

**London Borough of Haringey**  
**Draft Site Allocations Consultation**  
**January – February 2014**  
Representations on behalf of the Pinkham  
Way Alliance

March 2014

**Turley**

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## Client

The Pinkham Way Alliance

5 March 2014

# 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 Haringey Local Plan: Draft Site Allocations Document. They are concerned with the future use and protection of the Pinkham Way Site of Importance for Nature Conservation, Grade 1 Borough Importance (also known as Friern Barnet former sewage works) adjacent to the North Circular Road and Muswell Hill Golf Course. 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.
- 1.2 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 PWA considers that the Pinkham Way SINC is an ecologically valuable green space within the local area and that it warrants protection both for its nature conservation value and its value to the local community as an open space.
- 1.3 The PWA's membership has continued to grow since the plans for this development first became public and the Association now has more than 3000 supporters. The membership is drawn not only from the residential areas that would be most directly affected by the loss of this important local asset, but covers a wide area across three boroughs.
- 1.4 The PWA has taken an active interest and participation in the preparation of the Haringey Local Plan: Strategic Policies document and the Submission version of the North London Waste Plan, having made representations to both and appeared at the examinations in public 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. The PWA has also developed a working knowledge of the development plan process and is keen to engage with Haringey Council (the Council) in seeking to ensure that the site is properly protected as and when the Site Allocations DPD is adopted.
- 1.5 The PWA's representations are concerned solely with the Pinkham Way SINC which is classed as a Grade 1 Site of Borough Importance, and the future designation and allocation of this site in the Site Allocations DPD.
- 1.6 The PWA notes the statement, at paragraph 2.5 of the officers' report to the Cabinet meeting of the 28th November 2013, that Haringey "remains a listening council". The PWA expresses its sincere wish that this is true and that the Council will live up fully to this claim by listening to the views of local people with regard to the future use and protection of the Pinkham Way SINC.

## 2. Summary of Representations and Proposed Designation

- 2.1 The PWA notes that, although the document which has been issued for consultation purports to be a draft of the Site Allocations DPD, it is an incomplete draft insofar as the future employment land designations within the borough are concerned. This is because the draft does not include any of the sites which are currently designated as employment sites and leaves the issue of what sites should be taken forward in the Site Allocations DPD to some future stage of the process following the completion of the proposed Employment Land Study.
- 2.2 Similarly, although the Pinkham Way SINC is identified as one of 3 proposed land "allocations" in the Muswell Hill sub area of the Borough (as Site MH3) the draft document does not include any specific proposals as to the future use or designation of the site. Rather, the document states that, "subject to the findings of the Open Space Review, Employment Land Review and the North London Waste Plan this site will be allocated as necessary".
- 2.3 Accordingly the draft plan is incomplete and it is not clear what exactly the Council is consulting on in relation to the site given that the Open Space Study and Employment Land study are not as yet available and the North London Waste Plan is not expected to be produced until 2016.
- 2.4 The PWA is however pleased to put forward its recommendations as to how the site should be designated in the Site Allocations DPD and the reasons for these recommendations.
- 2.5 PWA urges the Council not to carry forward any allocation of the site for employment purposes but to confirm its status as a SINC of Grade 1 Borough Importance and to consider designating it as MOL and/or a protected open space within the Site Allocations DPD. Alternatively the Council is requested to consider designating the site as a Local Nature Reserve.
- 2.6 The PWA questions the relevance of the NLWP as an input into Haringey's plan preparation process generally and specifically in respect of the Pinkham Way SINC. There is no NLWP in existence at the present time. Consultation on a first draft of the proposed NLWP is not scheduled to commence until 2015. According to the Council, the earliest date the NLWP is expected to be adopted is early 2017. Hence there are no draft policies or proposals in relation to the proposed NLWP which can legitimately be taken into account in the formulation of Haringey's Site Allocations DPD. In addition, the Council refers to "Representations having been received to maintain the potential for this site to achieve a waste management function". These representations were received from the NLWA and should no longer be taken into account, since the procurement on which they were based has now been abandoned and the NLWA has informed the Council that it has no immediate or medium term plans to use the site.

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

1. The Pinkham Way SINC is an important Site of Nature Conservation of Borough-wide significance and its protection as such should be the primary objective for the Council. The future protection and proper management of the site is critical if its nature conservation value is to be sustained and enhanced.
2. The development of the site for any major built development would be incompatible with the site's importance for nature conservation and as open land.
3. The site is unsuitable as an employment development site and in particular does not meet the criteria for designation as Locally Significant Industrial Site (LSIS).
4. The site is highly valued by local residents for its biodiversity value and as a local amenity space for informal recreation and should be designated for this purpose.
5. The allocation of the site for employment use would be incompatible with its nature conservation interest and value and is not supported by the Council's strategic policies as recently adopted (discussed in more detail later).
6. The site does not meet the criteria of brownfield land since it falls within the exclusion to the definition of brownfield land/PDL in both the London Plan 2011 and the NPPF 2012. Its development therefore would not "bring back into use" underused land.
7. The fact that the land is owned by two public authorities is irrelevant to the Council's consideration and determination of the most appropriate use and designation of the site. The NLWA submissions to the first call for sites exercise should be given very little, if any, weight due to the vested interest of the NLWA, the many inaccuracies in its previous submission (see section 6 of this document) and the fact that the NLWA has recently informed the Council that it has no immediate or medium term plan to use the Pinkham Way SINC for waste use
8. The PWA seeks that the Pinkham Way SINC should, in its entirety, be designated in the Site Allocations DPD both as a Site of Importance for Nature Conservation and as a protected open space and that its previous allocation for employment development should not be carried forward into the Site Allocations DPD. The PWA seeks a commitment from the Council and the site owners that a scheme of effective management be put in place to preserve, enrich and improve the biodiversity value of the site. This would accord with the objectives of the Council's Biodiversity Action Plan 2009 and would provide for public access in a managed way which is compatible with the site's nature conservation value. The Council should note the Site Management Brief 2014-2019 submitted herewith at Appendix 2. PWA has asked local residents, including its own supporters, for an "in principle" expression of interest in committing themselves to practical supervised work on site in line with this management brief. At the time of this submission some 134 residents had expressed such an interest.

### 3. Current Status of the Site

- 3.1 The Pinkham Way SINC is identified in the Haringey Local Plan: Strategic Policies 2013 - 2026 (The Local Plan), which was adopted in March 2013, 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".
- 3.2 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 which requires that all new development should protect and improve sites of biodiversity and nature conservation through, inter alia, the protection, enhancement and creation of SINC. Paragraph 6.3.24 states that the Council "*will not permit development on SINC 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*".
- 3.3 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.
- 3.4 The Pinkham Way SINC is not only unique in the way that it has been designated in the various development plans adopted by Haringey Council. As far as the PWA can establish, there is no other dual designated Grade 1 SINC within Greater London which has been under threat of development - by means of its "dual designation" - almost from when it was first identified as being of nature conservation value. The effect of this is that, although it is one of 9 Grade 1 SINC of Borough wide Importance in Haringey, the Pinkham Way SINC has intentionally been given a lower level of protection by the Council in all the iterations of its statutory development plan.
- 3.5 The PWA considers that such a unique and, as far as it is aware, unprecedented approach to the protection of a SINC of such significance should require a clear and special justification. No such justification has ever been made out by the Council nor has it ever been argued by the Council that the nature conservation value of the site is materially less than that of the other Grade 1 SINC in Haringey such as to warrant this lower level of protection. Indeed the PWA believes that there was no proper land use

justification for the dual designation of the site when this was introduced in the first UDP and that none exists today.

- 3.6 In the PWA's submission, the preparation of the Site Allocations DPD provides an opportunity for Haringey Council to abandon the unwarranted approach that it has taken for so long to the designation of the site, and to bestow on the site the full and proper protection that it deserves and needs if its nature conservation value is to be preserved and enriched in line with the Council's Biodiversity Action Plan.

## 4. Key Considerations with regard to the Site's Designation in the Site Allocations DPD

- 4.1 In the late stages of preparation of the Local Plan, the Council sought to change the nature of the Pinkham Way SINC's allocation for employment development from that of "Local Employment Area" to that of "Locally Significant Industrial Site". Such a change would have had potentially serious implications for the likely nature and scale of development that would have had policy support and, in turn, would have posed a serious threat to the nature conservation value of the site. The proposed change to the classification of the Pinkham Way SINC was strongly resisted by the PWA and many other parties and was roundly rejected by the Planning Inspector who conducted the examination in public of the draft plan. Indeed the Inspector was damning in his condemnation of the approach that the Council had taken with regard the proposed changes, concluding in his report that there was:

*"No clear evidence which demonstrates how the review (of employment sites) was undertaken and against what criteria...*

*No robust or consistent analysis of each DEA, .. in relation to their context or function, nor a clear assessment of why individual designations should be altered.*

*No sound analytical basis for creating new LSIS at this time."*

- 4.2 Although the Inspector did not conclude that the site should be designated only as a SINC, he did recommend that the Council's preparation of the Site Allocations DPD would provide an opportunity to review the site's status. He advised that this review should take into account considerations of its open space value, its biodiversity, and its specific features such as its culverted water course. He also recommended that, in view of the considerable public interest in the use of the site, the Council should engage appropriately with all parties when undertaking this review. There was no suggestion in the Inspector's recommendations that the NLWP should be taken into account in considering the most appropriate allocation and designation of the site, notwithstanding that his report was published before the NLWP was withdrawn by the joint authorities. As noted above, the current position is that there is no NLWP in existence, and it would thus be improper for the Council to have regard to emerging draft ideas or proposals that may go into a new version of the plan, when these have not been consulted upon and have no formal status.

- 4.3 The PWA supports the Inspector's conclusions with regard to the need for any review of the future designation of the Pinkham Way SINC to have regard to its open space and biodiversity value, but would urge that this be done on the basis of a full and updated assessment of the site's value in both respects. There is also a need to have regard to a number of other matters including:

- The planning status of the land

- The relevance of the site's ownership to the Council's decisions on site allocations
- The consistency of including any proposed allocation of the site, within the Site Allocations DPD, for employment development with the spatial strategy and strategic policies of the Local Plan
- The unsuitability of the site for employment use in terms of the accessibility and sustainability of any development undertaken
- The unsuitability of the site for any waste related use
- The need for additional public open space in Haringey and the opportunities which the site affords for informal recreation
- The importance of the trees and woodland on the site
- The importance of the site as part of a Green Chain of open space and an ecological corridor
- The desirability of opening up the culvert across the site
- The need and opportunities for the enrichment of the biodiversity of the site.

4.4 The PWA's submissions on these matters are set out in the following section of these representations.

## 5. Representations on Key Considerations

### Planning Status of the Site

- 5.1 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 Council's consideration of the future of the Pinkham Way SINC.
- 5.2 The NPPF sets out a number of core principles (paragraph 17) which should underpin plan-making and decision-taking including to encourage the effective use of land that has been previously developed (brownfield land), provided that it is not of high environmental value
- 5.3 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).
- 5.4 Maximising the re-use of brownfield land has been set as one of the key performance indicators of the London Plan 2011 and is emphasised in the Local Plan, which states that *"we must seek to reuse brownfield land and promote the more efficient use of land as an alternative to developing on green spaces"* (paragraph 1.4.26, P32).
- 5.5 In all of its past decisions with regard to the designation of the Pinkham Way SINC, the Council 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 works. 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. The reasons for this assertion are set out below.
- 5.6 The use of the site as a sewage works ceased in the 1960s 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.

5.7 Both the NPPF and the London Plan 2011 include definitions of what is meant by "previously developed 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 2011. A full analysis of the site's characteristics against each of the definitions is set out in Appendix 1 to these representations. The key points to note from this analysis are that the land falls within the exclusions as follows;

- 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 (to the extent that it can reasonably be considered as part of the natural surroundings).(Glossary to the London Plan 2011 page 306)
- 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).

5.8 In connection with this it should be noted that a site visit was conducted in December 2013, which was attended by the 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 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. 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.

5.9 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) attached as Appendix 3, 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.

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.

- 5.10 Pinkham Way SINC is exactly the type of site the authors of the NPPF and the London Plan 2011 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.
- 5.11 The PWA is firmly of the view that the Pinkham Way SINC falls squarely within the exclusions under both the NPPF and the London Plan 2011. Using the approach taken by the Inspector in the Dodd and Hands judgment, there is no doubt that the *"remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time"*, since a) there is no evidence of the former structures related to the sewage works which remain visible on the site and b) the site clearly has an open and densely vegetated appearance. Indeed, such is the extent of the re-vegetation on the site that it can also be considered to have blended into the landscape *to the extent that it can reasonably be considered as part of the natural surroundings*, since those natural surroundings include the adjacent park, golf course, residential gardens and the vegetation along the railway corridor. Such is the extent of blending into the landscape that nobody who did not know the site's history would have any inkling as to its historic use.
- 5.12 In the PWA's submission the site should now properly be regarded as a greenfield site and should be considered for allocation for built development only if the borough's development needs cannot be met on more sustainable brownfield sites. Given the site's longstanding designation as a Grade 1 SINC, 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 priority site for built development. Allocation of the site for employment use would therefore be contrary to the core principles of NPPF and would not constitute sustainable development.

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

- 5.13 The PWA is aware that the site is now in the ownership of both the North London Waste Authority and the London Borough of Barnet, and that the NLWA acquired its interest in the site in order to undertake its development to provide a major waste treatment facility.

However it is pertinent to note that, since acquiring the site and submitting an application for development of a waste treatment facility (which was never validated as having been properly made), the NLWA has abandoned the procurement strategy within which the development envisaged at Pinkham Way would have been taken forwards. The NLWA has subsequently stated that its investment in a major treatment facility will now be made at its existing site at Edmonton and, at the site visit undertaken in December 2013, the NLWA officers advised that it has no specific plans for the use or development of the Pinkham Way SINC in the short or medium term. Furthermore, the proposal by Barnet Council to co-locate a waste transport depot on the site has also been withdrawn.

- 5.14 Whilst it is clearly open to the owners of the land to make submissions to the Council as to how the land should be treated in the Site Allocations DPD, the fact that the land is owned by two public authorities should have no bearing on the Council's decision as to the need for, or suitability of, the site's allocation for employment or any other built development. The PWA believes that the Council was influenced by other public bodies in its failed attempt to reclassify the site as a LSIS, and would urge the Council to resist all such influence and pressure on this occasion. Indeed, since all public authorities have a general duty with regard to the preservation and enhancement of the natural environment, the public ownership of the land should, if anything, reinforce its value and potential as a Grade 1 SINC.
- 5.15 The PWA has considered the submissions which were made by the NLWA in response to Haringey's Call for Sites in 2013 and responds to these in a later section of these representations.

### **The consistency of including any employment allocation of the site within the Site Allocations DPD with the spatial strategy and strategic policies of the Local Plan**

- 5.16 The Local Plan is the higher order plan in the Council's Local Development Scheme, and the Site Allocations DPD should be prepared so as to be in accordance with the spatial strategy and strategic policies of the Local Plan and to further its key objectives and aims. The PWA considers that these are important considerations with regard to the future designation of the Pinkham Way SINC.
- 5.17 The key diagram within the Local Plan identifies the key areas for growth, with the main focus for new housing and employment development being proposed as Haringey Heartlands and Tottenham Hale. The Pinkham Way SINC does not fall within either of these key growth areas or within any of the other parts of the borough which are identified for significant change. Rather, the site forms part of the Muswell Hill Area Neighbourhood which is identified in the Local Plan as an "area of limited change". The Local Plan states that, in areas of limited change, the *"Council envisages that development will be of an incremental nature and that it should not change the character of these areas"* (paragraph 3.1.45) and *"will ensure that development ... will conserve... other important features and provide environmental improvements and other local benefits where appropriate"* (paragraph 3.1.46).

- 5.18 In the PWA's submission the allocation of a 6.5 ha site which has successfully blended into the landscape, and which has acknowledged nature conservation value, for employment development would be wholly contrary to the spatial strategy which has been set out in the Local Plan. The allocation of the site for employment or any other built development would also be contrary to a number of the strategic policies in the Local Plan.
- 5.19 Policy SP7, relating to transport matters, states that the Council will promote travel demand management schemes to tackle climate change, improve local place shaping and public realm, and environmental and transport quality and safety by, inter alia, *seeking to locate major trip generating developments in locations with good access to public transport*. As set out in more detail later in these representations the Pinkham Way SINC does not enjoy good access to public transport and its allocation for a major employment development would not accord with this strategic policy.
- 5.20 Policy SP8 states that the Council will safeguard land which has been designated either as a Strategic Industrial Location (SIL) or a Locally Significant Industrial Site (LSIS). Pinkham Way is not classified in either of these two categories and, the Council has previously failed to make out any justification for the reclassification of the site as a LSIS. Hence the site is not "safeguarded" for employment use in the way that SIL and LSIS designated sites are but is subject to a lower level of "protection as a local employment generating area" which the policy applies to Local Employment Areas. In the case of Pinkham Way, however, even this protection is unwarranted as the site does not currently generate any local or other employment and has not done so for over 50 years.
- 5.21 Paragraph 5.1.7 of the Local Plan states that the hierarchy of sites will be further reviewed and revised as necessary through the Site Allocations DPD. However, the justification given for any such revision to the hierarchy is limited to *"taking account of economic circumstances and further guidance from the Mayor of London"*. The PWA is not aware either of any new guidance from the Mayor or of any material change in circumstances which would justify any reclassification of the Pinkham Way SINC (by definition to a higher category of employment land allocation) which would be contrary to the Council's own spatial strategy for the Borough.
- 5.22 Indeed, in the 2014 draft Further Changes to the London Plan, the guidance (at paragraph 4.20) remains that *"to justify strategic recognition locally significant industrial sites must be designated on the basis of robust evidence that demonstrates their particular importance for local industrial type functions"*. No evidence has been produced to this effect, and the fact that the site has remained undeveloped for so many years despite its allocation for employment use since the mid-1990s, and that it does not form part of an established industrial area, would strongly suggest that the site does not have any importance whatsoever for local industrial type functions. It is important to note in this respect that, although the London Plan 2011 advises that waste facilities should preferably be located in strategic industrial locations and then (sequentially) on locally significant industrial sites (Policy 5.17 and paragraph 5.83), there is nothing in paragraph 4.20 which would enable the need (even if proven) for new waste facilities to be used to justify the re-designation of a local employment site as a LSIS. This would be wholly contrary to the higher order policies of the London Plan 2011.

- 5.23 There was no evidence to justify the Council's previous attempt to redesignate the site as a LSIS and no new evidence has been produced since the Local Plan Inspector submitted his report. There is therefore no case for considering the allocation of the Pinkham Way SINC as a LSIS; indeed the site continues to fall outside of the key requirement that a LSIS should be part of an established industrial area. Given this position, and that the site also does not meet the Local Plan's own definition of a "Local Employment Area", there is no justification either for the continued designation of the site for employment development .
- 5.24 As noted previously the Pinkham Way SINC falls within the Muswell Hill Area Neighbourhood which is identified in the Local Plan as an area of limited change. The Plan sets out, at paragraph 1.3.64, that the policies which should take priority within this neighbourhood are those concerned with Design, Town Centres, Open Space and Biodiversity; Community Facilities and Housing'. It is noted that employment policy is not identified as a priority because the level of unemployment in this area is acknowledged to be well below the borough average. The number of currently vacant units on the Bounds Green Industrial Estate also indicates a lack of need for further employment land in the vicinity.
- 5.25 The Council conceded at the public examination into the Local Plan (February 2012) that the Pinkham Way SINC was not a well-established industrial area and that it was unnecessary to retain the site as a vacant employment site. In the course of the Local Plan Examination Hearing, Richard Coburn, a Senior Economic Planner at W S Atkins, (consultants to the Council in respect of the employment land study), confirmed in response to a question from the Inspector, that removing the Pinkham Way SINC from the pool of vacant employment land would make little difference, since the remaining land supply would still be within the accepted frictional rate for employment land vacancy. On the assumption that this situation remains unchanged PWA submits that there is no strategic need for the continued allocation of the site for employment development, and certainly not of any order which would justify an allocation which is contrary to the spatial strategy and strategic priorities for this part of the Borough.
- 5.26 Given that policies relating to open space and biodiversity have been identified among the priority policies for the Muswell Hill Area Neighbourhood, it is appropriate that these should take greater precedence in informing the Council's decisions as to the future designation of the site. Hence, achieving compliance with and furthering the objectives of Policy SP13 should be at the forefront of the Council's consideration of the future role of the site. Of relevance in this respect is that Policy SP13 gives full protection to SINCS and presumes against any development which would harm the nature conservation value of such sites. The policy also recognises the importance of "green chains" both for nature conservation and public access and notes that there will be a shortfall of public open space in the borough of the order of 24-32 ha by 2016 which the Plan states will be very difficult to remedy because of Haringey being an urban borough.
- 5.27 The Council's Biodiversity Action Plan 2009, which has informed Policy SP13, seeks to conserve, enrich and improve biodiversity value and to celebrate wildlife in Haringey and, where possible, to increase the population of key species and habitats such as woodland.

- 5.28 The Pinkham Way SINC is a Borough Grade 1 Site of Importance for Nature Conservation). However it is not only a SINC but is also an open green space which had been regularly used by local residents for informal recreation (public open space use) until Barnet Council and the NLWA opted to fence the site off and prevent such access. The site forms part of an ecological corridor which provides an important green chain connecting a number of other sites and allowing movement between these. The Pinkham Way SINC Preliminary Ecological Appraisal prepared by Pearce and Vickers in October 2013, which was submitted to the Council with PWA's response to the Call for Sites consultation, states that this *"is noteworthy within the context of inner London where well connected sites are becoming increasingly rare"* (P20). There is extensive woodland on the site which forms part of its habitat value as described in more detail below.
- 5.29 The east, west and south of the site is bounded by open space. Hollickwood Park and Muswell Hill Golf Course/Bluebell Wood to the south and west, which are also designated as SINC's, are recognized as important green spaces in their own right, and the East Coast Main Line railway cutting on the east is a designated ecological corridor which encroaches part way on to the Pinkham Way SINC.
- 5.30 Because of their particular juxtaposition, these sites gain additional value from each other by creating a perception of greater space and openness, and enhanced views. This attribute was noted by Ove Arup (consultants to the NLWA) in their appraisal of the site's suitability for a major waste treatment facility in 2009 (NLWA Waste Infrastructure Development Programme - Pinkham Way Site, Planning Appraisal November 2009) (Appendix 4). They noted that the site fronts onto Muswell Hill Golf Course and Hollickwood Park, and that these areas, together with the allotment gardens and railway embankments, *"make a substantial contiguous area of open space and habitat"* (paragraph 3.1). This was also recognised by W S Atkins in their advice to the Council as part of the Sustainability Appraisal undertaken for the Local Plan. They noted that *"Strategic landscape and open space resources should be maintained enhanced and, where possible, linked."*
- 5.31 The site is also centrally located within a set of adjoining residential communities and with relatively easy walking distance of some 20,000 households.
- 5.32 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 should be given the greatest weight by the Council in accordance with the strategic priorities for the neighbourhood. Not only are these attributes of the site rightly protected under Policy SP13 but the site also provides an opportunity, through physical enhancement and more effective management, to further the objectives of the policy with regard to improving and enriching biodiversity, protecting and improving existing areas of woodland, and meeting the known shortfall in public open space.

## **The unsuitability of the site for employment use in terms of the accessibility and sustainability of any development undertaken**

- 5.33 In addition to the objectives of Policy SP7 with regard to sustainable patterns of development and responding to climate change, the Council's own advisers have stated that sustainable modes of transport should be a key consideration in respect of any major development or regeneration of an employment site (P22 of the Local Plan Sustainability Appraisal: Post Adoption Statement).
- 5.34 Although part of the Muswell Hill Area Neighbourhood is reasonably well served by buses, this particular site is not. It is identified as being badly provided for by public transport and was scored as 'Poor' in the Sustainability Appraisal which is the lowest possible level of scoring in the Local Plan. The poor accessibility of the site was also acknowledged by Ove Arup in their 2009 appraisal (Appendix 4) when they noted that any development would be highway dependent with no potential for rail access. They reported that the nearest public transport access is approximately 1000m from the site boundary (para 3.2.1)
- 5.35 This lack of public transport is a major obstacle to employment use on this site. It would encourage car use (for those who could afford it) and, access would be difficult for those who could not afford cars.
- 5.36 The PWA also considers that the site does not provide for good accessibility for HGVs because there is no direct access to the site from the North Circular Road contrary to the assertions in the Ove Arup appraisal (Appendix 4 - see first paragraph of page 4). Any major employment development would, therefore, result in large number of HGVs having to queue on roads which front onto residential property with consequential harm to the amenity of those properties. PWA has set out the full detail of its assessment of the site access constraints in its note at Appendix 5.
- 5.37 Given that any employment or other built development of the site would be car/HGV dependent there could also be significant potential air quality impacts in a situation where the whole of Haringey is designated as an Air Quality Management Area and road transport is the major contributor to the current levels of air pollution.
- 5.38 Working towards a low carbon borough is a key challenge for the Council - indeed Haringey has taken the initiative in setting itself targets with its own 40:20 Carbon Commission Report. The Council's policy now requires the efficient use of land and buildings in order to reduce car dependency. The encouragement of any car/HGV dependent use on this site would be contrary to this policy.
- 5.39 PWA has, under the aegis of Barnet Council, sponsored an air quality measurement device at the Alan Day car showroom opposite the Pinkham Way SINC. Readings are provided annually; the readings for the year June 2012 - June 2013 showed an average of 89.9 ug/m<sup>3</sup>. These readings contrast with the EU permitted upper limit of 40ug/m<sup>3</sup> and therefore breach it by 130%. Any development on this site is likely to further add to the pollution levels given appropriate weight in light of the very high existing levels of pollution at this location.

- 5.40 The Council's Air Quality Action Plan aims to ensure that "new development does not have a negative effect on local air quality and that public exposure to air pollutants is reduced in areas which breach the government's air quality standards". Air pollution is regarded as a material planning consideration and this consideration also militates against any allocation of the site for a major trip generating development.

### **The unsuitability of the site for waste use**

- 5.41 The Pinkham Way SINC is not suitable for waste use and permitting waste use on this site would be contrary to the London Plan 2011.<sup>1</sup>
- 5.42 There are two types of Strategic Industrial Locations set out in the London Plan: Preferred Industrial Locations and Industrial Business Park (see p69). It is clear from reading the policy on waste that the Mayor considers Strategic Industrial Locations as his main preference for waste use, with Locally Significant Industrial Sites as a backstop and other industrial sites as a last resort.
- 5.43 Attention is drawn to the error in Paragraph 5.1.22 of the Council's Local Plan which states that the Mayor's Strategic Planning Guidance for Industry and Transport urges boroughs to make employment land available for transport functions, such as rail freight facilities, bus garages and **waste management facilities**.
- 5.44 This is incorrect because the London Plan **no longer** identifies employment land as suitable for waste use. Preferred Industrial Locations (PILs) are identified in the London Plan as London's main reservoir of industrial land and are identified as being "particularly suitable for ... waste management ..." see paragraph 2.79.
- 5.45 There has been a policy shift between the 2008 and 2011 versions of the London Plan as to the category of land recommended for waste uses.
- 5.46 The previous London Plan (2008) Policy 4A.27 stated that provision for waste should be made in the following broad locations:
- Strategic Industrial Locations (these are broken into two categories: Preferred Industrial Locations (PIL) and Industrial Business Parks (IBP))

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<sup>1</sup> **Policy 2.17** Strategic Industrial Locations (London Plan 2011 p67 Policy 2.17)

**Para 2.79** "... are particularly suitable for ... waste management ..."

**Policy 4.4** Managing Industrial Land and Premises

**Para 4.19** "The Mayor will promote a rigorous, evidence based approach to reconcile demand and supply of industrial land to take and to take account of the needs of industrial and related uses including waste management ... through three types of location:

- Strategic industrial locations
- Locally significant industrial sites
- Other industrial sites

**Policy 5.17** Waste Capacity

**Para 5.82** "It is envisaged that land in strategic industrial locations will provide the major opportunities for locating waste treatment facilities (see Annex 3). Boroughs should also look to locally significant industrial sites and existing waste management sites."

- Local Employment Areas, and
  - Existing Waste Management Sites.
- 5.47 The London Plan 2011 has dropped the 'Local Employment Area' category. Instead, 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."*
- 5.48 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'.
- 5.49 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 was not an established industrial site.
- 5.50 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).
- 5.51 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.
- 5.52 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

### **The importance of the trees and woodland on the site.**

- 5.53 The NLWA Tree Survey carried out in November 2012 found more than 1,500 trees of various species and ages on the site, some covered by Tree Preservation Orders. The Council considers that trees play a significant role in improving environmental conditions

and people's quality of life. The Council's Tree Strategy 2008-2011 aims to ensure that trees within the borough are managed in a pro-active and systematic manner.

- 5.54 The Council states in its Biodiversity Action Plan that it aims to conserve and enhance Haringey's woodland for the benefit of both current and future generations. It has set itself the target of increasing the extent of woodland habitat in Haringey by 0.5 hectares by 2015. Some 3.6ha of the Pinkham Way SINC is covered by woodland (ie 55% of 6.5 hectares) and the Council cannot afford to lose this extent of woodland when it is simultaneously trying to increase woodland in the borough. The trees on the site account for some 4% of the total amount of trees in the borough. All of the older trees and most of the rest would almost certainly be lost if, for example, a waste facility were permitted on the site. This would be counter to the Council's objectives with regard to the preservation of and increase in woodland coverage, would have a negative impact on the habitat value of the site, and would reduce the site's beneficial role with regard to air pollution. In the PWA's view all of these outcomes would be contrary to the objectives and aims of Policy SP13.

### **Biodiversity and Open Space**

- 5.55 The 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
- 5.56 The target for the London Plan Key Performance Indicator No 18 (Protection of Biodiversity habitat) is "no net loss of SINCS". In addition, the loss of these trees and the transpiration they currently provide would be detrimental. Please see the further detailed discussion on this in Mr Chris Faulkner's submission which deals with the lack of a Site Specific Flood Assessment.
- 5.57 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.
- 5.58 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). 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. Notwithstanding the actions of the NLWA the value of the site as an open space resort has already been proven.

- 5.59 This value was also 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)
- 5.60 It is noted that the final point in the 'Implementation Considerations' section of MH3 in the consultation document states that the site suffers from noise pollution. This is incorrect. Whilst the noise of the A406 can quite naturally be heard at the very northern end of the site which is immediately adjacent to the A406, visitors, including PWA members, have expressed great surprise at how extremely muted the noise is only 50 yards or so on to the site. The reality is that only a very small part of the site is affected by noise. The trees and woodland on the site protect it from traffic noise and there are no other sources of noise near the site.
- 5.61 The site forms part of an ecological chain from Alexandra Palace through Rhodes Avenue Spinney, Albert Road recreation, Tunnel Gardens, Bluebell Wood and Muswell Hill Golf Course and thence to Coppetts Wood and Glebelands Local Nature Reserve (LNR).
- 5.62 Built development of any significant scale on the Pinkham Way SINC would have a detrimental impact on the SINC itself and on the perception of greater space and openness, and enhanced views which benefit the adjacent SINCs.
- 5.63 The Mayor of London recognizes the current and potential value of open space to London communities, and The London Plan requires London boroughs to protect local open space and address local open space deficiencies. The London Plan Policy requires planning authorities to "avoid adverse impact to the biodiversity interest" when considering proposals that would affect SINCs. (Policy 7.19E).
- 5.64 The Council states in its Local Plan that it will not permit development on SINC 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.
- 5.65 It is difficult to see how any significant employment 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 SINCs. 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).
- 5.66 Given this statement, and that the priorities in the Local Plan for this location do not include employment, it is difficult to see how the retention of a dual designation of the site for employment/SINC can continue to be justified.

- 5.67 The Council 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 SINC's. 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)

### **The desirability of opening up the culvert across the site**

- 5.68 There is potential to deculvert the watercourse under Pinkham Way SINC (thought to be approximately 300m in length). This flows into Bounds Green Brook and thence into the Blue Ribbon Network at Pymmes Brook. The Preliminary Ecological Appraisal (already submitted to the Council) noted that *"If current conditions allow, the reinstatement of this watercourse would further enhance the biodiversity value of the site"* (Preliminary Ecological Appraisal carried out by Pearce and Vickers in October 2013 for PWA - P24).
- 5.69 The Environment Agency has advised Haringey Council that if the site is not deculverted it is likely to object to any proposals to build on top of the culvert. One of the reasons given was that a proposed development over a culvert sets an unacceptable precedent for the surrounding area and places an unreasonable liability on any future land owner.
- 5.70 Moreover, the opportunity to de-culvert is recognised in Haringey Council's Biodiversity Action Plan, *"...opportunities to restore water courses exist on the former Friern Barnet Sewage Works site..."* Development on this site would therefore be contrary to the Council's aim to protect water courses.
- 5.71 In the Environment Agency's submission to the Inspector in 2011 on the Council's surface water management plan, the necessity for carrying out a specific flood assessment for Pinkham Way SINC at the time of the Site Allocations DPD preparation was acknowledged. Under the relevant 2010 legislation, such an assessment has to be consulted upon by the public. To date, PWA is not aware of any such assessment being undertaken.

## 6. Response to NLWA Submissions

- 6.1 The PWA has considered the submissions made by the NLWA in response to the Council's Call for Sites exercise in 2013 and responds as follows.
- 6.2 Firstly it should be noted that the NLWA progressed its purchase on part of the site because it regarded the development of the site for a major waste treatment facility to be an essential part of its strategy for the future procurement of waste management and treatment across the North London Area. However that acquisition was apparently 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. The procurement strategy which NLWA was pursuing has since been abandoned and the NLWA's waste strategy is under review. The NLWP which proposed the allocation of the site as a waste treatment site has been abandoned and no draft replacement exists. The next iteration of the NLWP will need to take account of any new NLWA waste strategy. There is likely to be no NLWP produced until at least 2016. The joint planning application submitted by the NLWA and Barnet Council in 2011 has been withdrawn, having sat in the Council's planning department without ever having been validated and registered. NLWA officers have subsequently confirmed to the Council's Cabinet Member for Planning and Enforcement that the Authority has no specific plans, either in the short or medium term, for the use or development of its part of the Pinkham Way SINC.
- 6.3 The position now reached is, therefore, one where the NLWA has no specific plans for, or need for the site, but has committed very large sums of public money in securing its acquisition. It is understandable in the circumstances that the NLWA should seek to mitigate its potential financial losses on the site by submitting representations to secure the widest possible allocation of the land for built development to maximise its development and potential re-sale value. However 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 whilst protecting and enhancing the built and natural environment. This is the key balance that the Council needs to strike in its consideration of the future allocation and designation of the Pinkham Way SINC. Members and officers should not be influenced by the issues of land ownership and public finances.

### **Brownfield / Greenfield Land Issue**

- 6.4 The NLWA maintains in its response to the Council's Call for Sites that the Pinkham Way site should be treated as brownfield land. This stance is roundly rejected by PWA, who have demonstrated through these representations and the more detailed analysis at Appendix 1 that the site falls within the exceptions to the definition of previously developed land under both the NPPF and the London Plan 2011 and that it also falls within the NPPF definition of land with "high environmental value" and should therefore not be developed unless there are no other sites of lower environmental quality available.

- 6.5 NLWA recognises that no development has taken place on the site since the former sewage works was decommissioned in the 1960s but do not acknowledge that this means that the site is vacant land and has a nil planning use. They cannot point to any remnants of permanent or fixed permanent structure (other than the minimal remains, now overgrown with vegetation, referred to earlier) which are left over from the sewage works use and do not dispute the extensive re-vegetation which has taken place over the past 50 years. They appear to rely, in claiming brownfield status, on the presence on the site of concrete lighting columns and other rubble which was seemingly dumped by Barnet council or others prior to the NLWA's acquisition of the site. However as these activities were neither lawful nor led to the establishment of any permanent or fixed structures they are of no relevance to the question of whether the site is to be treated as previously developed.
- 6.6 In PWA's submission, and having regard to the case law referred to at paragraph 5.9 above, there is no room for any doubt that the site should now be treated as a greenfield site and a site with high environmental value. This renders it unsuitable for any built development and, at the very least, requires that it be treated as such both in any sequential assessment of the site's suitability for employment or other uses and in the Council's Sustainability Appraisal. Given the SINC Grade 1 Borough Importance status and open space value of the site, such assessments, if properly carried out, can logically only lead to a conclusion that the site should not be allocated for built development.

### **The Site's Credentials for LSIS designation**

- 6.7 NLWA seeks to argue that the site is suitable for LSIS designation, notwithstanding that the Local Plan Inspector rejected such a proposal in his 2012 report. As set out in these representations, the site does not meet the criteria of an LSIS since it is not within an established industrial area, and designation of the site as an LSIS would be in conflict with the guidance in the London Plan 2011. In addition the PWA would comment that;
- (i) 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 large scale buildings without the risk of severe loss of woodland and habitat.
  - (ii) 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. The full detail of PWA's assessment of the access constraints of the site are set out in Appendix 5
  - (iii) As a matter of fact, the site is in close proximity to residential properties, both in long established residential areas and in recently consented new development, 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 6.
  - (iv) PWA has commented on the issue of employment land supply at paragraph 5.25 of these representations, and in particular to the Council's own evidence at the

2012 Local Plan examination that the removal of employment land allocation on the Pinkham Way SINC would not have a material effect on land supply. As already detailed the site does not meet the necessary criteria for designation either as an LSIS or a Local Employment Site and should not have been protected as such in the Local Plan.

- (v) There is no legitimate basis for the Council to give any consideration to the possible allocation of the site for waste use, as there is no Waste Plan or strategy which could legitimately inform or support such an allocation. In addition, since the current NLWA procurement strategy does not include the site and the Authority has confirmed that it has no specific plans for its use in the short or medium term, 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.
- (vi) The NLWA seeks to minimise the presence of extensive tree cover on the site whilst apparently recognising that the site's development for built development of any significant scale would result in substantial loss of woodland. However, as pointed out in these representations, such loss of tree cover would be wholly contrary to the Council's policies and strategy with regard to the protection of existing mature trees and the promotion of additional tree planting.
- (vii) It is clear from its submissions that the NLWA does not support the existing dual designation of the Pinkham Way SINC and has an aspiration to see its designation and protection for its nature conservation value at least down-graded, if not removed altogether. This is a rather telling part of its submission which leaves the PWA somewhat astounded and extremely concerned.
- (viii) The justification offered for the suggested re-evaluation of the site's nature conservation value is that recent surveys have not recorded the presence of the rare orchid and golden dock which have previously been recorded on the site and that the site now has extensive stands of invasive vegetation such as Japanese Knotweed. In the PWA's view it is extraordinary that a public owner's failure (contrary to its duties as a public authority) over very many years to manage a site which is designated as a Grade 1 SINC of Borough Importance should now be used as a justification for removing or reducing its nature conservation status and protection.
- (ix) PWA rejects this suggestion as being wholly unacceptable and 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.

## 7. Summary

7.1 Following on from the above representations PWA submits that:

- (i) In accordance with the spatial strategy established in the Local Plan there is no sound basis for the allocation of the Pinkham Way SINC for any form of major employment use, since this would not be in accordance with the type and scale of change proposed within the Muswell Hill Area Neighbourhood.
- (ii) The Pinkham Way SINC should properly be regarded as greenfield land/land not previously developed and should be treated as such in all work relating to the sequential assessment in site selection and sustainability appraisal of plan options. PWA considers that this site falls squarely within the exclusion from the definition of Brownfield or Previously Developed Land set out in the London Plan 2011 and the NPPF 2012, because for the past 50 years it has remained unoccupied and undeveloped and has over that time been reclaimed by nature. Signs of its previous use as a sewage works have to all intents and purposes disappeared.
- (iii) The site does not meet the essential criteria for designation either for Local Employment use or as an LSIS and designation as the latter would be contrary to the provisions of the London Plan.
- (iv) There is no legitimate basis on which the council could promote the allocation of the site for waste use since there is no Waste Plan in place and no strategy or policies which could either inform or support such an allocation.
- (v) The site is unsuitable for any form of major built development by virtue of its location, its poor accessibility by public transport, its lack of a direct access to the North Circular Road, its proximity to residential areas, and the significant constraints imposed by means of its value for open space, nature conservation and as part of an important green chain within this part of north London.
- (vi) In accordance with the Local Plan spatial strategy it is appropriate for the Council to give greater priority to those Local Plan policies which are concerned with the natural environment, and, in particular, with nature conservation and bio-diversity, open space protection and enhancement, and protecting and increasing the extent of trees and woodland within the Borough, and with its Air Quality Action Plan.
- (vii) Dual designation of a SINC for employment or other development is unwarranted, as this inevitably provides for a lower level of protection for this SINC compared to all other SINC's within the borough, and there is no justification for such differential treatment of the Pinkham Way SINC.

## **Appendix 1: Detailed Notes re Brownfield/Greenfield Status**

**Appendix 2: Pinkham Way SINC Site  
Management Brief 2014-2019  
(Vickers)**

**Appendix 3: Judgement in Dodd and Hands  
v SoSETR (2002) EWHC Admin  
2002**

**Appendix 4: Pinkham Way Site Planning  
Appraisal – Ove Arup,  
November 2009**

## **Appendix 5: Detailed Assessment of the Site Access Constraints**

**Appendix 6: Plans showing the proximity of  
the SINC to residential  
properties**

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