North London Waste Plan to 2035

Hearing Statement
Main Matter 5 – Policies

Question 63

SONG THRUSH – IDENTIFIED AND BREEDING ON PINKHAM WAY

The Pinkham Way Alliance
Representor No 36

Contents

1.	Introduction	1
2.	Q 63 Response a)	2
3.	Q 63 Response b)	3
4.	Q 63 Response c)	3
5.	Q 63 Response d)	4
6.	Q 63 Response e)	6

Introduction

This Hearing Statement is submitted on behalf of the Pinkham Way Alliance (PWA).

Pinkham Way Alliance is a community campaign group which came together in early 2011 when residents living in the surrounding area of the Pinkham Way site became concerned about plans by the North London Waste Authority (NLWA) to develop the site for a large scale MBT waste facility.

Since then, PWA has taken an active interest in and has participated in the preparation of the original Submission version of the North London Waste Plan, the Haringey Local Plan: Strategic Policies document and the Haringey Site Allocations DPD, having made representations to and appeared at the examinations in public of all those plans.

PWA has approximately 3000 supporters

1 a) Should the Friern Barnet Sewage Works/Pinkham Way (A22-HR) site be removed from Table 11?

1.1 PWA considers that the site should be removed, both from Table 11 and the NLWP, for the following reasons.

1.2 Its inclusion is contrary to national planning policy, and to the core planning principles contained within the NPPF and to the advice on locational criteria in Appendix B of the NPPW. The Boroughs have failed to provide any justification for it.

1.3 The London Plan (LP) stipulates SILs or LSILs for waste management. Pinkham Way is neither. The LP protects biodiversity (draft policy G6) with the aim to secure net gains, and access to nature (draft policy GG2).

1.4 Uncertainties about aspects of the site's status – for instance as open space and as brownfield land in need of remediation / with environmental value etc[1] - have been allowed to persist throughout the plan preparation process. The Sites and Areas assessments and the evaluation of the Sustainability Objectives could have addressed these but failed to. As a result, the site assessment is inaccurate and misleading.[2] See also Para 4.15 of Haringey's DMP DPD.

1.5 The dual designation's balance has altered over time. The ecological value has grown through a) Haringey's own upgrading of the conservation status[3] and b) its reclamation by nature and signs of previous use blending into the landscape over time. Meantime, its employment status has diminished through lack of performance at any level. At the Site Allocations EiP in 2016, Haringey accepted that this site would make no contribution to the borough's employment needs over the Plan's life. Its employment status was thereby relegated to 'windfall'.

1.6 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.

1.7 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 SINCs, 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 Pinkham Way SINC.

1.8 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

[1] PWA MM5 Q 63 Appendix 10 Atkins Open Space Study 2003

[2] NLWP Reg 19 Representations (Respondent's Order) pages 236-237 and See also PWA MM5 Q 63 Appendices 11, (SO inconsistencies), 12 (EA PW Flood Map 2018) and 13 PW (decontamination estimates)

[3] From 1979-1998 Pinkham Way was graded SINC of local importance, in 1998 it was upgraded to its current Borough Grade 1 importance

for a major waste treatment facility in 2009.[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".* This was also recognised by W S Atkins in their advice to Haringey 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."*

2 b). *How does the Plan reconcile the compatibility of the site for waste management uses with the designation of part of the site as a Site of Importance for Nature Conservation (SINC)?*

2.1 Note the **whole of the Pinkham Way site** is a SINC (6.37 ha) on top of which sits the **whole of the A22-HR designated Employment Land** (area 5.95 ha).

2.2 PWA considers that it is not possible to reconcile the protection of an important SINC with its allocation for waste uses which would result in the possible loss of nearly 4% of Haringey's trees.

2.3 Pinkham Way is the only SINC in Haringey, that has such a contradictory dual designation. As far as PWA can establish, there is no other dual designated Grade 1 SINC within Greater London which has been under threat of development.

2.4 In the late stages of preparation of the Local Plan, Haringey Council sought to change the site's allocation from LEA to LSIS. The proposed change was roundly rejected by the Planning Inspector, 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."* The Inspector recommended the designation on the site should be reviewed taking into account its biodiversity, open space value, and its special features such as its culverted water course[5].

2.5 The Council reviewed the employment and SINC designations, but not the open space value or as far as we can tell the potential for deculverting. The SINC's No 1 value was confirmed and the LEA was retained. Although Open Spaces were also reviewed as well as SINCS, the Pinkham Way open space was uniquely left out of that review. At the examination in public into the Site Allocations DPD, the Inspector removed the site, with the agreement of the Council, from the SADPD on the grounds that it's inclusion was not justified and it was not needed to contribute to the employment needs of the Council for the life of the plan. The Inspector also suggested the Employment Designation be reconsidered as it had been on the site for a very long time without producing employment. She referred to the then NPPF requirement that sites not fulfilling their designations should be reviewed[6].

-

[4] (NLWA Waste Infrastructure Development Programme - Pinkham Way Site, Planning Appraisal November 2009) (paragraph 3.1).

[5] Report of Examination in Public into Haringey Local Plan – Strategic Policies 2012 PINS/Y5420/429/4

[6] Report of Examination in Public into Site Allocations DPD 2017 PINS/Y5420/429/9 and 10 and 11 and 12

2.6 Pinkham Way is an important part of a larger ecological complex and corridor including SINCs and MOL - Alexandra Palace through Rhodes Avenue Spinney, Albert Road recreation, Tunnel Gardens, Hollickwood Park and Bluebell Wood /Muswell Hill Golf Course, and thence to Coppetts Wood and Glebelands Local Nature Reserve (LNR) - and it contains 3.6ha of woodland[7]. Its connection to neighbouring green spaces and the current under-provision of woodland in Haringey means that this site should be protected[8] .

2.7 Recent guidance for LPAs on climate change is provided in paragraph 4.4.2 of the TCPA / RTPI[9] Law and Policy Briefing which sets out site assessment criteria including: *'… the effect of developing the site on the capacity of biodiversity to adapt to likely climate change.'*

2.8 Given the growing awareness of the Climate Emergency (recently declared by Haringey and others) the Councils are remiss in ignoring this important guidance.

3 c). *Does the fact that this site is not a Strategic Industrial Location (SIL) or a Locally Safeguarded Industrial Site (LSIS) preclude its use for waste management purposes?*

3.1 The change in the London Plan July 2019, deleting *'employment'* and substituting *'industrial'*[10], together with the Mayor of London's response to the NLWP[11] , makes it clear that new waste facilities in London should be sited solely on SILs or LSILs. The Councils' comment that *'The London Plan steers boroughs to SIL and LSIS but not exclusively so'* no longer applies.

3.2 The Mayor's Land for Industry SPG advises boroughs with limited industrial land to consider using sites ***'currently in other employment uses'*** [12]for waste facilities[13].

3.3 In addition to offering 5.9ha of ecological valuable land, Haringey has offered 32 ha of designated industrial land, a total of 37.9 ha, more than any other Borough.[14]

3.4 The Mayor's letter points out that Enfield is identified as a 'provider' authority for industrial land in the new LP. In the last iteration of the NLWP, Enfield had offered 200ha for the LWA. This has now been negotiated down to 26ha – "*an important achievement by officers*"[15]

3.5 Following the negotiation, Enfield Cabinet was advised that "*if Enfield refuses to identify sufficient land for addressing a share (now 26 hectares) of the projected capacity gap, then in light of the fact that 44% of total Industrial Land in the NLWP area is located in Enfield which*

[7] LBH BAP executive summary Jan 2010 pp10 Woodland Habitat Targets

[8] PWA MM5 Q 63 Appendix 15 LBH MOL & Eco Corridor

[9] TCPA/RTPI – 'Rising to the Climate Crisis – A guide for LAs on Planning for Climate Change July 2018' and short Briefing Note Sept 2019 Planning for Climate Change – Law and Policy Briefing TCPA,RTPI and ClientEarth

[10] https://www.london.gov.uk/sites/default/files/draft_london_plan_-_consolidated_changes_version_july_2019.pdf - SI8 (3)(b)

[11] Letter from GLA 12 April 2019 to NLWP

[12] The Guidance would not apply to Pinkham Way as it is not in employment use. Moreover it is protected under SP13.

[13] London Industrial Land SPG 2012 – p 64, Section 6.7

[14] PWA MM5 Q 63 Appendix 16 NLWP land contributions by Borough

[15] Enfield Cabinet Report 14 November 2018, Section 7 (NLWP) para 1.5 and para 4.2 and Cabinet Sub-Committee 18 Sept 2018 pp2

under guidance is suitable for waste facilities, there would be a significant risk that an Inspector could revert back to the previous drafts that identified 200 ha land in Enfield (as per the evidence base of previous versions)."

3.6 Given the amount of industrial land that could potentially be allocated for waste use in North London and the lack of an exceptional case for allocating land that is protected by national and local planning policies, and by the London Plan policies, PWA considers that its designation as a SINC should preclude it from allocation.

4 d) *Is its proposed use for waste management purposes consistent with the Haringey Local Plan?*

4.1 In accordance with the spatial strategy established in the Local Plan There is no sound basis for the allocation of the site for waste uses. It is not in accordance with the type and scale of change proposed within the Muswell Hill Area Neighbourhood in the Local Plan.

4.2 Before Haringey agreed the site should be released for inclusion in the Plan there should have been an assessment of it against the Local Plan policies. There is no evidence that took place.

4.2.1 SP8 identifies SILs and LSISs as suitable for waste uses – "Employment Land" is described as land which is "deemed acceptable for other employment generating uses … such as small scale "walk-to-retail", cafes and crèche/ nursery" and 5.1.14 … a flexible approach to be taken on LEAs – type of uses should be carefully managed. It does not identify it as a category suitable for waste uses.

4.2.2 Policy SP7 – SP4 (4.1.7) – Low Carbon Haringey: '*Steer new development near transport hubs'* - promote travel demand management schemes to tackle climate change, improve local place shaping …. by, inter alia, *seeking to locate major trip generating developments in locations with good access to public transport*.

4.2.3 SP7 – Transport: PTAL 1a. Para 4.4.8: *'… the dominant source of NO2 and PM10 emissions in Haringey is road transport.'*

4.2.4 Pinkham Way SINC has the lowest possible PTAL scoring. The only access from public transport to the site is via a metal staircase and bridge from the A406. This could also discriminate against potential employees with disabilities, and would anyway promote individual car use, contrary to policies on climate change.

4.2.5 DMP 6.11 … consideration will be given to density, diversity and quality of jobs likely from the development.Arup advised NLWA that waste facilities do not provide high density or quality employment.

4.2.6

Policy SP13 gives full protection to SINCs and presumes against any development which would harm the nature conservation value of such sites unless there are

exceptional circumstances and the benefit outweighs the harm.[16] The boroughs have not put forward exceptional reasons for the site's inclusion in the Plan.

4.2.7 SP13 favours the protection of Pinkham Way as a green space with acknowledged high nature conservation value.

4.2.8 DMP 4.15 … Open Space does not fall within the definition of brownfield land/PDL.

4.2.9 PWA argues that Pinkham Way is Open space and that in any event the site has been reclaimed by nature and its development therefore would not "bring back into use" underused land.

4.3 The Council's holds the mistaken view that Pinkham Way is not an open space because it is inaccessible to the public. At 6.3.4, Haringey's Local Plan notes that *"… the level of public access is not a criterion for definition"* [of open space or its value]. Atkins identifies it as Open Space and as Private Recreational Open Space.[17]

4.4 In line with London Plan policies 7.16-7.22, Local Plan Policy SP13 sets out that the Council will protect and enhance the Borough's existing Green Belt, Metropolitan Open Land, designated Open Spaces, Green Chains, allotments, river corridors and other open spaces. The Council's Key targets of SP 13 a. '*No loss of any areas of open space* and b. '*No loss of the 60 SINCS in the borough'* would both be undermined by development on this site.

4.5.1 Policy DM5: Figure 2.1 set out the Locally Significant Views to be protected, stating that identified viewpoints should remain publicly accessible. View No 15 runs through the middle of the site. Building on the site has potential to obstruct this.

4.6 The Strategic and Environmental Assessment and Sustainability Appraisal - Post Adoption Statement page 22 (Point No 11) finds that Haringey's employment policy is among those *"… to have the most potential for negative impacts mainly related to environmental objectives"*.

4.7 DM24 – Flood Risk – there are areas of the site that have potential for flooding.

4.8 DM28 – Protecting and Enhancing Watercourses and Flood Defences: There is a culverted water course on the site, which is identified both in the London Rivers Restoration Plan and Haringey's BAP 2009 as a watercourse where the aim should be to de-culvert.

4.9 Muswell Hill Area Neighbourhood[18] - The Spatial Strategy does not require the site to contribute to employment in the area. Unemployment in Muswell Hill is well below borough average. Local Plan priorities for Muswell Hill are – Design, Town Centres, Open Space and Biodiversity, Community Facilities and Housing.

5 e) If the site were to be deleted, what effect would this have on the overall spatial framework or other policies in the Plan with regard to the aspiration for net self-sufficiency?

5.1 The response to MM3 Q 43 shows that there is no impact on the Spatial Framework.[19] PWA has also highlighted the inflationary assumptions behind the apparent land need vs an

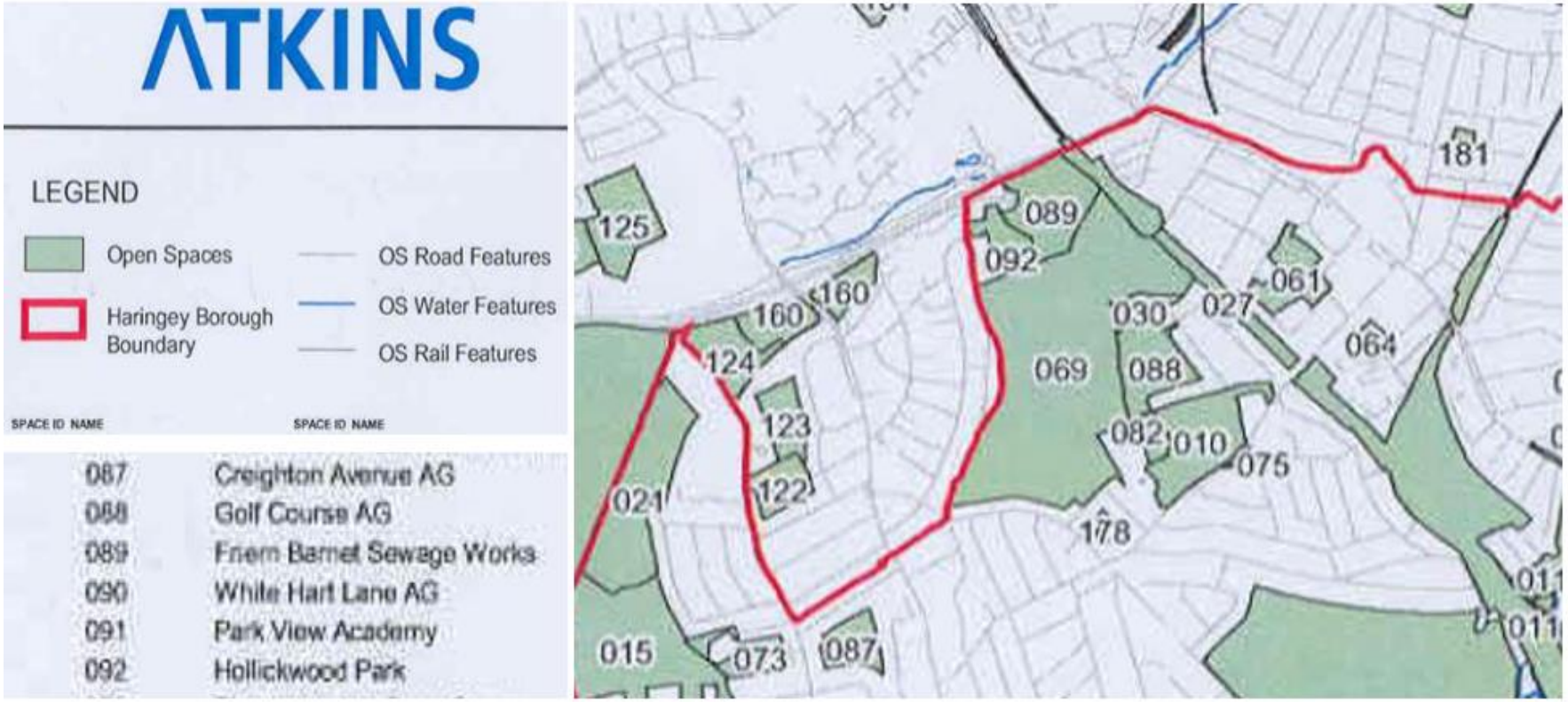
[16] Haringey Local Plan (Strategic Policies) 2013 SP13 para 6.3.24
[17] Q63 Appendix 1A Recreational Open Space.
[18] Page 28 Haringey Local Plan
[19] See also: PWA Reg 19 Representations (Representor Order) pp 208-211

identified near 100ha of Industrial Land (plus the parcel of waste land at Edmonton) as contingency.

5.2 There is no evidence that the site's deletion would have any impact on the NLWP, including on NSS.

- **MM5 Q 63 – Appendix 10**
- **LB Haringey – Atkins Open Space Maps 2003**
- **Site 089 Friern Barnet Sewage Works / Pinkham Way**

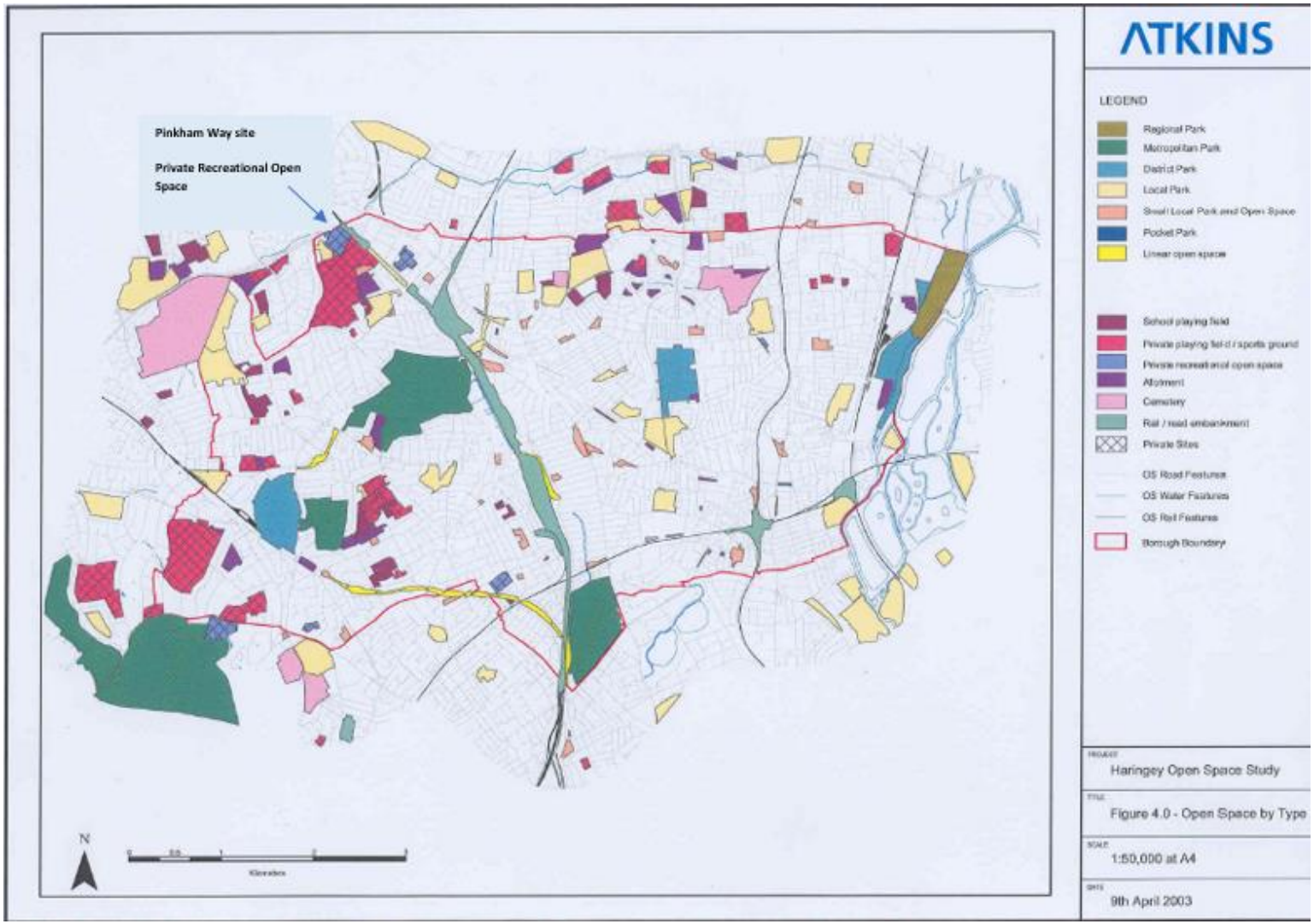
PWA MM5 Q 63 Appendix 10



Pinkham Way Site No 089 –Friern Barnet Sewage Works

Atkins Open Space Sites plan 2003

Haringey Atkins 2003 Open Space Study Fig 4.0 'Private Recreational Open Space' PWA MM5 Q 63 Appendix 10



MM5 Q 63 – Appendix 11

Inconsistencies in SO Evaluation

PWA MM5 **Q 63 Appendix 11**

SA OBJECTIVE	EVALUATION	PWA COMMENT
2. To maintain green infra-structure and open space	(+ve/-ve) Impact on open space	The site is marked on LBH maps as Green Space and therefore is part of GI rather than 'having the potential'. The answer must be that it will have an adverse impact on GI, not that it 'could'. One assessment criterion is 'Will it lead to a loss of Open Space?' The answer is surely 'yes'; therefore the +ve/-ve evaluation should be changed to -ve.
3. To promote sustainable modes of transport, reduce the need to travel and improve choice of more sustainable transport modes	+ve Increase use of sustainable transport	The idea of running a link from the E Coast Main Line on to the site was discarded very early on. There will thus be no opportunity for any other mode of transport and any facility would have to be supplied by road only, along a heavily congested section of the A406. A plant on Pinkham Way would have no chance of reducing 'waste-related car and lorry traffic'. We consider that the evaluation should be +ve/-ve, and that the score should be changed to '-'.
6. To maintain, protect and enhance biodiversity, protected species, habitats, geodiversity and features of geological interest	(+ve) Scope for habitat creation or restoration	The assessment criteria for this Objective do not included de-contamination. In any case, Arups advised NLWA in 2011 (Contamination Study 8.5.3) that remediation of any area would destroy the nature conservation value of that area. We note that, although the evaluation alludes to it, the 'Scale of Impact' comments are incomplete as they say nothing about the Assessment Criterion relating to loss of or impact on Priority Habitats and Species.
7. To reduce and manage flood risk	We consider the evaluation invalid	<u>The evaluation is based on incorrect information</u> that *'The area is entirely within Flood Zone 1 and is not within an area that has been identified as being susceptible to surface water flooding'*. PWA pointed this error out both during and since the Reg 18 consultation in 2015 to Haringey and the NLWP, but no action has been taken to correct it. Both the 2008(Mouchel) and 2011(Halcrow) Flood Assessments point out that the site acts as greenfield land in its ability to absorb water. We have submitted a EA map from August 2018 which shows an accurate picture of the FZ's on Pinkham Way - **MM5 Q 63 Appendix 12**. We note that in the Site Assessment in Sites and Areas, the flood map is incorrect in showing FZ 2 only. It is also the only flood map not certified as 'Copyright Environment Agency'.

		It is marked 'Copyright LB Haringey 2018'. We note that other sites which include FZ 3 are marked '- -',and can see no reason why Pinkham Way should not be marked in the same way, the more so as it directly abuts a highly strategic road situated in the Functional Flood Plain.
8. To adapt to, and reduce the impacts of climate change	We consider the evaluation invalid.	The evaluation is based on incorrect information that *'The area is entirely within Flood Zone 1 and is not within an area that has been identified as being susceptible to surface water flooding'*. PWA pointed this error out both during and since the Reg 18 consultation in 2015 to Haringey and the NLWP, but no action has been taken. We note that other sites which include FZ 3 are marked '- -',and can see no reason why Pinkham Way should not be marked in the same way, the more so as it directly abuts a highly strategic road situated in the Functional Flood Plain. We note that, in its comments about GI, the evaluation states *'… would result in a loss of GI'*, whereas in SA Objective 2 we find *'could result in a loss of a site that has potential to form part of the green infrastructure network'.* As the evaluation in this section implies, the site is part of GI. PWA is surprised that the NLWP site 'revisits' on 25th June 2018 have not taken into account the May 2018 guidance from TCPA and RTPI, *'Rising to the Climate Crisis - A Guide for Local Authorities on Planning for Climate Change'.* Section 4.4.2.[20] *'Local planning approaches to selecting sites for new development',* states: *'Where sites perform poorly against any of the criteria identified below**, local authorities should consider alternative site allocations…'*** There are a number of criteria in this section that would help answer the Assessment Criterion *'Will the plan/proposal help to reduce vulnerability to the impacts of climate change?'.* One asks: *'… whether development of the site would result in the loss of a significant carbon sink'.* In PWA's opinion, there is no doubt that it would. Using Woodland Trust estimates, the wooded area alone will sequester some 1400 tons of carbon over a 100 year life. Recent research in Germany reveals that comfrey,

[20] TCPA / RTPI 'Rising to the Climate Crisis, May 2018 – Section 4.4.2, p 29

		widespread on the site, is also an effective assimilator of carbon through its fast growth and deep roots (> 3m)
9. To reduce climate change contributions, promote energy efficiency and increase use of energy from sustainable sources	(+ve) Reduce waste related car/lorry trips; increase sustainable transport use	There is no chance of increased sustainable transport use – please see 3 above. We consider that the evaluation criterion should be amended to +ve/-ve.
10. To protect and improve air, water and soil quality	(+ve) Improvement of water quality; support land remediation	We refer back to the Arup comments about remediation in number 6 above. For estimate of decontamination costs see PWA MM5 Q 63 Appendix 13 We are very doubtful whether the evaluation of water quality can be positive when it is uncertain a) whether water leaving the site is contaminated in the first place or b) whether anyway any of it reaches the Bounds Green Brook. The whole area of woodland is in the NLWA section, so in the event of development it would disappear. That section of the A406 is highly polluted and the trees, which start within a few metres of that pollution, will have some absorbing effect of CO2 and particulates. It is difficult to see why the evaluation is 'uncertain' about the effect on air quality, as common sense says that it would be negative.
12. To ensure efficient use of land and natural resources and the sustainable use of existing resources	(+ve) Use of previously developed buildings / land;	The assessment states: *'… the remains of the permanent / fixed surface structures have seemingly blended into the landscape in the process of time and, as such, it is unlikely to be considered to be previously developed land*' As far as 'previous buildings' are concerned, we draw the inspector's attention to the fact that, when Haringey withdrew an illegal Article 4 direction on Pinkham Way in September 2015, it admitted that *'… there were no buildings on the site to which the permitted development provisions would apply.'*[21] We are therefore mystified as to how this assessment has been evaluated positively. We consider it should be amended to '-'.

[21] LB Haringey, Regulatory Committee, Sept 21st 2015 – para 184

13 & 14	We find the evaluation criteria for both these objectives to be unsound..	The Assessment criterion is *'Will the plan/proposal support the creation of a broad range of jobs and employment opportunities?*' Waste facilities are notorious for low employee numbers and low value jobs. We therefore dispute both the certainty expressed that a waste facility 'would' encourage economic growth, and the supporting reasoning. The statistics for local unemployment are low. Muswell Hill, in which the site lies, has the second lowest unemployment rate in Haringey (4.6%), substantially below both the Haringey (8.6%) and London (7.3%) averages. (LBH March 2019). As far as disparity is concerned, the site's very low PTAL (1a) mean that employees might well travel by car. Any disabled employees would have to, since, for those with walking difficulties, the site is inaccessible from local bus stops. We consider that the low PTAL would discourage other businesses from locating there.

MM5 Q 63 – Appendix 12

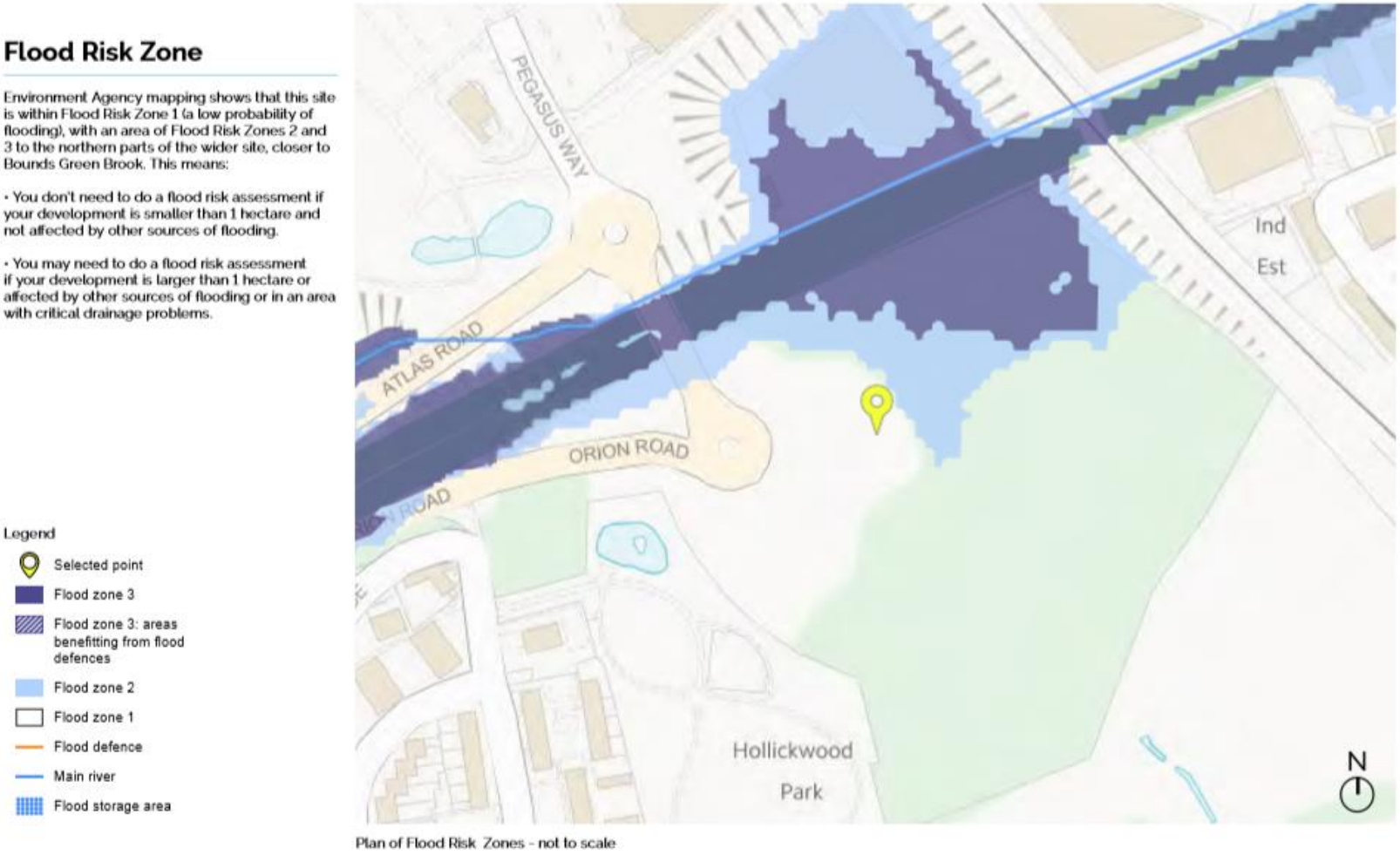
Environment Agency – Flood Risk Map prepared for Barnet Homes, August 2018

Flood Risk Zone

Environment Agency mapping shows that this site is within Flood Risk Zone 1 (a low probability of flooding), with an area of Flood Risk Zones 2 and 3 to the northern parts of the wider site, closer to Bounds Green Brook. This means:

- You don't need to do a flood risk assessment if your development is smaller than 1 hectare and not affected by other sources of flooding.

- You may need to do a flood risk assessment if your development is larger than 1 hectare or affected by other sources of flooding or in an area with critical drainage problems.



Plan of Flood Risk Zones - not to scale

PINKHAM WAY - EA FLOOD RISK MAP FOR BARNET HOMES – AUGUST 2018

MM5 Q 63 – Appendix 13

Pinkham Way – Estimate for Site De-contamination, Barnet Homes, April 2017

	Volume (m³)	Site Clearance - vegetation/small trees)	Site Clearance - Japanese Knotweed	External Hard standing	Imported Engineered Fill Material	Barrier Capping	Bulk Earthworks	Offsite Disposal of Material	Offsite disposal of Material - non hazardous	Gas Protection	Protection Perimeter gas vent	Building Foundations - £950 per pile	Building Foundations - £10,000 per rig	Improvement - Extra over Cement	Improvement - Square Impact Roller	Soil Mixing (1m-5m deep)	
		£1,000	£95	£120	£40	£10	£5	£130 per tonne	£48 per tonne	£12	£75p/metre			£20		£60	TOTALS
2	20,600	1,030	£978,500	£1,236,000	£824,000	£103,000	£51,500			£123,600				£412,000		£1,236,000	
2	24,400	1,220	£1,159,000	£1,464,000	£976,000	£122,000	£61,000			£146,400				£488,000		£1,464,000	
2.9	30,450	1,550	£997,500	£1,260,000	£1,218,000	£105,000	£52,500			£126,000				£609,000		£1,827,000	
1	9,700	970	£921,500	£1,164,000	£388,000	£97,000	£48,500			£116,400				£194,000		£582,000	
0.5	1,350	270	£256,500	£324,000	£54,000	£27,000	£13,500			£32,400				£27,000		£81,000	
0		2,360	£2,242,000	£2,832,000		£236,000	£118,000			£283,200							
		7,400	6,555,000	8,280,000	3,460,000	690,000	345,000	0	0	828,000	0	0	0	1,730,000	0	5,190,000	27,085,400

TOTAL DECONTAINATED COSTS	46,045,180
TOTAL DECONTAMINATED COSTS PER METER	667

–

Estimate for decontamination of Pinkham Way site –

Total £46 million - £667 per M2

Meera Bedi, Head of Development, Opendoor Homes, Barnet Council (April 2017)

MM5 Q 63 – Appendix 13A

Pinkham Way

Strategic Risk Assessment, October 2019

PINKHAM WAY						**ISSUE 02**
STRATEGIC RISK ASSESSMENT						**25th October 2019**
Objective:		**To identify the probable, relative, high-level Planning Risks, Physical Risks and Cost Risks attached to any development of the site**				
Context / Basis of Reference:		**This Risk Assessment for the site has been prepared to help assess the feasibility and viability of developing some (or all) of this land.**				
		It highlights the physical, economic and policy obstacles that would impact any development.				
		Consultants acting for NLWA, LBH and LBB have stated that the site is highly constrained. Their material is included in this Risk Assessment.				
		PWA have commissioned independent investigations by experts to assess Biodiversity issues.				
		PWA has carefully considered the impact of all the available evidence and has concluded that any development of the site would have significant, negative impact with high cost attached.				
		It would appear that, because of the constraints on the site, its development would be unrealistic and an ineffective use of land.				
		Having taken all relevant factors into account, PWA conclude that the site is unsuitable for development and unlikely to be economically viable.				
		Planning Applications that have heretofore been made for the development of the site have been refused or withdrawn.				
		This Risk Assessment calibrates the risk stemming from the above studies and incorporates material prepared for, and by the NLWA, LBH, LBB and PWA which is referenced in this matrix.				
		No comment has been received from NLWA, LBH and LBB since the first issue of this Risk Assessment in March 2015.				
			RISK LEVEL	**RISK LEVEL**	**RISK LEVEL**	
Item No	**Subject**		**High**	**Medium**	**Low**	**Key References/Comments**
1	**Impact on SINC Grade 1 Nature Conservation Value**					**ref: NPPF Section 15, "Conserving and enhancing the natural environment"; paras 174-177 incl, "Habitats and biodiversity"**
						Brownfield Sites of High Environmental Value
						GLA Biodiversity Strategy and LBH Biodiversity Plan
						Special Criteria apply to land as part of an Ecological Green Corridor Network linked to Metropolitan Land
						Western half of site is shown on Natural England UK Priority Habitat maps
						ref: NPPF Section 11, "Making Effective Use of Land" excludes any development that would cause harm to designated sites of importance for biodiversity
						para 118 b states, "Planning Policies and decisions should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production"

2	Ecological Impact		ref: NPPF Section 15, "Conserving and enhancing the natural environment; paras 174-177 incl, "Habitats and biodiversity" ref: Preliminary Ecological Appraisal prepared by Huma Pearce & Denis Vickers for PWA, date October 2013; Reference No: 2013_012 Preliminary Invertebrate Survey 2014-2015 by Edward Milner identifies rich "Open Mosaic" Area ref: LUC Report, Oct 2014 for LBH, Appendix 7 ref: NPPF Section 11, "Making Effective Use of Land" excludes any development that would cause harm to designated sites of importance for biodiversity
3	Environmental Corridor & Metropolitan Open Land		ref: NPPF Section 15, "Conserving and enhancing the natural environment" ref: Mayor's Biodiversity Strategy, Appendix 1, items, A1.2.17; A1.2.18 and A1.2.19:- sites of importance are included in (green) corridors, but these deserve protection in their own right Site is demarcated as Green Space in the ALGG and LBH maps as well as the LBH Green Grid map MOL land abuts site and forms part of site containing features of nature conservation and habitat interest and forms part of an ecological corridor All London Green Grid (ALGG): Mayor's Policy to promote the design and delivery of green infrastructure across London
4	Existing Culvert		ref: Jacobs Development Constraints Report, April 2008 - para 2.4 and 2.9 - condition of culvert unknown and its vulnerability to contamination; risks associated with flooding ref: Arup Scoping Report, 07/03/11, para 3.8 ref: Environment Agency letter to LBH, date 20/03/14 Deculverting watercourses are to include a set back to

			incorporate at least an 8m buffer zone.
			Buffer Zones are to provide habitat and 'green corridors'
			for flora and fauna; support the ecology and natural
			functioning of the watercourse and provide safe access
			alongside the watercourse
			ref: LBH Biodiversity Action Plan and London Rivers Action
			Plan
			LBH, DM28 on culverts commended by Environment Agency
5	Loss of Existing Environmental Benefit		ref: Environmental Protection Act, 1990
			ref: Air Quality Strategy for London, 2010
			London Borough of Haringey, Air Quality Action Plan 2010-
			2018, Feb 2011
			ref: Arup Scoping Report, 07/03/11, para 3.1 - It is
			recognised that the site is sensitive in terms of Air Quality
			The site is located within LBH's Air Quality Management
			Area and in close proximity to the AQMAs of Barnet and
			Enfield
			Health Impact Assessment would be required
			Impact of air emissions and dust on sensitive receptors, including
			ecological as well as human receptors would be required
			A robust assessment would be required to determine the
			risk to human health vis a vis any development
			ref: NPPF Section 8, "Promoting Health and Safe Communities"
			para 97 states, "Existing Open Space should not be built upon ..."
6	Planning Risk		Incompatibility with Adopted Planning Framework - NPPF,
			London Plan and London Borough of Haringey and DEFRA
			Guidance
			Potential for call-in by the Mayor or Secretary of State for
			determination prior to decision by the Local Authority
			Feasibility Study for Pinkham Way for Barnet Homes by
			HTA, dated 22 November 2018
			Planning Applications submitted for development of the site have
			been refused or withdrawn

7	Contaminated Land		ref: NPPF Section 15, Conserving and enhancing the natural environment; paras 178-183, "Ground Conditions and pollution" ref: Jacobs Development Constraints Report, April 2008 - para 2.2, Lead at concentrations above CLEA Guidelines para 2.3, Microbiological Risk para 2.4, Groundwater Contamination para 2.5, Gas Protection Measures Extent of Contaminated Land is approx 80% of site area ref: Arup Scoping Report, 07/03/11, para 3.2 - confirm the following:- Elevated concentrations of lead; Elevated concentrations of microbial contaminants in soils and groundwater; Further gas monitoring required
8	Historic Landfill		ref: Jacobs Development Constraints Report, April 2008, para 2.7 - The volume of buried concrete waste is difficult to quantify. Extensive waste has been deposited through-out the site Land Instability:- ref: Arup Scoping Report 2011, p20 "former landfill site"
9	Geotechnical Ground Conditions		ref: NPPF Section 15, paras 178-183 "Ground Conditions and pollution" ref: Jacobs Development Constraints Report, April 2008, para 2.8 Settlement & Foundation Design - The loose and variable nature of the Made Ground poses a risk of excessive settlement for foundations located within it. This risk is compounded by potential infiltration of water which can lead to localised ground collapse in poorly consolidated areas. A thin covering of Made Ground provides a pathway to weathered London Clay, the surface properties of which sensitive to variations in moisture content.
10	Existing Roads Infrastructure		ref: Arup WIDP 27/10/2009: High Risk Residential Roads to west of site unable to accommodate any increase in traffic movements

					A406, North Circular Road is often heavily congested
11	Access to and Egress from Site				ref: Arup WIDP 27/10/2009: High Risk ref: Arup Scoping Report, 07/03/11, para 3.6 Access from Orion Way not possible without destroying land rich in invertebrates Direct access / egress to and from the North Circular Road (A406) is not feasible
12	Public Transport Links				ref: NPPF Section 9, "Promoting Sustainable Transport" ref: PTLA rated 1a (LBH lowest rating) The site is isolated and there is a lack of transport accessibility The site is inaccessible to people with walking difficulties using public transport ref: Atkins ELS, Feb 2015, para 5.41 - site contaminated and not close to public transport
13	Flood Risk				ref: NPPF Section 14, "Meeting the challenge of climate change flooding and coastal change"; paras 155-165 incl ref: Ove Arup & Partners Ltd, WIDP, RevB, 27/10/09 Figure 2. Pinkham Way Flood Risk ref: Environment Agency letter to LBH, date 20/03/14 Strategic Flood Risk Assessment required Environment Agency require a thorough evidence base in the form of a sequential test supported by SFRAs Sites with potentially contaminated land will be expected to submit a preliminary risk assessment in line with para 007 of the National Planning Practice Guide. Any sites with former contaminative uses would be subject to land quality conditions
14	Conflict of Ownership				Landlocked part of site is owned by LB Barnet therefore Access would be required across MOL or "Open Mosaic" LBB area equates to approx 30% of total PW site area
15	Tree Preservation Orders				Protected by legislation

						Town & Country Planning Act 1990 Town & Country Planning (Trees) Regulations 1999
16	Existing Topography					ref: Jacobs Development Constraints Report, April 2008, Figure 4, Topographical Survey Figure 6, Areas of Significant Gradient ref: Arup Scoping Report, 07/03/11, para 3.4.1 - the topography of the site is very uneven due to former landfill and sewage works; the level difference is approx 15metres between the highest southernmost point of the site and the lowest level adjacent to Pinkham Way/NCR
17	Utilities Infrastructure					ref: Jacobs Development Constraints Report, April 2008, para 4.3 and para 4.4 and Figure 3 EDF Electricity buried cables in an East-West central location across the site
18	Network Rail					British Transport Commission Act 1949 NR Guidelines to be followed in conjunction with building works in proximity to NR Property - ie structural stabilty of NR property, drainage and flood risk implications, foundations, electromagnetic interference, fire risk, etc
19	Cost Risk (VFM)					This Strategic Assessment indicates that there is a significantly high level of cost risk attached to development of this site. Decontamination Costs for Pinkham Way by Meera Bedi (Head of Development) OpenDoor Homes, 11/04/2017 Additionally, it must be noted that there is considerable potential for heightened Cost Risks attached due to the cumulative impact arising from the synergy of elements that comprise this Site of Importance for Nature Conservation (SINC) - Borough Grade 1 Importance. Consequently, the site is not likely to provide VFM for any developer, let alone a public body.

20	Transfer of Long-Term Legal Risk		Ref: The Environmental Protection Act 1990 and the Contaminated Land (England) Regulations 2000 Case (Transco) - long term (in perpetuity) Liability on cleaning up contaminated land - R (on the application of National Grid Gas plc (formerly Transco plc) (Appellants) v. Environment Agency (Respondents) (Civil Appeal from Her Majesty's High Court of Justice) [2007] UKHL 30

Other references considered in the preparation of this document include (but are not limited to) the following:-

National Planning Policy Framework, 2019
The London Plan, 2016
TCPA and RTPI: Rising to the Climate Crisis - A guide for Local Authorities on Planning for Climate Change, 2nd edition, December 2018
DEFRA; Local Sites: Guidance on their Identification, Selection and Management, 2006
The Conservation of Habitats and Species Regulations, 2010
GLA/London Wildlife Sites Board: SINC Selection Process - Update, March 2013
The Habitats Directive 1992/43/EEC
Environmental Protection Act, 1990
The Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007
Air Quality Strategy for London, 2010
London Borough of Haringey Air Quality Action Plan 2010-2018, Feb 2011
NSCA - National Society for Clean Air
Planning Policy Statement 23, Planning and Pollution Control
EU Directive, 2004/35/EC Environmental Liability
EU Water Framework Directive, 2000/60/EC
DEFRA: Guidance for Public Authorities on Implementing the Biodiversity Duty, May 2007
DEFRA: Guidance on the Legal Definition of Contaminated Land, July 2008
Knox G. Atmospheric pollutants and mortalities in English local authority areas; Journal of Epidemiology and Community Health 2008;62:442-447
Maas J et al. Green space, urbanity and health: how strong is the relation? Journal of Epidemiology and Community Health 2006;60:587-592
PPS10 Planning for Sustainable Waste Management 2005
Update to PPS10: 30 March 2011
PPS10 Companion Guide 2006

NOTES:
This outline strategic risk assessment is subject to further development as more detailed information becomes available

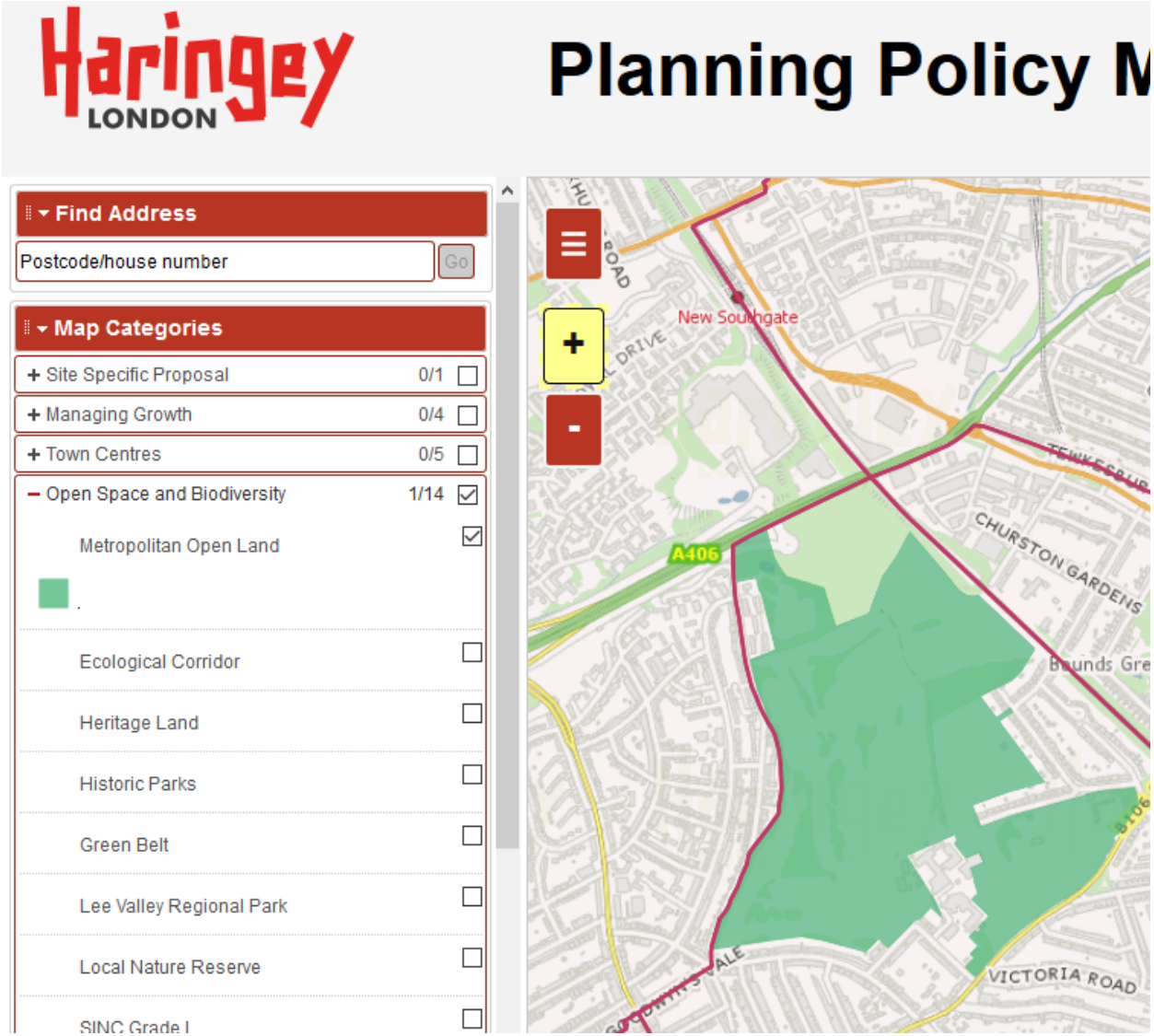
Prepared by: Paul Scott BSc(Hons) Dipl Arch Cert APDM ARB RIBA - Chartered Architect & Project Manager
25th October 2019
Issue 02

MM5 Q 63 - Appendix 15

LB Haringey – MOL and Ecological Corridor

A406
(NORTH CIRCULAR ROAD)
MUSWELL HILL
GOLF COURSE
HOLLICKWOOD
PARK
SITE BOUNDARY
MOL
METROPOLITIAN
OPEN LAND
AREAS OF SIGNIFICANT
GRADIENT
PRLIMINARY INVERTEBRATE
SURVEY AREA
SEMI NATURAL
BROADLEAVED
WOODLAND
NATURAL GRASSLAND
DENSE CONTINIOUS
SCRUB
ECOLOGICAL CORRIDOR
MATURE TREES
Incl.TPO TREES
SOURCES
Areas of Realatively level ground by Jacobs drg no.B0678400-006
Tree Survey Plan by CBA Trees drg no.7994.01C
date December2012
Ecological Assesment of Current Site by Jacobs drg no.B0678400-002
Ecological Corridor from GLA London Plan.
Open Mosaic Habitat (UK BAP Priority)
2014-2015 by Edward Milner
Chartered Architect & Project Manager
Paul Scott Bac (Hons) Dipl Arch Cert AFDM ARB RIBA
Client
Pinkham Way Alliance
Date
22/03/15
Drawn
AP
Checked
PS
Scale
1:1250@A3
Project
Pinkham Way
Site of Importance for Nature Conservation (SINC)
(Borough Grade 1 Importance)
Drawing
Site Constraints Plan 2
Drawing No.
002
Issue
01
0
50M
100M
Scale 1:1250 &A3

HARINGEY GREEN CORRIDOR - AERIAL VIEW


Haringey
LONDON
Planning Policy M
Find Address
Postcode/house number
Go
Map Categories
+ Site Specific Proposal 0/1
+ Managing Growth 0/4
+ Town Centres 0/5
− Open Space and Biodiversity 1/14
Metropolitan Open Land
Ecological Corridor
Heritage Land
Historic Parks
Green Belt
Lee Valley Regional Park
Local Nature Reserve
SINC Grade I
New Southgate
A406
CHURSTON GARDENS
VICTORIA ROAD

MM5 Q 63 – Appendix 16

NLWP – Land Distribution by Borough

The great green giveaway

PWA MM5 Q 63 Appendix 16

Only Haringey, out of all the 7 North London boroughs, is putting forward one of its most valuable nature conservation sites for inclusion in the NLWP, Pinkham Way.

The take from each borough is as follows:

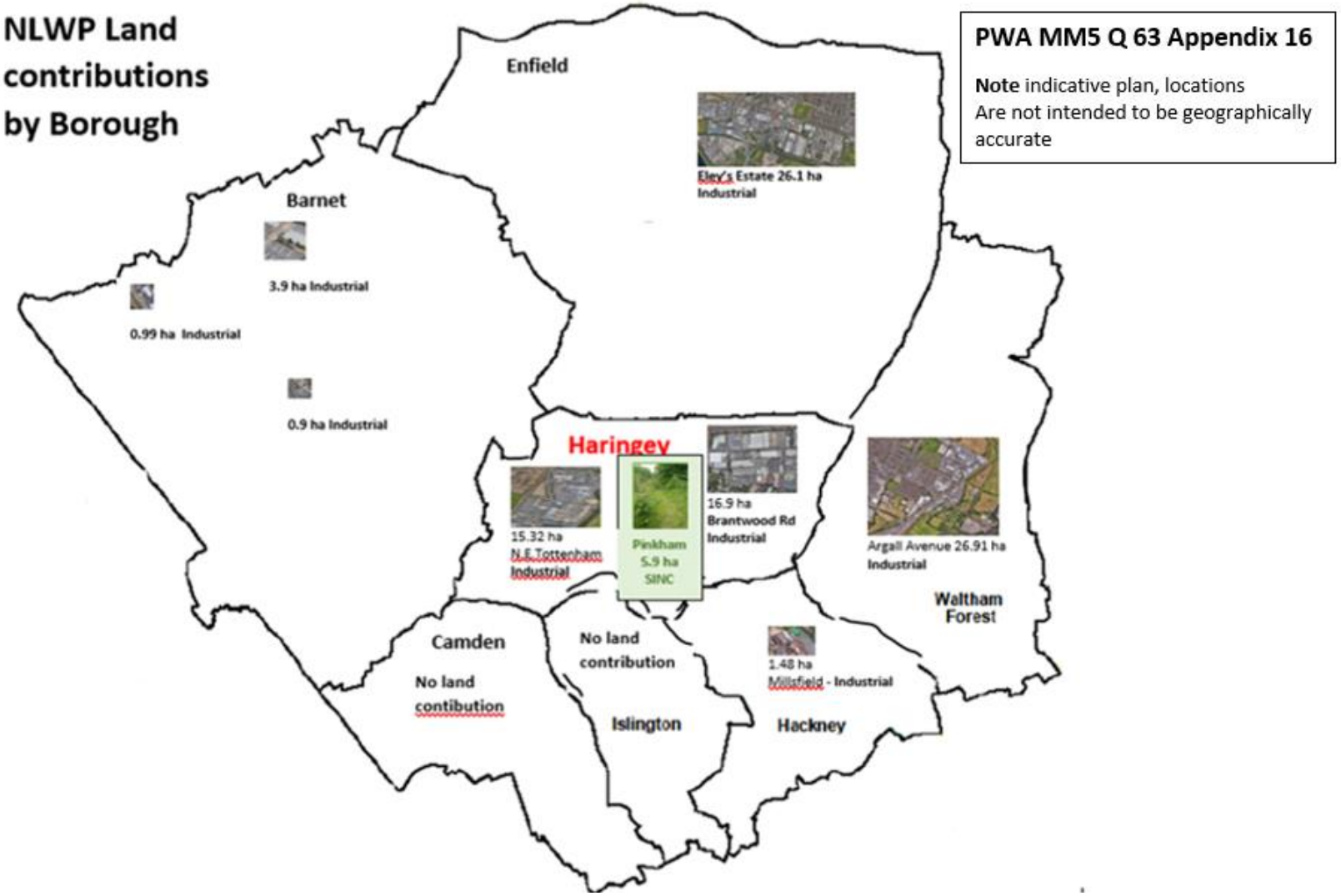
Borough	Land offered up	Percentage of land offered
Barnet	6.69 ha	6.74%
Enfield	26.1 ha	26.27%
Haringey	38.17 ha	38.42%
Hackney	1.48 ha	1.49%
Waltham Forest	26.91 ha	27.08%
Camden	0	
Islington	0	
TOTAL	99.35ha	100%

Why is Haringey offering up the largest share of land, and why is Pinkham Way included?

Pinkham Way is 5.9 ha. Without Pinkham Way in the Plan, Haringey would still be offering the largest share

Pinkham Way is a valuable Grade 1 Site of Importance for Nature Conservation and totally unsuitable for use as a waste recycling centre or similar. It is only one of such sites in Haringey.

PTO


NLWP Land contributions by Borough
PWA MM5 Q 63 Appendix 16
Note indicative plan, locations
Are not intended to be geographically accurate
Enfield
Ely's Estate 26.1 ha
Industrial
Barnet
3.9 ha Industrial
0.99 ha Industrial
0.9 ha Industrial
Haringey
15.32 ha
N.E Tottenham
Industrial
Pinkham
5.9 ha
SINC
16.9 ha
Brantwood Rd
Industrial
Argall Avenue 26.91 ha
Industrial
Waltham Forest
Camden
No land contibution
No land contribution
Islington
1.48 ha
Millsfield - Industrial
Hackney