

Detailed Assessment of the Site Access Constraints

Extract from document sent to the District Auditor May 2013

We are concerned to note the fundamental error made early in the appraisal about the accessibility of the Pinkham Way site from the North Circular Road.

This error was carried throughout the document. We believe that it had a detrimental impact on the conclusions reached about the planning prospects for the site and the rating of the risk assessment.

Direct trunk road access is critically important for this site because there are no rail freight facilities (or prospects of any) and no navigable waterways in the vicinity of the site (preferred modes of transport for waste identified in the London Plan).

It is clear from the comments made in the Planning Appraisal that the Consultant assumed there was direct access to and from the North Circular Road. There is no direct access to the NCR. On the contrary, it is necessary to use a circuitous route through one way local slip roads with residential properties adjacent. See Plan A below with detailed explanation of the routes to and from the site.

We believe this error was made because the planning appraisal was desk based, and the plan provided by the NLWA showed only part of the access arrangement, see Fig 1 below reproduced from page 3 of the Planning Appraisal.

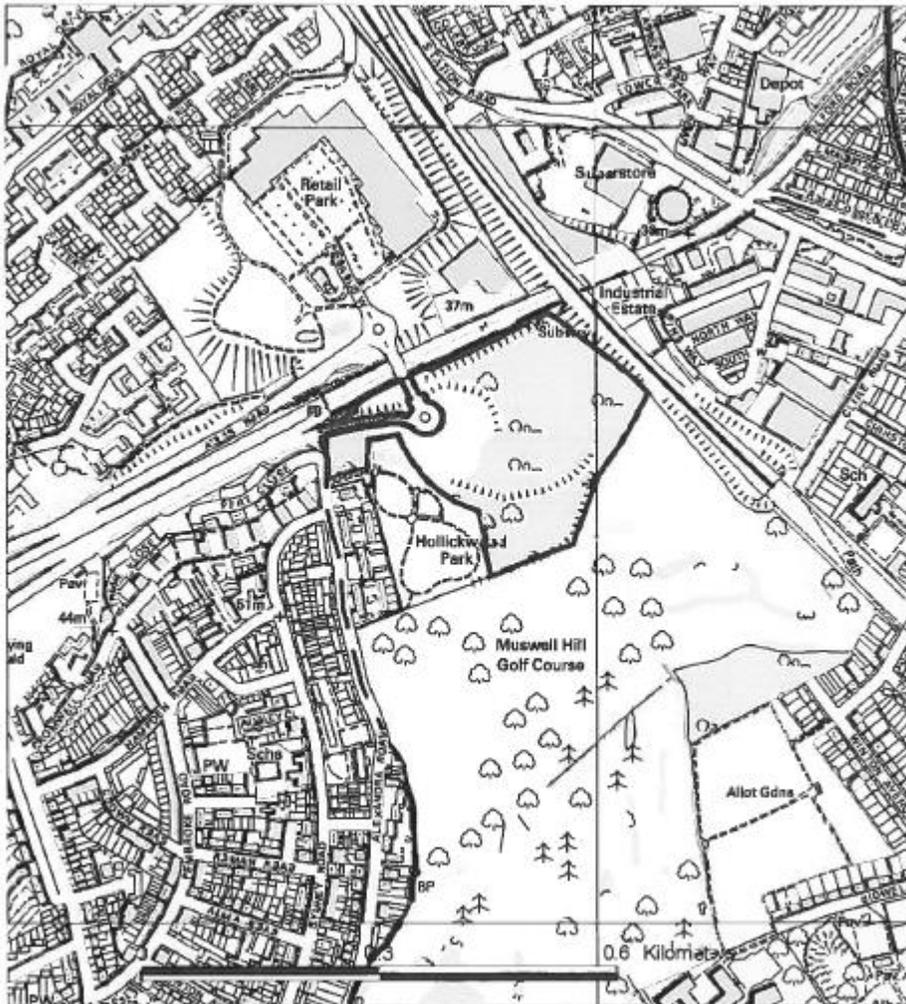


Figure 1. Pinkham Way Site Boundary (Map Supplied by NLWA)

The map is of poor quality and shows only part of the access and egress arrangements around the site. Bearing in mind this was a desk based appraisal, this was a crucial omission.

Throughout the document there are references to the benefit of having direct access to the site from a trunk road, which is seen as mitigation that would balance the lack of water or rail access:

- ***The site has potential for very good vehicular access. It is located directly adjacent to the North Circular Road (NCR) with an existing roundabout (Pegasus Way/Orion Road) located with the site and offering scope for access directly onto the NCR in both directions***¹
- ***the site is well positioned for direct access to and from the London trunk road network ... there are no rail freight facilities in the immediate vicinity and no scope for securing a freight sidings (sic) into the site. There are no navigable waterways in the vicinity of the site. Therefore all material would be delivered and exported by road.***²
- ***the position of the site on the North Circular gives it excellent potential for efficient access to these sites [Hendon and Edmonton]***³
- ***Traffic capacity and access to Pinkham (sic) is very good, with direct access onto and off of the A406 North Circular***⁴
- ***The Pinkham Way site is centrally located within north London with very good road access to, and into, the site.***⁵

In the conclusions, the Consultant suggests, as one of the mitigation measures which might give the site a better potential for support and eventual approval by the planning authority, that

- ***the construction of a new access off the Pegasus Way/Orion Road roundabout, to ensure all traffic arrives and departs via the North Circular***⁶

It is clear that even by the end of this desk exercise the consultant had still not realized the fatal limitations of the access to the site for a development of the magnitude and scale envisaged.

Access to and from Pinkham Way

Vehicles approaching from the east to access the Pinkham Way site would have to leave the NCR via the slip road running parallel to Orion Road towards Colney Hatch Lane intersection. Navigate a set of traffic lights at the intersection of the slip road with Orion Road. Travel a few yards forward to Colney Hatch Lane junction and navigate a second set of traffic lights. Turn right onto Colney Hatch Lane (B550) intersection and navigate a third set of traffic lights before turning right on to Atlas Road. Follow Atlas Road to Pegasus Way roundabout, turn right at the roundabout, cross the bridge and access Pinkham Way site via the Orion Road roundabout. **Distance from the A406 = 0.78 miles or 1.27k**

Vehicles approaching from the west to access to the Pinkham Way site must exit the A406 on the eastbound slip road (becomes) Pinkham Way, continue to the Colney Hatch Lane traffic lights. Cross Colney Hatch Lane on to Atlas Road.

¹ Planning Appraisal: Section 3 Description of the Site – page 4, first paragraph

² Planning Appraisal: Section 3.2 Operational Access and Transport – page 4 first paragraph

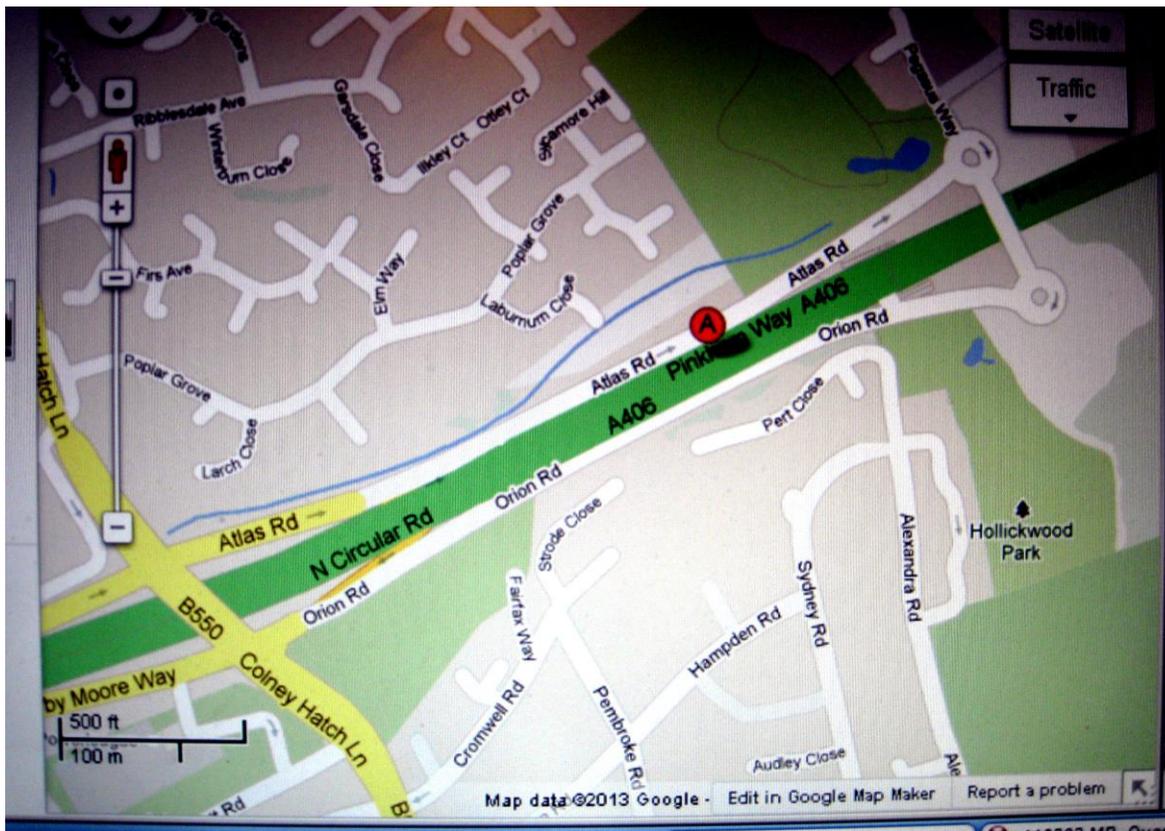
³ Planning Appraisal: Section 3.2 Operational Access and Transport – page 4 last paragraph

⁴ Planning Appraisal: Section 6.2.3 Access and Traffic – first paragraph page 21

⁵ Planning Appraisal: Section 7 Conclusions – first paragraph page 24

⁶ Planning Appraisal: Section 7 Conclusions – Site Layout, third bullet point page 24

Follow Atlas Road to Pegasus Way roundabout, turn right at the roundabout, cross the bridge and access Pinkham Way site via the Orion Road roundabout **Distance from the A406 = 0.85 miles or 1.38k**



Plan A - Access route to and from PW (Note: Orion Road and Atlas Road are both one way traffic only).

Vehicles exiting the Pinkham Way site to travel west must turn left at site exit onto Orion Road towards Colney Hatch Lane intersection. Navigate a set of traffic lights at the intersection with the NCR slip road. Travel a few yards forward to Colney Hatch Lane junction and navigate a second set of traffic lights. Cross Colney Hatch Lane on to Bobby Moore Way (westbound slip road) to access NCR. **Distance to the A406 = 0.75 miles or 1.27k**

Vehicles exiting the Pinkham Way site to travel east must turn left at site exit onto Orion Road towards the Colney Hatch Lane intersection. Navigate a set of traffic lights at the intersection with the NCR slip road. Travel a few yards forward to Colney Hatch Lane junction and navigate a second set of traffic lights. Turn right onto Colney Hatch Lane (B550) and navigate a third set of traffic lights before turning right on to Atlas Road. Follow Atlas Road to slip road exit onto NCR. **Distance to the A406 = 0.7 miles or 1.22k**

Thus the average distance by road from the NCR to the Pinkham Way site is the equivalent of driving from Marble Arch to Hyde Park Corner.

Other Planning issues identified in the document impacting on the planning prospects and therefore planning risk assessment for Pinkham Way

Since the Planning Appraisal was produced in November 2009, a number of important planning developments have taken place which we believe significantly impact the level of risk associated with the planning prospects for this site. We have set these out in detail below. You will note from the Procurement Risk Register that Planning Prospects have consistently been scored at the highest risk factor. The current planning position is significantly more uncertain than when the risk assessment was first undertaken for the following reasons:

Pinkham Way Site is no longer identified as suitable for waste in the NLWP: This impacts negatively on the planning prospects for the site

At the time the Planning Appraisal was prepared, the Pinkham Way site was included in the Preferred Options version of the North London Waste Plan and the Consultant identified this as a beneficial indicator.⁷ The NLWP has now been abandoned and a new Plan will need to be prepared. Therefore the Pinkham Way site is no longer identified in any plan, emerging or adopted, as a site suitable for waste use and that beneficial indicator no longer exists. See also comments on London Plan Policies below and on Haringey Council's recent statement about carrying out a review of the site.

Uncertainty about inclusion of Pinkham Way in next version of NLWP: This impacts negatively on the planning prospects for the site

It is now uncertain whether the Pinkham Way site will be included in the next version of the NLWP. The Inspector for Haringey's Local Plan refused to allow a change in designation of the Pinkham Way site in the Local Plan from Employment to Locally Significant Industrial Site, because he found there was no evidence that the site had an established industrial use, and that there was thus no justification for changing it. He recommended that Haringey review the site, taking into account its open space and biodiversity value, its special features, and whether it should retain its dual designation of employment and SINC. Haringey has agreed to review the site and made the following statement at its March Council Meeting

"Haringey Council is committed to making decisions on the North London Waste Plan and future use of the Pinkham Way site in an open and transparent way.

In 2013, the Council will begin work on a new Site Allocations Development Plan (SADPD) and an updated Open Space Study. Both of these processes will involve looking at the current planning designation of sites in the borough, including the site at Pinkham Way.

The planning designation for the Pinkham Way site will be reviewed in the first instance as part of the first consultation draft of the Site Allocations Development Plan Document. A decision on this document will be made in public by Haringey Council's Cabinet.

Decisions taken on the planning designation for the Pinkham Way site will take into account the findings and recommendations of the Haringey Local Plan: Strategic Policies Inspector's Report. The Pinkham Way site will not be offered by Haringey for inclusion for assessment as a potential waste site in the next iteration of the North London Waste Plan until after the publication of the first stage of the SADPD. Decisions on which sites Haringey will put forward for inclusion in the Waste Plan will be made by Haringey's Cabinet."

Erroneous identification of the Pinkham Way site as Previously Developed Land (PDL): This impacts negatively on the planning prospects for the site

At 5.2.1 the Consultant discusses the London Plan Policy on sustainable development and explains that the criteria includes optimising the use of previously developed land etc, then goes on to state that

"The Pinkham Way site is a previously developed site and its location in central north London makes it a suitable location for the development of waste facilities to serve the Authority's area."

This is incorrect. The Pinkham Way site is excluded from the PDL definition because it is an open space that nature has been reclaiming for the past 50 years. Its nature conservation value is recognised by the SINC No 1 Borough designation in Haringey's adopted Local Plan 2013.

The London Plan 2011 and the National Planning Policy Framework 2012 (NPPF) define PDL. Both exclude sites where nature has reclaimed the land. The London Plan 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."***⁸ The NPPF definition excludes ***"land that was***

⁷ Planning Appraisal: Section 7 page 24, second paragraph

⁸ London Plan 2011 pages 297 and 306

previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”⁹

The London Plan, the NPPF and the Haringey Local Plan all have policies promoting the protection of open spaces and biodiversity.

The London Plan 2011 has now been adopted. The identification of the Pinkham Way site for waste use is not in compliance with the London Plan. This impacts on the planning prospects for the site

At para 5.2.2 of the Planning Appraisal reference is made to London Plan (2008) policy 4A.27 – “that notes local DPDs should identify adequate provision for the scale of waste, and gives the following broad locations:

- Strategic Industrial Locations (Preferred Industrial Locations and Industrial Business Parks)
- Local Employment Areas, and
- Existing Waste Management Sites.

This is followed by the statement that ***“The Pinkham Way site is located in a designated local employment area (see below), which meets this important policy test.”***

This list has been changed in the adopted London Plan 2011 and it no longer cites Local Employment Areas. Instead, Policy 5.17 of the London Plan directs Boroughs to identify sites for waste management in their Local Plans in

- Strategic Industrial Locations (SILs) and
- locally significant employment areas (the latter are defined in Policy 4.4 as Strategic Industrial Locations, Locally Significant Industrial Sites (LSIS) and other industrial land.

The Pinkham Way site has none of these designations. Indeed the Inspector at the Haringey EIP into the Local Plan in 2012 explicitly rejected a proposal by Haringey Council to change the designation of the site to a LSIS saying there was no evidence of established industrial use and therefore no justification for it. Policy 2.17 of the London Plan reinforces Policies 5.17 and 4.4, stating that SILs are “London’s main reservoirs of industrial and related capacity, including general and light industrial uses, logistics, waste management and environmental industries”.

The next version of the NLWP will be required to comply with the London Plan, the NPPF and the Haringey Local Plan Strategic Policies when identifying new waste sites for inclusion in the Plan. In light of the above, it is difficult to see how the Pinkham Way site can be included.

The Pinkham Way site has a dual designation of Employment Land and Site of Importance for Nature Conservation Borough No 1 importance (SINC Borough No 1). The London Plan contains a range of policies protective of green and open spaces such as this one and considers protection of biodiversity important for London. These important policies are applicable to any application for development on the Pinkham Way site.

Error in Planning Assessment about important designations of land adjacent to Pinkham Way: This impacts negatively on the planning prospects for the site

At 5.5.1, penultimate paragraph on page 15 of the appraisal, it is stated that ***“the adjacent and nearby areas are not designated as Green Belt, MOL or SLOL.”*** On the contrary, the site is bounded by Hollickwood Park, which is designated a SINC Borough Importance Grade II in the Haringey Local Plan¹⁰, and Muswell Hill Golf Course which is designated Metropolitan Open Land (MOL).¹¹ These designations have important policy implications for the planning prospects of the site and therefore affect the planning risk assessment.

Failed Planning Application

A joint outline planning application was submitted in May 2011 by the NLWA and Barnet Council. The NLWA and Barnet Council were forced to ‘put the application on hold’ following widespread local opposition to the proposal, especially since the NLWP was still being prepared for submission and consideration at the EiP. Residents argued strongly that the application was an attempt to by-pass the democratic process of the EiP of the NLWP.

⁹ NPPF page 55

¹⁰ Haringey Local Plan: Strategic Policies Schedule 11

¹¹ Haringey Local Plan: Strategic Policies Schedule 9

The application could not be validated by Haringey Council, but not before substantial resources were taken up attempting to do so. The planning application was formally withdrawn early this year, two years after it was submitted. What is concerning about all this is the amount time and resources and public funds already incurred on what amounts to a failed planning strategy.

This against a background of strong advice from the NLWA Consultant that, if they wanted to avoid risk factors, it was “essential” to avoid making a rushed planning application and to await the adoption of the NLWP¹².

Pinkham Way site – VFM?

To what extent do you consider this erroneous planning advice was relied upon when the decision to purchase the Pinkham Way site was taken and are you satisfied the purchase of Pinkham Way met the value for money test in the light of this? See also the questions raised in our letter (25 May 2013 paragraph 16) about scrutiny and management of the planning risks.

¹² Planning Appraisal: Section 6.1 Generic Planning Risks, bullet point 4 - A rushed application - page 19