinkham Way would have been taken forwards, was also abandoned.
- 3.29 The NLWA has subsequently stated that its investment in a major treatment facility will be made at its existing site at Edmonton. It is that proposal, that has yet to undergo public examination and scrutiny, to which the NLWP has implicitly linked itself and described as justified.
- 3.30 The NLWA has subsequently and repeatedly confirmed in public announcements and statements that the NLWA has no specific plans, either in the short or medium term, for the use or development of its part of the Pinkham Way SINC. Barnet Council has submitted representations to Haringey Council, requesting that the site designation should also reflect the potential for all or some of the site to be developed for housing.
- 3.31 The position now reached is, therefore, one where the NLWA has no specific plans for, or need for the site, but where the emerging NLWP seeks to secure an area allocation for waste management use for it in any event.
- 3.32 The long-standing intention to protect its asset is further borne out of the NLWA's response to the Haringey Site Allocations Preferred Options DPD. The Head of Operations provided an update report to NLWA members dated 25th June 2015; this includes a summary of its representations to Haringey Council on the draft plan and the status of the Pinkham Way SINC. The heart of the representations is perhaps best reflected in paragraph 3.5 of the officer's report (see Appendix 3):

"If the employment designation for the site is removed and the site is only designated as a SINC, NLWA officers consider it unlikely to pass any screening assessment that might be used for sites to be included as an approved site for development for waste management in the North London Waste Plan (NLWP). If Pinkham Way is excluded from the NLWP it will be very difficult for NLWA to seek a waste use on the site as it will have no planning designation for such uses at either borough or sub-regional level. NLWA's draft response to London Borough of Haringey on this matter, which seeks to protect the employment status of the site, is enclosed at Appendix 1. Members are recommended to approve this draft response. In the 2013/14 accounts the part of the site in NLWA's ownership is valued at £11.1 million."

- 3.33 The PWA would strongly suggest that it is not the role of the planning system to help public authorities (or private owners) to improve the value of their landholding or to keep open future unspecified options. Rather the objective should be to achieve the best balance between meeting the need for additional employment accommodation, new

homes and other forms of development (including waste management facilities) whilst protecting and enhancing the built and natural environment. This is the key balance that needs to be struck in any consideration of the future allocation and designation of the Pinkham Way SINC. The planning process should not be influenced by the issues of land ownership, public finances or the need to justify previous ill-considered expenditure.

4. Key Issues(KI)

4.1 The key issues influencing soundness as identified as follows:

- (K11) Whether the need for waste management facilities identified in the NLWP justified by the evidence base?
- (K12) Whether the Spatial Strategy is the most appropriate and soundly based?
- (K13) Whether the Plan is consistent with national policy and guidance?
- (K14) Whether the Plan is consistent with other policies such as such contained in the London Plan and other plans?
- (K15) Whether the identification of Pinkham Way as an area suitable for Waste Management Facilities justified by evidence?

KL1: Whether the need for waste management facilities identified in the NLWP justified by the evidence base?

- 4.2 The NLWP contains fundamental issues to its suitability ranging from on-going uncertainties concerning the overarching strategy, through the development and choice of options, to inaccuracies in the underlying data and assumptions. In combination, they make for an unsupportable Plan.
- 4.3 PWA's critique of the NLWP in respect of its justification for more waste management facilities is provided in Appendix 4. The main criticisms can be summarised as follows:
- (1) There is an absence of a true strategy underpinning the NLWP and the needs of the NLWA (and its decisions) remains fluid and uncertain; this materially affects the robustness of the NLWP.
 - (2) Substantial waste management capacity headroom (close to 60%) is identified in the evidence base; capacity which could be employed to process waste streams where capacity is lacking. Yet the plan makes no mention of re-orientation, or, with one exception, of intensification. Other waste plans (e.g. South London Waste Plan) make this a specific requirement.
 - (3) Despite the policy protection of waste sites, capacity lost from existing sites is identified but never replaced in modelling. A total of 892,513 tonnes of annual capacity is identified as closing.
 - (4) The NLWP proposed through-put calculation (40,000 tphpa) is 20% below the previous plan and is significantly lower than throughput figures obtained from other Waste Plans throughout the country. The asserted throughput is not justified.
 - (5) PWA's assessment asserts that when reorientation, intensification and other factors are considered, the waste processing potential of North London is both significant and there is no proven need for new sites to be identified.
 - (6) The NLWP evidence base suggests that the plan would generate surplus capacity above London's own total need. This is contrary to policy.
 - (7) The NLWP is predicated upon projected increased in waste arisings while NLJWS Annual Monitoring reports show successive yearly decreases in waste arising and consistently below forecast. Other datasets indicate that between 2008 and 2013, while the London economy grew, waste arisings fell by 13%.
 - (8) PWA considers that Option C (Minimal Growth) in terms of HH waste generation is more justified than the preferred option advocated in the NLWP.

- (9) Despite there being no documented option generation process to guide, PWA propose an alternative option in respect of waste management within North London.

KI2: Whether the Plan is consistent with national policy and guidance?

NPPF and NPPW and Planning Practice Guidance

- 4.4 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development which should be a golden thread running through both plan-making and decision-taking. The NPPF advises that there are three dimensions to sustainable development - economic, social and environmental - and that these give rise to the need for the planning system to perform an economic, a social and an environmental role, and that these roles should not be undertaken in isolation because they are mutually dependent. This requirement should therefore be at the core of the NLWA's consideration of the future of the Pinkham Way SINC.
- 4.5 The NPPF sets out a number of core principles which should underpin plan-making and decision-taking:

Conservation and Enhancement of the Natural Environment

- 4.6 PWA assert that the area allocation of Pinkham Way in the NLWP conflicts with this principle because the site is allocated and has been allocated for over 12 years as a site of importance for nature conservation as a Grade 1 site of Borough wide importance. The designation for potential waste management uses is incompatible with that nature conservation designation.

Reuse of previously developed land

- 4.7 The NPPF clearly seeks to encourage the effective use of land that has been previously developed (brownfield land), provided that it is not of high environmental value. Furthermore, the NPPW advises waste planning authorities should give priority to the re-use of previously developed.
- 4.8 This theme is repeated in Section 11 of the NPPF, concerned with conserving and protecting the natural environment, which states the following:
- In preparing plans the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value. (Para 110).
 - Planning policies and decisions should encourage the effective use of land by re-using land which has been previously developed (brownfield land) provided that it is not of high environmental value. (Para 111).
- 4.9 Maximising the re-use of brownfield land has been set as one of the key performance indicators of the London Plan 2015 and is emphasised in the Haringey Local Plan.
- 4.10 In all of its past decisions with regard to the designation of the Pinkham Way SINC, the NLWP appears to have proceeded on the basis that the site's status should be regarded

as having been previously developed (brownfield) because of its historic use as a sewage works². The PWA believes that such an assumption and approach is erroneous and is an unsound basis on which decisions within the plan-making process should be taken.

- 4.11 The use of the site as a sewage works ceased in 1963 and the buildings and surface plant associated with the former use were subsequently demolished and removed. The vestigial foundations in the north east corner, which are substantially covered and hidden by vegetation, occupy approximately 1% of the site. The historic lawful use has, therefore, been abandoned and the site now has a nil use for planning purposes.
- 4.12 Both the NPPF and the London Plan 2015 include definitions of what is meant by "previously developed land" (and brownfield land) and set out the basis on which certain categories of land should be excluded from these definitions. The PWA considers that the site falls clearly within the exclusions to the definition of previously developed land in both the NPPF and the London Plan 2015. The Sustainability Appraisal evidence supports this view, see references at 3.13 and onwards. A more detailed analysis of the site's characteristics against each of the definitions is set out in Appendix 3 to these representations.
- 4.13 The key points to note from this analysis are that the land falls within the exclusions as follows;
- (1) Land that was previously-developed but where the remains of the permanent 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) (Glossary to the London Plan 2015, page 306)
 - (2) 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. (Glossary to NPPF Annex 2 page 55).
- 4.14 As set out in Section 3 of these representations, it is the PWA's submission that the site should now properly be regarded as a greenfield site. Given the site's longstanding designation as a Grade 1 SIN, the site also falls within the NPPF definition of land with "high environmental value" and for this reason too should not be regarded as a suitable site for waste development. Allocation of the site for waste management use would therefore be contrary to the core principles of NPPF and would not constitute sustainable development.

² It is noted that the accompanying Site Assessment contained within the Sustainability Report appears to accept that the site is unlikely to be considered as being previously developed land

KI4: Whether the Plan is consistent with other policies such as such contained in the London Plan and other plans?

Inconsistency with the London Plan

- 4.15 The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2036. It forms part of the development plan for Greater London. London boroughs' Local Plans (and waste plans) need to be in general conformity with the London Plan, and its policies guide decisions on planning applications by councils and the Mayor.
- 4.16 The London Plan sets out an overall framework for waste management including broad locations which are considered suitable for locating waste management facilities. Policy 5.17G directs Boroughs to bring forward land for waste management as follows:
- "Land to manage borough waste apportionments should be brought forward through:*
- (a) protecting and facilitating the maximum use of existing waste sites, particularly waste transfer facilities and landfill sites*
 - (b) identifying sites in strategic industrial locations (SILs)*
 - (c) identifying sites in locally significant employment areas (see Policy 4.4)*
 - (d) safeguarding wharves (in accordance with policy 7.26) with an existing or future potential for waste management."*
- 4.17 There is no definition in the London Plan of "locally significant employment areas" and Policy 5.17 G is the only place it is mentioned in the London Plan. We are referred to Policy 4.4. for the context in which it is used. Policy 4.4, is about managing industrial land and refers to strategic industrial locations, locally significant industrial sites and 'other industrial land'.
- 4.18 There is no mention of employment land and no mention of locally significant employment areas in Policy 4.4 so it must be assumed that locally significant employment areas are to be interpreted as areas of industrial land and not employment land as defined in Haringey's Local Plan. The Council conceded, during the public examination of its Local Plan, that Pinkham Way SINC was not an established industrial site.
- 4.19 Policy 4.4 goes on to direct boroughs to consider accessibility to the strategic road network and potential for transport of goods by rail and/or water transport (Policy 4.4. B f); accessible to the local workforce by public transport, walking and cycling (Policy 4.4. B g).

- 4.20 As is explained later in these submissions, the Pinkham Way SINC has no direct access to the strategic road network nor is there any potential for access to rail or water transport, and it is not accessible to public transport, as already set out above.
- 4.21 There is no mention in Haringey's local strategic plan, the London Plan or in the National Planning Policy Framework about Sites of Importance for Nature Conservation being suitable locations for waste, industrial or employment uses. On the contrary, all of these plans include policies to protect open spaces and biodiversity - exactly the characteristics of the Pinkham Way site.

Open Space

- 4.22 The London Plan encourages the protection of open space.
- 4.23 The definition of open space covers "*all land that is predominantly undeveloped other than by buildings or structures that are ancillary to the open space use*" (Glossary to the London Plan).
- 4.24 The definition covers a broad range of types of open space within London, whether in public or private ownership and whether public access is restricted, unrestricted or limited and the Pinkham Way SINC qualifies for protection as open space. Indeed the site was used on a regular basis by many local residents for informal recreation and was greatly valued as an area of public open space until the land was fenced subsequent to the NLWA acquisition.

Inconsistency with Haringey Local Plan

- 4.25 The conflict the proposed area allocation with existing and up to date policies of the Haringey Local Plan are extensive and numerous:

(A) Biodiversity and Open Space

- 4.26 The Haringey Local Plan sets out the following targets for its policies on Biodiversity and Open Space:
- SP13a: no loss of any areas of open space
 - SP13b: no loss of the 60 SINCS in the borough
 - SP13d: enhance areas of identified open space deficiency
- 4.27 All of these policies and statements favour the protection of Pinkham Way SINC as a green open space, not as an employment site. The Pinkham Way SINC is a verdant open space that is recognised as having high nature conservation value by virtue of its designation as a Borough Grade 1 SINC.
- 4.28 The assertion that the Pinkham Way SINC is inaccessible to the public is irrelevant. Paragraph 6.3.4 of the Haringey Local Plan notes that the level of public access is not a criterion for definition [of open space or its value].

- 4.29 This value is recognised in the Preliminary Ecological Appraisal (October 2013) which noted that *"despite being located off the A406 which receives high traffic densities, mature trees at the boundaries of the site as well as woodland habitat provide screening from traffic noise and disturbance which creates a feeling of being outside an urban area. Views over the adjacent Muswell Hill Golf Course can be seen from areas of higher ground, towards the southern boundary. The diversity of bird and invertebrate species in particular butterflies as well as the rich diversity of wildflowers adds to the aesthetic appeal of the site."* (P24)
- 4.30 The site forms part of an ecological chain from Alexandra Palace through Rhodes Avenue Spinney, Albert Road recreation, Tunnel Gardens, Hollickwood Park and Bluebell Wood /Muswell Hill Golf Course (both SINC's and important open spaces in their own right) and thence to Coppetts Wood and Glebelands Local Nature Reserve (LNR). Haringey policy SP13 recognises the importance of 'green chains' both for nature conservation and public access and notes there will be a shortfall of open space in the borough of the order of 24-32ha by 2016 which Local Plan states would be very difficult to remedy because of Haringey being an urban borough.
- 4.31 The Pinkham Way SINC, along with this networked area of open spaces, is integral to the spatial character of the borough and its openness. This spatial collection of sites gain additional value from each other by creating a perception of greater space and openness.
- 4.32 Pinkham Way SINC is centrally located within a set of adjoining residential communities and within relatively easy walking distance of some 20,000 households. Built waste development of any significant scale on the Pinkham Way SINC would have a detrimental impact on the SINC itself and on the spatial perception of this open space areas to the detriment of the borough and its community.
- 4.33 The PWA considers that the open space and ecological value of the site and its contribution to the important green chain that links the site with other areas of open space and nature conservation value are rightly protected under policy SB13 and should be given the greatest weight in deciding its redevelopment potential as a suitable site for a waste management facility. This open space and ecological value is however is found wanting in the overall site assessment process for the NLWP.

(B) Policy on SINC's

- 4.34 The Council states in its Local Plan that it will not permit development on SINC's unless there are exceptional circumstances and the importance of the development outweighs the nature conservation value of the site; in such circumstances appropriate mitigation measures must be taken and, where practicable and reasonable, additional nature conservation space must be provided and replacement
- 4.35 It is difficult to see how any significant waste management use on the Pinkham Way SINC could be implemented without its having a serious adverse impact on the nature conservation value of the site itself and on the adjoining open spaces and SINC's. Indeed, the employment policy is seen as one of the policies in the Council's Local Plan "to have the most potential for negative impacts mainly related to environmental

objectives" (The Strategic and Environmental Assessment and Sustainability Appraisal - Post Adoption Statement page 22 (Point No 11)).

- 4.36 Given this statement, and that the priorities in the Local Plan for this location do not include employment, it is difficult to see how an area designation for waste management uses can be justified.
- 4.37 The NLWA is reminded of Natural England's response to the Re-consultation on the Employment Policy in November 2011, i.e. whether the Pinkham Way SINC should be re-designated as a Locally Significant Industrial Site (LSIS). They said that "*The site in question is a Grade 1 Borough Site of Interest for Nature Conservation (SINC) and is surrounded by other SINCs. Concerns over loss of habitat and fragmentation of habitat have been expressed in our correspondence. Loss of habitat and biodiversity and the potential for fragmentation would appear to be at odds with the Council's Objectives relating to Ecology, Biodiversity, Climate Change and Accessible Open Spaces. ... in general Natural England is not supportive of development on Sites of Interest for Nature Conservation.*" (Letter from Natural England to the Council 2 November 2011).

Other Plans and protection of SINCS

- 4.38 It is worth noting that none of the other six North London boroughs have advanced a potential site and/or area allocation of a greenfield site and one which is a SINC in the NWLP. Moreover each of these authorities have dedicated policies which seek to protect SINCS and open space from development:

(a) Barnet

Policy CS7 Enhancing and protecting Barnet's open spaces (Core Strategy)

Seeks to create a greener Barnet by:

- protecting open spaces, including Green Belt and Metropolitan Open Land; and
- protecting existing Sites of Importance for Nature Conservation and working with our partners including the London Wildlife Trust to improve protection and enhancement of biodiversity in Barnet

(b) Camden

Policy CS5 Protecting and improving our parks and open spaces and encouraging biodiversity

- The Council will protect and improve sites of nature conservation and biodiversity, in particular habitats and biodiversity identified in the Camden and London Biodiversity Plans in the borough by: d) designating existing nature conservation sites; e) protecting other green areas with nature conservation value, including gardens, where possible;

(c) Enfield

Policy DM8 Nature Conservation (Development Management Document)

- Development that has a direct or indirect negative impact upon important ecological assets will only be permitted where the harm cannot reasonably be avoided and it has been demonstrated that appropriate mitigation can address the harm caused.

(d) Hackney

Core Strategy Policy 27: Biodiversity

- The Council will protect, conserve and enhance nature conservation areas, in particular in and around Dalston and Shoreditch for their biodiversity value, and develop a local habitat network contributing to the wider Green Grid.

(e) Islington

CS 15 Open Space and Green Infrastructure

- Protecting and enhancing biodiversity across the borough and addressing deficiencies in access to nature. Sites of Importance for Nature Conservation (SINCs) will be protected in line with their hierarchical importance and improvements to their biodiversity value will be supported. SINCs will be identified and designated in the Development Management Policies.

(f) Waltham Forest

CS 6: Protecting and Improving Biodiversity and Nature Conservation

- H) seeking to protect and enhance biodiversity, especially where habitats, species and sites are recognised at the international, national, regional and local levels and as outlined in the Waltham Forest, London and UK Biodiversity Action Plans (BAPs).

KI5: Whether the identification of Pinkham Way as an area suitable for Waste Management Facilities justified by evidence?

(A) Designation: Site or Area?

- 4.39 The approach advanced in the NLWP is to identify sites and areas for new or enhanced management facilities in appropriate locations. Paragraph 8.3 within the NLWP draws support for this approach from NPPW and PPG:

“There are a number of reasons for following this approach. The NPPW endorses the identification of “sites and/or areas” in Local Plan. The National Planning Policy (NPPG) adds that waste planning authorities in London will need to “plan for the delivery of sites and areas suitable for waste management.”

- 4.40 The PWA considers this explanation is a strained attempt to lend authority to transform the Pinkham Way SINC into an “area”. The advice contained in NPPF and NPG does not give a reason why the site/area approach should be followed. The overall strategy to identify sites and, if necessary, areas, should be fully justified by the need case – not because authors of the Plan consider it necessary to slavishly follow national policy and guidance.
- 4.41 In respect of areas, advice in NPPW advises such areas could include particular industrial estates where waste management facilities would be suitable. Redevelopment of previously developed land is to be prioritised and WPA’s are directed towards existing industrial and employment areas. As is highlighted below, with the exception of Pinkham Way, all sites considered for this NLWP are existing industrial sites/areas. The Pinkham Way SINC is not, and never has been, a well-established industrial area.

(B) Critique of Site Assessment Methodology

- 4.42 The assessment process is contained within the accompanying evidence base supporting the NLWP. This includes a Site & Areas Report and associated assessment appraisals of individual sites addressed.
- 4.43 The methodology adopted is a two stage assessment:
- Level 1 Absolute criteria – constraints for which mitigation is not possible and any sites affected are removed from further consideration, or where appropriate, have any area covered by such constraints and the remaining site taking forward.
 - Level 2 Screening Criteria – screening criteria are potential constraints where mitigation may be possible and have been applied to all remaining sites.
- 4.44 For the second stage the assessment methodology is clear that a level of judgement is applied in considering the potential suitability of the site for future waste use and where

mitigation may be possible. The methodology also notes that given the range of issues to be considered at this stage, any clear ranking of sites (through scoring) would be 'over-precise' and give 'mis-leading' impressions of the relative merits of each site against others appraised. Instead, sites appraised are banded from Band A (best) to Band D (worst).

4.45 PWA disagrees with the approach adopted. The end result (as will be seen below) results in the categorisation of potential sites/areas being more ambiguous than transparent with appraisals being unclear as to why certain sites are categorised in the manner that they are proposed.

4.46 Other Councils have adopted more robust methodologies for appraising potential sites/areas including the West London Waste Plan³ and the Merseyside Joint Waste Plan⁴. In the West London Plan site assessment process, potential sites were assessed against absolute constraints but also against a set of multi-criteria which scored each site against the criterion according to the agreed scoring system (of 1, 3 or 5 – less to more suitable). The criterion which were scored were as follows:

- Green Belt and Metropolitan Open and Open Space
- Flood Zone
- Ground water source protection zones (SPZ's)
- Sustainable transport
- Public Rights of Way
- Local Conservation Areas (LCA)
- Nature Conservation Areas
- Locally important nature conservation areas
- Archaeological sites
- Historic and built heritage
- Strategic/Protected Views
- Land Stability

4.47 To further assess the suitability of the site a site based assessment was conducted where a number of criteria were assessed. This involved physical interpretation of the site and evaluation of its potential against a number of scored criteria including:

- site configuration
- existing uses

³ See Potential Sites Assessment – Technical Report, 11th January 2011 prepared by Mouchel

⁴ Merseyside Waste Plan, adopted 2013

- proximity to residential areas, schools and hospitals
- routing of vehicles
- visual intrusion on surrounding area
- potential for co-location of facilities.

4.48 The Mouchel report setting out the above scoring criterion is provided in appendix 5.

4.49 The PWA consider that the site assessment should be based on rigorous verifiable and appropriately weighted site scoring to enable the potential of sites to be transparent in their own right and by ranked comparison with one another. The adoption of a more robust and transparent scoring like the one adopted for the West London Waste Plan would be more suitable in this context; it would have also resulted in a different conclusion and ranking being made on the Pinkham Way site as the site would have scored the lowest in many categories including:

- Green Belt and Metropolitan Open and Open Space
- Flood Zone
- Ground water source protection zones (SPZ's)
- Sustainable transport
- Locally important nature conservation areas
- Site configuration
- Existing uses
- Proximity to residential areas, schools and hospitals
- Routing of vehicles
- Visual intrusion on surrounding areas

(C) The Site's Credentials for an area designation

4.50 The justification of the Pinkham Way as a designated area for waste management uses is set out in the NLWP Individual site/area profiles (Appendix 2) and the associated evidence base documents Sites and Areas Report and Sustainability Appraisal Report.

4.51 The Site Assessment Report (para 4.33) confirms that each proposed site and area was given a suitability rating as follows:

Band A: Site is highly suitable for waste uses with only minimal mitigation

Band B: Site is suitable for waste uses following appropriate mitigation

Band C: Site is possibly suitable for waste uses although there are significant mitigation issues to address

Band D: Site is not suitable for waste uses

4.52 Of all the sites and areas identified and appraised, with the exception of one site, all sites/areas are existing industrial estate sites/areas in use occupied by industrial properties and buildings; a significant amount already contain existing waste management facilities.

4.53 The single exception is the Pinkham Way SINC. It is the only site assessed which is:

- greenfield by formal definition;
- not in current industrial use;
- a designated Grade I SINC; and
- adjoined to the west and to the south by large open areas of Metropolitan Open Land (including part of the site) and SINC's including Hollickwood Park (Grade II) and Muswell Hill Golf Course (Grade I).

4.54 The assessment process identifies one single site/area categorised as being a Band A site – that is the Edmonton Incineration Plant. However, notwithstanding the above constraints, the evidence concludes the following after site assessment/appraisal in respect of the Pinkham Way site (Ref: A22-HR):

It is considered that this site should be classified as Band B⁵. There are a number of environmental and amenity issues facing this site including Site Specific Proposal 5 which requires development to be mitigated by improving the nature conservation value of the site. The site benefits from good access to the primary road network although as discussed above an improved access off the Orion road roundabout would be necessary.

4.55 The Pinkham Way site (Ref: A22-HR), despite being a SINC and the only undeveloped greenfield site that is assessed is identified as **Band B** – six other designated areas are given this suitable score. The vast majority of sites and areas appraised are given a suitable score of Band C.

4.56 It is PWA's view that the professional conclusions made in respect of the Pinkham Way site are categorically incorrect and/or significantly downplay the site's true credentials for a potential waste management site. While it is difficult to ascertain which sets of issues have determined the scoring given the degree of ambiguity and lack of transparent scoring of potential sites, the above factors have not been given any significant weight of determining the suitability of the Pinkham Way SINC for waste management purposes. Moreover, issues such as proximity of sensitive receptors, location to MOL (and even SINC's) are given as reasons for appraising many sites/areas which are in existing industrial use and categorising these as Band C sites.

⁵ Band B is the 2nd best category of identification – site suitable for waste uses following appropriate mitigation

4.57 The inaccuracies and incorrect assertions can be summarised as follows:

- (i) There is an inaccuracy in respect of the extent of the proposed area designation. The NLWP states the Pinkham Way SINC designation as being 5.93ha while the Site Assessment report suggesting 5.94ha and 4.3Ha.
- (ii) Assessment of a potential waste management use on the Pinkham Way SINC against up to date planning policies contained in the London Plan and Haringey Development Plans fall short and do identify inconsistency with them (unlike our assessment above).
- (iii) Although relatively large, the site is heavily constrained by extensive tree cover and other vegetation which adds to its amenity and nature conservation value. Hence the site is not suited to accommodating significant waste development without the risk of severe loss of woodland and habitat.
- (iv) In terms of jobs, the ratio of jobs to employment space in waste is notoriously low and would apply to all sites appraised.
- (v) As a matter of fact, the site is in close proximity to residential properties, both in long established residential areas and large scale development for industrial use would almost certainly have an adverse impact on the amenity of nearby homes. The proximity of the site to residential areas is shown in the two plans at Appendix 7.
- (vi) There is no legitimate need to the possible allocation of the site for waste use. The NLWA has confirmed that it has no specific plans for its use in the short or medium term and, as such, there is no justification for an allocation when there is no evidence either that the site is needed or would be developed for waste uses. PWA consider that the site is designated not because of identified need but as necessity to protect the site and an asset and a convenient replacement site for one or more of the existing designated waste sites within the local area; e.g. it is clear from the NLWP that five existing waste sites will be lost and there is no indication where the required replacement land is to be provided (a requirement of the London Plan). A case in point being the Turing Road waste site used for commercial waste used for commercial waste which is not mentioned in the current NLWP. This is located in Brent and there is currently an outline planning application with the Brent Council to redevelop it. No indication is set out in the MLWP where its capacity will be redistributed.
- (vii) PWA points to the recent assessment work done on its behalf, which shows that the site does retain substantial nature conservation and habitat value and that this could be considerably enhanced through the proper management of the site in accordance with the Council's Biodiversity Plan and Local Plan policies. This is clearly the approach that should be taken with regard to this important site in order that its value is not put at risk any longer.

4.58 There are two additional issues:

Access

4.59 Despite the assessment concluding that the site enjoys good accessibility to the primary network, this reality something very different. Although close to the main highway network the site does not enjoy direct access to the North Circular Road, and HGVs (and other vehicles) coming to or leaving the site would need to use other roads which have a residential frontage with a consequent loss of amenity.

4.60 The previous plan scored access to the Pinkham Way SINC on the basis of '250m/ 500m/ more than 500m from major road network'. These criteria were based on a fundamentally flawed and desk-based Site Appraisal done for the NLWA, which stated that the roundabouts at either side of the bridge crossing the A406, the south side of which gives access to the site, actually led directly on and off the A406 itself.

4.61 They do not. In fact, access from the A406 to the site via slip roads is around 1.25km. This is described in more detail at Appendix 6.

4.62 At one of the NLWP Focus Groups in 2014, PWA asked one of the Urban Vision consultants whether there was written guidance on this distance criterion. The consultant said that there was not, but that, for an urban site, for instance in the Merseyside Plan he had been involved in, he would generally recommend 250m.

4.63 The criterion used in the NLWP is 2,000m – 2 kilometres. In PWA's view, this change of 800% is embarrassingly site-specific, and is directly linked to the previous and equally embarrassing mistake made in assessing access to the Pinkham Way SINC.

4.64 The eastward bound A406 running past the site is notorious for serious congestion. The queue at the junction with the A109 Bounds Green Road will more often than not last all day for most days of the week, and will on average extend to around 1 mile or more. As local residents will attest, this congestion results in local roads becoming saturated with traffic as it tries to avoid the A406. This is analysed in more detail, and in the light of recent Dept for Transport traffic flow figures, in Appendix 6.

4.65 In the SA Site Appraisal of HAR01, the comment is made about any increase in traffic, as a result of development of the Pinkham Way SINC, not being 'significant' in comparison to existing conditions.

4.66 PWA makes two points:

- (a) the extreme level of existing congestion and its effect on the A406 and on the local secondary road system, described in Appendix 8.
- (b) when the argument used in the SA is taken to its logical conclusion, a situation where there was 24-hour gridlock would actually be a very strong recommendation for development, since the percentage increase in traffic generated would be that much smaller. This is plainly absurd.

- 4.67 It was the Inspector at the enquiry into the proposed incinerator at Rivenhall Airfield who, in his 2010 report, remarked of the very busy A120 road, which gave access on and off the site, that there comes a time when it is no longer possible to keep adding traffic to existing congestion.

Flood Risk

- 4.68 The whole of the site is described throughout the NLWP as being in Flood Zone 1. This is wrong and shows lack of attention to detail. It has been well-known to all parties that some 16% of the site, the NE corner bounded by the A406 and the railway bridge, is in Flood Zone 2. The description in the Haringey SFRA states that this will change to Flood Zone 3a with climate change.
- 4.69 In fact, the latest information from the Environment Agency, given to PWA in a meeting in September 2014, indicates that a 1 in 100 year (+20%) storm would mean that a larger section than the 16% would become Flood Zone 3b, the Effective Flood Plain.
- 4.70 So that the NLWP can bring its own information up to date, PWA is attaching the EA map as Appendix 8, and trusts a) that the NLWP will ensure that the information in subsequent drafts is correct and b) that the required sequential tests that the NLWP failed to do on the site will be conducted without delay and the full results included in the next iteration.

5. Response to NLWP Questions

5.1 In light of the foregoing:

Question 1: Do you agree with the proposed aim for the NLWP?

5.2 No comment.

Question 2: Do you agree with the proposed draft objectives?

5.3 No comment

Question 3: Do you agree with the draft spatial strategy for the NLWP?

5.4 TBC – KB note

Question 4: Do you agree with the NWLP taking forward the Preferred Options of Options B?

5.5 TBC

Question 5: Do you agree with the methodology used to identify potential sites and areas for future waste development is justified and proportionate?

5.6 No. Approach is not justified or proportionate; please see KI5 (B) of these representations.

Question 6: Do you know of any existing waste facilities which are not included in Schedule 1?

5.7 Not applicable.

Question 7: Do you agree with the draft policies for development on new sites and areas?

5.8 No. See Section KI5 of this statement.

Question 8: Do you have any comments on the accuracy of the details in the sites and areas proformas in Appendix 2?

5.9 No. See Section KI5 of this statement.

Turley Office
1 New York Street
Manchester
M1 4HD

T 0161 233 7676