

Response to the Pinkham Way Alliance on Appendix 1 and 1C

	Pinkham Way Alliance	LB Haringey Response
Cabinet report		
Para 5.5	<p>'A total of 213 representations were received'</p> <p>Misrepresentation. 1280 representations were received, 83% (1067) of them from Pinkham Way Alliance supporters. See explanation below. Members have never been advised of the extent of local opposition to the inclusion of the Pinkham Way site in the NLWP</p> <p>(An agreement between PWA, The Council and the Planning Inspectorate was reached in 2011 to save the Council dealing with thousands of individual objections. One composite submission would be sent and each signature to that would be counted as one objection. A list of emailed signatures identifying those who signed is sent with each PWA submission document. PWA has continued to respect this arrangement in good faith but the Council consistently misrepresents the extent of objections.)</p>	<p>The Statements of Consultation made note of the number of signatories to the Pinkham Way submission, enabling members to appreciate the level of support being given to the representation.</p>
Para 5.8	<p>Omission of information about the planning status of Pinkham Way - Grade 1 SINC protected by the Council's own local plan policy SP13. No mention of extent of local objections.</p> <p>No reference to Appendix 8, p326 of the attached bundle, where Members could have found the comment: "However, a number of residents, politicians and community groups consider Pinkham Way site to be unsuitable for waste use on a range of grounds including viability and are challenging the ability of the site to be brought forward for waste use by the NLWA."</p>	<p>See comments in the accompanying letter</p>
Para 5.13	<p>'The revised approach to new land is to focus on existing well-established industrial land.'</p> <p>Misleading. It implies that all the sites/areas in the NLWP are well established industrial sites/areas. Not true. Pinkham Way is a Grade 1 SINC with dual Employment Area – neither designation falls within the category of well-established industrial land.</p>	<p>The status of the Pinkham Way site is obvious from the response to representations document and the evidence base for the draft plan, including the site/area assessments. When the report is read fairly and in context, it is not misleading. A section on Pinkham Way has however been added to the revised cabinet report.</p>

<p>Para 5.13</p>	<p>Last sentence para 5.13 ‘The list of new areas is put forward for inclusion in the proposed submission NLWP because it includes the most suitable land with the best geographic spread’ Misleading. It implies that all the sites included are suitable for waste uses. No explanation about the exceptional status of the site and no attempt at justification for its inclusion in the plan. No reference to the Council’s comment about the suitability of sites in the NLWP in Appendix 8 p326 that states: ‘With the exception of Pinkham Way, the areas identified for new land are designated as either Strategic Industrial Locations (SIL) or Locally Significant Industrial Sites (LSIS) in the London Plan and Local Plans. These are recognised industrial and employment areas where waste uses are normally suitable and is in keeping with the approach set out in the London Plan.’ (PWA’s emphasis)</p>	<p>All sites included in the draft NLWP have been the subject of detailed appraisal for suitability for waste management use. As clearly stated in para 5.13 of the report, those site most suitable have been taken forward in the draft plan, including Friern Barnet.</p>
<p>Para 5.13</p>	<p>The reasons given for the site’s inclusion are a) that the owners put it forward claiming it was necessary for delivery of the NLWA’s waste strategy and b) that, following the NLWP Site Assessment criteria ‘... it is considered suitable for waste management’. That was not the view put to the EiP on the SADPD in 2016. Neither is it the view of the current NLWA Head of Operations who, as recently as October 2018 considered it unsuitable for waste use. NB: NLWA only own part of the site. The other owner (Barnet) did not put its part forward for waste use!</p>	<p>The NLWA Head of Operations has confirmed that the site is considered suitable for waste management use. To suggest otherwise without evidence is misleading. Barnet Council has agreed the proposed NLWP.</p>
<p>Para 5.16</p>	<p>‘The boroughs have undertaken further work to ensure that the proposed submission plan takes account of changes to the London Plan and to the National Planning Policy Framework (NPPF) and is based on the most up to date evidence’ No evidence that the following changes have been taken into account re Pinkham Way 1 Atkins Employment Review (2015) 2 LUC Biodiversity and Open Space Review (2014) 3 GVA Viability Assessment of Pinkham</p>	<p>None of the documents listed have altered the existing designations in the Local Plan, which remains dual Employment and SINC. The implications of each have been discussed previously above.</p>

	<p>Way (2014) 4 GVA Workspace Viability Study (2014) 5 Removal of the site from the SADPD (2017) (together with the comment from the Inspector that the Employment designation was not in line with the NPPF) 6 Evidence to the SADPD EiP by the NLWA - subsequent to their response to the call for sites - that they had no plan to use Pinkham Way for the foreseeable future. (5 and 6 above occurred more than 18 months after the conclusion of the Reg 18 Consultation in September 2015)</p>	
<p>5.23 and 5.26</p>	<p>“Based on assumptions regarding growth, achievement of recycling levels, net self-sufficiency in three waste streams in the Draft Plan, and the average size of facilities, the land take requirements for meeting net self-sufficiency for LACW, C&I and C&D is set out in the table below” (tables referred to are attached at Appendix 1(A)) Misrepresentation – tantamount to a deliberate attempt to deceive both Members and the local community. The figures in the table in the Cabinet Report differ in a number of respects from those in the table in the NLWP document. It shows the total additional land required as 12 ha, whereas the same table in the NLWP document shows the figure as 9 ha. The alterations cannot be explained away as a mistake because a number of the figures have been moved or altered to arrive at an increased land take area and to show a further misleading figure of 5 ha of land being required for C&D waste, instead of the NLWP figure of 2 ha for C&D waste.</p>	<p>This was an error, not a mis representation as suggested. The version of the land take requirements in the plan (9ha) is correct and the text (2ha) relating to C&D recycling is correct. The report utilised a table from an earlier draft which had not reflected the reduction in the capacity gap for C&D recycling from the new C&D facility which has planning approval in Enfield and was thus factored in to the correct table in the NLWP which accompanied the Regulatory Committee report. The Council would like to thank the PWA for highlighting this drafting error, and this has been amended in the forthcoming Cabinet Report.</p>
<p>5.31</p>	<p>The following areas are identified: (See table attached at Appendix 1(B) This misreports the size of the Pinkham Way site as being 15.32 ha. That is 2.5 times its actual size.) Misrepresentation – tantamount to a deliberate attempt to deceive both Members and the local community. Some councillors have told us that they took the figure of 15.32 ha as the area of Pinkham Way as correct and on that basis considered it might be possible to use some of it without too much interference</p>	<p>Again, it is acknowledge that this an error but is certainly not a misrepresentation or ‘a deception of members’. It is clear from looking at the tables the figures have been copied and pasted incorrectly by one line only in the Regulatory Committee report and this issue will be corrected in the published report to cabinet.</p>

	<p>with the SINC.</p> <p>The actual size of the NLWA portion of the site is 4.15 ha, leaving Barnet's portion at 1.8 ha (5.95 ha overall)</p> <p>The alteration to the Schedule of Areas table does not appear to be a mistake. Not only have the figures for North East Tottenham and Pinkham Way been swapped around but in the table in the Cabinet Report the area of North East Tottenham has been altered.</p> <p>(See Appendix 1(B) for comparison of both tables)</p>	
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Assistant Director Planning advice at Regulatory Committee 18 October 2018

24	<p>1. 'I recognise that you [PWA] disagree with the conclusions that the Council and Planning Inspectors have reached on this site's dual designation.'</p> <p>Comment 1: The implication that the Council and the 2012 and 2016 Inspectors are at one in their conclusions on the dual designation is simply not the case. The statement is misleading. Both inspectors queried the dual designation – in 2012 the first requested it be reviewed for the SADPD and in 2017 the second threw it out of the SADPD advising the council that it was not in line with national planning policy to retain a planning designation for long periods when it is clearly not fulfilling its planning purpose, in this case employment.</p> <p>The 2012 Inspector considered there was a conflict between the Employment and SINC designations and asked the Council to review the dual designation listing a number of matters that should be taken into account whilst reviewing it and suggesting that the Site Allocations DPD would be a good time to consider it. He accepted that 'In the interim,' 'the continuation of the LEA designation ... in conjunction with recognition of its nature conservation value, is warranted.' [PWA emboldening].</p> <p>The designations were reviewed during preparation of the Site Allocations DPD. The Grade 1 SINC got a resounding affirmation by LUC who concluded that</p>	<p>As stated by the Assistant Director of Planning, the dual designation has been the subject of two examinations in public. Despite PWA making detailed representations to both, the extant designations have remained unchanged. The production of the NLWP must have regard to the extant policy position.</p> <p>The removal of the Frien Barnet site's allocation from the Site Allocations DPD has been conflated with the fact that it remains a designated employment area. The PWA have misrepresented why the proposed allocation was recommended for removal from the draft Site Allocations DPD. This was because allocations seek to demonstrate a change to the status of a site, promoting redevelopment. This was clearly not the case for the Frien Barnet site, where the allocation sought only to demonstrate how the two designations could be addressed through a planning application being brought forward. As there was no intention to alter the current status of the site, the Inspector and Council therefore agreed it should be removed. The dual designations remain unaltered.</p>
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	<p>Pinkham Way was '... a rare resource for Haringey ... unique in the borough ... of high ecological value'</p> <p>As to the Employment Designation - both Atkins and GVA advised that the site was unsuitable for employment uses. GVA produced an unfavourable site-specific viability study on Pinkham Way which demonstrated that 100% employment on the site was not viable under any scenario. PWA produced a tightly argued, evidenced based submission showing that the Council had no planning justification for retaining the Employment designation. The Council ignored them all (having first attempted to conceal the unfavourable viability study). At the Site Allocations EiP in August 2016 the Inspector insisted on the removal of Pinkham Way from the plan and in her April 2017 Report stated '... Although the site was a former sewage works, it has been vacant for many years. There is no purpose to its inclusion in the SADPD as no development is proposed within the plan period and it has no role within the SADPD to meet ASP objectives. The site is now of nature conservation importance and the subject of a long campaign by local residents to remove the employment designation. The Framework, at paragraph 22, advises that Councils should avoid the long-term protection of sites allocated for employment use where there is no reasonable</p>	
25	<p>'Officers believe that the two designations are compatible'</p> <p>Planning designations are based on objective evidence, not belief. The compatibility or otherwise of the dual designation is not the real issue – the issue is whether the Employment Designation is justified and deliverable. The council has been advised by independent consultants, commissioned by the council, that it is undeliverable. That advice is evidence that its retention is not justified. If the council wishes to ignore that evidence, then it must produce better evidence to justify the retention of the Employment designation on Pinkham Way otherwise it is acting unreasonably.</p>	<p>It is not appropriate to seek to review the employment area designation through the NLWP which is concerned with waste proposals. The identification of the area for waste management uses is a consequence of its suitability for such uses and is supported by the NLWA as landowner and potential developer. The Haringey's Employment Land Review assessment of the site was in respect of the wider range of B Class uses for the site. In this respect, it treated its isolation as a negative factor, whereas this is a significant positive benefit of the site in respect of its potential for waste management use.</p>

26	<p>‘Because the Council was not proposing any change to the Pinkham Way site’s designations or use, there was no need to include it in the Site Allocations DPD and this is why the Council agreed to remove the site from the Site Allocations DPD.’ This is a misrepresentation and an attempt to downplay the importance of the Inspector’s decision to remove the site from the SADPD. The Council asserted throughout the SADPD process that the site was essential to meet ‘objectively identified employment needs’. When the Inspector asked for evidence to support that statement, the Council admitted that it had none.</p> <p>The removal of the site was achieved by Main Modification No 99 to the SADPD. Main Modifications are material changes without which the plan would be unsound. This was the Inspector’s conclusions in her Report after the EiP</p> <p>‘Overall Conclusion and Recommendation 140.The Council has requested that I recommend MMs to make the Plans sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendices the ASP, SADPD, TAAP and DMDDPD satisfy the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.</p> <p>So far from ‘agreeing to remove it’, the Council had no option in the matter. Without its removal the SADPD would have been unsound.</p> <p>When recommending adoption of the SADPD to Full Council in July 2017 the report stated that “None of these changes resulted in a material change to the DPD as a whole.” The removal of Pinkham Way was a material change to the Site Allocations DPD (as were all the other MMs). That is another example of how relevant information about Pinkham Way is consistently concealed or misreported to members.</p>	<p>As clearly stated by the Assistant Director, as there was no intention to change the extant planning status of the Site, the Inspector and Council agreed to its removal. The contribution of the site to meeting the employment need of the borough were not a factor. Being more than a minor change to the draft Plan, the Inspector had no other option but to include this change as a recommended main modification.</p>
27	<p>The landowners’ views must be taken into account. Both Landowners have confirmed they wish to see the EL designation retained and have further confirmed that</p>	<p>This is not misleading. As stated above, the NLWA has not indicated that the site is not required to meet the waste management needs of North London. The key test of</p>

<p>they can deliver employment use on the site without concern for development viability. There are no specific proposals yet.'</p> <p>This is misleading. The Assistant Director of Planning should have appraised members that:</p> <ul style="list-style-type: none"> a) the aspirations of landowners are no more than aspirations, and that it is a planning authority's responsibility to decide the appropriate designation for each site on the basis of sound evidence. b) without supporting evidence, statements about viability by land owners are purely speculative and are not relevant planning considerations: and c) as public bodies, the two landowners of Pinkham Way are both subject to the test of Value for Money when costing potential development. NLWA would thus have to factor its initial purchase cost of £2.7m per ha into any estimate. <p>In its decades of ownership, Barnet Council has never managed to deliver any type of use. Haringey Council rejected its 1999 application for housing on grounds of potential harm to the SINC, lack of public transport, lack of access, and local traffic congestion.</p> <p>The NLWA has owned its portion since 2009. Its one planning application, part of a procurement exercise that failed at a cost of some £40m, was never even validated. The NLWA was represented at the Site Allocations EiP in August 2016 and gave evidence that it had no plans to develop the site for waste use for the foreseeable future. They did not contest evidence produced by PWA that the site was not viable for Employment Use nor did Haringey Council.</p>	<p>soundness is 'deliverability', where in this instance the landowner has also not suggested that it would be unable to bring forward a suitable waste use of the site. As public bodies, the authorities have to consider their primary function, which in respect of the NLWA is ensure sufficient waste management capacity to meet North London's waste needs, and in respect of Haringey Council, making suitable land available to meet evidenced need. Both roles have therefore been fulfilled.</p>
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