

Our Ref: DW:100086.0017

14 March 2022

By e-mail only: Philip.Elliott@Haringey.gov.uk

Mr Philip Elliott
London Borough of Haringey

Dear Mr Elliott

High Road West Hybrid Planning Application (reference HGY/2021/3175) (“the High Road West Application”)

We are instructed by Tottenham Hotspur Football Club (“THFC”). We write further to our letter 4 March 2022.

Following submission of our letter, our client was provided with an updated report entitled “High Road West Crowd Flow Study” prepared by Buro Happold (“the Crowd Flow Study”). The Crowd Flow Study was dated 3 March 2022 and was provided to our client by e-mail on 4 March 2022 timed at 17:04.

The Crowd Flow Study supersedes the earlier version dated 8 February 2022 and issued to our client by the applicant on the same day.

The Crowd Flow Study was published on the Council’s website in the week commencing 7 March 2022 but has not otherwise been advertised or formally consulted upon.

Our client and their professional advisors are reviewing the Crowd Flow Study but this requires proper time given the contents of the report and the importance of crowd flow safety issues to the Club, the Council and the wider community.

In our letter of 4 March we set out that the earlier draft of the Crowd Flow Study represented “any other information” for the purpose of the Town and Country Planning Environmental Impact Assessment Regulations 2017 (“the EIA Regulations”) and therefore it needed to be advertised and consulted upon in accordance with the prescribed requirements in Regulation 25.

On 9 March 2022, the agenda for the Council’s Planning Sub-Committee meeting on 17 March 2022 was published. The High Road West Application has been included on the agenda and an officer report published recommending approval of the application.

The officer report does not address any of the issues raised in our letter 4 March 2022 and specifically doesn’t anywhere address the status of the Crowd Flow Study and the need for further public consultation.

The EIA Regulations

We set out the relevant legal principles below.

Regulation 25(2) states that:

“Paragraphs (3) to (11) apply in relation to further information and any other information except in so far as the further information and any other information is provided for the purposes of an inquiry or hearing held under the Act and the request for the further information made pursuant to paragraph (1) stated that it was to be provided for such purposes” (emphasis added)

Regulation 25(3) states:

“The recipient of further information pursuant to paragraph (1) or any other information must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the name of the applicant for planning permission or subsequent consent or the appellant (as the case may be) and the name and address of the relevant planning authority;
- (b) the date on which the application was made and, if it be the case, that it has been referred to the Secretary of State for determination or is the subject of an appeal to the Secretary of State;
- (c) in the case of a subsequent application, sufficient information to enable the planning permission for the development to be identified;
- (d) the address or location and the nature of the proposed development;
- (e) that further information or any other information is available in relation to an environmental statement which has already been provided;
- (f) that a copy of the further information or any other information and of any environmental statement which relates to any application for planning permission or subsequent application may be inspected by members of the public at all reasonable hours;
- (g) an address in the locality in which the land is situated at which the further information or any other information may be inspected and the latest date on which it will be available for inspection (being a date not less than 30 days later than the date on which the notice is published);
- (h) details of a website maintained by or on behalf of the relevant planning authority on which the further information or any other information may be inspected, and the latest date on which they will be available for access (being a date not less than 30 days later than the date on which the notice is published);
- (i) an address (whether or not the same as that given pursuant to sub-paragraph (g)) in the locality in which the land is situated at which copies of the further information or any other information may be obtained;
- (j) that copies may be obtained there so long as stocks last;
- (k) if a charge is to be made for a copy, the amount of the charge;
- (l) that any person wishing to make representations about the further information or any other information should make them in writing, before the latest date specified in accordance with sub-paragraph (g) or (h), to the relevant planning authority, the Secretary of State or the inspector (as the case may be); and
- (m) the address to which representations should be sent.” (emphasis added)

Regulation 25(7) provides that where “any other information” is provided, the local planning authority “must suspend determination of the application” and “must not determine it in before the expiry of 30 days after the last of the publication requirements has been complied with.”

Regulation 2 defines “any other information” as

“any other substantive information relating to the environmental statement and provided by the applicant or the appellant as the case may be”

Regulation 18(3)(b) provides that an environmental statement is a statement which includes at least “a description of the likely significant effects of the proposed development on the environment”.

In turn Regulation 18(4)(b) provides that an environmental statement must “include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment”.

The Environmental Statement

The applicant submitted a request for a Scoping Opinion which acknowledges that the “likely significant effects of the development” include:

- The effect upon pedestrian and cyclist access (delay, amenity and intimidation);
and
- The effect on pedestrian cycling facilities and permeability through the site with improved pedestrian/cycle access through the site.

Paragraph 6.1.7 of the submitted Environmental Statement states:

“The development of plots within Phase 1B, 2 & 3 will in particular need detailed reviews with both THFC and the Met Police in terms of crowd management, crowd flow and public safety and security. This will likely involve THFC’s Blue Book (Operational Guide to Event Days)”

In turn paragraph 15.4.1.7 of the submitted Environmental Statement states:

“It is acknowledged that demolition and construction operations will have a temporary impact upon event day crowd flow operations to/from the THFC Stadium. Spectator connections to/from White Hart Lane Station may be temporarily diverted during phases of works, albeit managed through the Outline CEMP and agreement with local stakeholders.”

Paragraph 15.4.2.8 states:

“In regard to crowd flow and event operations at THFC Stadium, the Proposed Development will deliver a direct pedestrian connection and sufficient queuing capacity to/from White Hart Lane Station responding to the key desire line between the Stadium and Station. The likely effect on receptors (pedestrians, cyclists - medium sensitivity) is expected to be a permanent, direct, long term, local effect of minor beneficial significance.”

The Crowd Flow study purports to assess how crowd flows through the application site can be accommodated and contains detailed modelling to assess the capacity through the site and in respect of queues at White Hart Lane Station.

The following conclusions can be drawn:

- i. The applicant has acknowledged that the effect of pedestrian access through the site is a “likely significant effect” of the application scheme;

- ii. In accordance with Regulation 18(4)(b), the Environmental Statement must contain all the information reasonably required for the Council to reach a conclusion on the significant effects – this is a mandatory requirement;
- iii. The Crowd Flow Study plainly represents “substantive information” relating to a significant effect identified by the applicant and relating to the Environmental Statement – it therefore constitutes “any other information” for the purpose of the EIA Regulations;
- iv. As “any other information” the Council must comply with the requirements of Regulation 25(3) – this is a mandatory requirement
- v. In turn the Council must suspend determination of the application and must not determine it before the expiry of 30 days following compliance with the prescribed publicity and notification requirements in Regulation 25(3) – this is a mandatory requirement.

The Council has not yet complied with these mandatory requirements and will not have time to do so before the Planning Sub-Committee meeting on 17 March. The determination of the High Road West Application at that meeting would therefore be unlawful.

As set out above the Crowd Flow Study is a matter of great importance to the Club and other stakeholders. The Club and other parties, need proper time to review and respond to it. Given the technical nature of the study we would have thought it obvious that making it available on 4 March does not provide sufficient time for any interested parties to consider it and provide full comments in advance of 17 March.

Please would you confirm by return that the determination of the High Road West Application will be removed from the Planning Sub-Committee agenda for the meeting on 17 March and that the Crowd Flow Study will be formally publicised and consulted upon in accordance with the mandatory requirements of the EIA Regulations.

Yours sincerely



RICHARD MAX & CO