



Pinkham Way Alliance

<http://www.pinkhamwayalliance.org/>

**DRAFT NEW LONDON PLAN
Consultation**

1 December 2017 – 2 March 2018

**Pinkham Way Alliance
Representations**

2 March 2018

PINKHAM WAY SITE



RSPB



Green Woodpecker
breeding on Pinkham Way



Song Thrush
breeding on Pinkham Way

Pinkham Way has remained undeveloped since the former Friern Barnet Sewage Treatment works closed in 1963, over 50 years ago. It is now an open green space of some 6 ha, a London BAP Priority Habitat, 60% of which is woodland (c1500 trees); its SINC designation reflects abundant biodiversity. Rare birds, insects and spiders have been identified there.



Slow worms
on Pinkham Way

classified as a Priority Species in the UK BAP

Protected in the UK under the Wildlife and Countryside Act, 1981



No of Cinnabar Moths have fallen by 83% in last 35 years.

(<http://www.wildlifetrusts.org/q/species/cinnabar>)



Cinnabar moths on Pinkham Way
Classified as a Priority Species in the UK BAP



It provides foraging and breeding sites for many species, some endangered, and a rich variety of flora.

The site is an important link in a chain of SINCs, from Parkland Walk and Alexandra Park via Albert Road Rec, Muswell Hill Golf Course and allotments, Tunnell Gardens and Bluebell Wood, through to Coppetts Wood and Glebelands LNR.

A watercourse running in a culvert beneath the site is highlighted in the London Rivers Restoration Action Plan for de-culverting.

The site currently has a dual planning designation: SINC Grade 1 Borough Importance and Employment Land. It is one of only two designated Employment Land sites in the borough, the other being Bounds Green Industrial Estate. They bear no relation to each other in terms of their physical features.



Pinkham Way

Bounds Green Industrial Estate

In 2009 the NLWA, secretly and in haste, purchased most of the site from Barnet Council, to support a PFI bid connected with its major waste procurement. Plans for the site, and the procurement itself, were then abandoned. The NLWA now has no plans to develop the site.

These representations are submitted on behalf of the Pinkham Way Alliance (PWA) in response to the public consultation on the Draft New London Plan (DNLP).

The PWA is a community campaign group which came together in early 2011. Residents living within the vicinity of the former sewage works site at Pinkham Way became concerned about plans by the North London Waste Authority to develop the site for a large scale MBT waste facility.

PWA's membership has continued to grow since the NLWA's plans first became public and now has approximately 3000 supporters. The membership is drawn largely from the residential areas that would be most directly affected by the loss of this important local asset, but also includes businesses as well as residents' associations from further afield.

Since its inception, PWA has made submissions and taken part in numerous public hearings relating to the Pinkham Way Site, including Examinations in Public into Haringey Council's Local Plan and associated DMPs.

Introduction and summary

1. The nature of the PW site

Location and ownership

Ecological Assessment October 2013

Invertebrate Survey 2014-2015

Site Designation

2. Open Space Status

Definition

Planning Policy

3. Site Constraints

Contamination

Access

Air quality

Detriment to adjacent SINC's and MOL

Legal issues

4. Employment designation not appropriate

5. Raft or tunnel at Pinkham Way (A406) New Southgate

Appendices

A Letter to Haringey Councillors (20 July 2017)

B Pinkham Way Strategic Risk Assessment Spreadsheet

Figures

Figure 1 – Ownership plan

Figure 2 – Plan showing SINC

Figure 3 – Haringey's Green Corridor

Figure 4 – Habitat Map 2013

Figure 5 – Haringey Proposals Map Designations (extract)

Figure 6 – De-culverted water course and Floor Zones 2 & 3

Figure 7 – Open Space Aerial photograph

Figure 8 – Atkins Open Space deficiency map

Figure 9 –land ownership and areas of contaminated land

Figure 10 – Distribution of vegetation, areas of significant gradient, ecological corridor, area of invertebrate survey and areas of MOL

Introduction and summary

1(a) We propose that the outline of the New Southgate Opportunity Area be redrawn to exclude the Pinkham Way site (currently included in area marked 3 on Figure 2.6 at page 40 of the DNLP) because the site is not suitable for built development. The site is an open green space with high ecological value. **Policy SD1 A (5)** of the DNLP requires OAs to maximise the delivery of affordable housing and create mixed and inclusive communities and **Policy SD1 B (8) of the DNLP** requires that development proposals integrate into the surrounding areas. We have set out evidence of the unsuitability of the site for built development in this submission. We also comment at page 26 of this submission on the “potential to deck over a small section of the NCR immediately to the south of New Southgate Station and/or tunnel between New Southgate and Green Lanes” mentioned at **para 2.1.36 on page 42 of the DNLP** and we have suggested a minor amendment to **Waste Policy S18** on page 26 below.

1(b) This submission will argue that the Pinkham Way SINC is not suitable for built development, not only because of its high ecological value but also because of the major site constraints identified on it through various surveys and reports carried out on the site over the past 10 years. Development would be incompatible with its nature conservation interest and value and is not supported by the Council's strategic policies as recently adopted.

2 It is not a brownfield site. It falls within the exclusion from the definition of brownfield land because of environmental value acquired over the 50 + years that it has been vacant. It is not listed as a brownfield site in Haringey Council's register of brownfield land published in December 2017.

3 It is a green open space, mainly covered in trees, and an important part of a larger ecological complex and corridor, including other SINC's and MOL (Alexandra Park, Parkland Walk, Hollickwood Park, Muswell Hill Golf Course, Tunnel Gardens and Bluebell Wood, Albert Road Rec and Rhodes Avenue Spinney) (see Fig 3).

4 The site is designated as a Site of Importance for Nature Conservation, Borough No 1 value. It is also partly MOL and partly Employment land. See Fig 2). The dual designation of Employment land is contradictory and needs to be rectified. See further comments below.

5 A watercourse running in a culvert beneath the site is highlighted in the London Rivers Restoration Action Plan for de-culverting (see Fig 6).

6 In 2013, a PWA Ecological Survey was commissioned and found that the site continues to support habitats that are characteristic of London Priority Habitat 'Wasteland' (London BAP) and UK Priority Habitat Open Mosaic Habitat on Previously Developed Land (UK BAP).

“The site has high biodiversity value within the context of the local area and therefore continues to qualify as a Borough Grade I SINC.”

7 In October 2014, a GVA viability assessment, site-specific to the Pinkham Way SINC, found that the site was not viable for employment development under any scenario. The costings used were way below those normally used in such exercises. This was a study carried out for Haringey Council which the Haringey attempted to conceal and only disclosed under an FOI request.

8 The Environment Agency advised Haringey Council that the site falls within flood zones 1 2 and 3 classified by the National Planning Practice Guidance as having a low medium and high risk of surface water flooding. This increased flood risk affects the deliverability of the site¹.

9. The site is contaminated and has major site constraints which are set out in Section 3 below. It closed in the early 1960s and was then used as landfill until 1980. This was followed by intermittent municipal dumping and illegal fly tipping until the early 2000s when the site was fully fenced in.

Section 1

The Pinkham Way SINC

The site is situated in the London Borough of Haringey. It is approximately 6.8 hectares (ha) in size and the National Grid Reference for the centre of the site is TQ288916. The site is bounded to the north by the North Circular Road (A406) and to the south is Muswell Hill Golf Course which is designated as a SINC and MOL. Hollickwood Park, also a SINC and MOL, lies immediately west of the site. The eastern boundary forms part of a designated ecological corridor. (Haringey Council 2009).

The surrounding area is urbanised, comprising residential properties and associated gardens to the west of the site, Bounds Green Industrial Estate on the eastern side of the railway line and the Friern Bridge Retail Park on the northern side of the North Circular Road.

Pinkham Way is in the ownership of two public bodies, the North London Waste Authority, which acquired the majority of the site from Barnet Council in 2011, and Barnet Council retains the remainder. (see Fig 1 below).

¹ EA letter of 25 March 2015 to LBH

Figure 1: Ownership plan - 2011 (Arup's for NLWA)



The Pinkham Way SINCS is identified in the Council's Open Space and Biodiversity Study Report (October 2014) as Site B7 (see Fig 2 below). The Study described the site as a "Mosaic of semi-natural woodland, scrub, tall ruderal vegetation, ephemeral habitats and rough grassland" and commented that "the site, which has been mainly undisturbed for over 50 years "is a rare resource for Haringey of high ecological value."

Figure 2: Site B7 Open Space & Biodiversity Study 2014 (LUC)



The site is unsuitable for built development. It is part of a larger ecological complex and corridor including other SINCs (Alexandra Park, Parkland Walk, Hollickwood Park, Muswell Hill Golf Course, Tunnel Gardens, Bluebell Wood, Albert Road Rec and Rhodes Avenue Spinney) (see Fig 3 below).

Natural England stated in September 2015 that Pinkham Way is ‘... a rich biodiverse mix of habitats which if developed would be a loss to London as a whole’.

North London Waste Plan Consultants Urban Vision stated that development would result ‘in a loss of Green Infrastructure’.

Figure 3: Haringey Green Corridor



HARINGEY GREEN CORRIDOR - AERIAL VIEW

In October 2013, an ecological assessment was commissioned by the PWA to determine the ecological value of the site and the potential impact of development on habitats and species which are legally protected or have conservation value. It was prepared by Huma Pearce BSc, MSc, MCIEEM and Denis Vickers BSc, FLS, MCIEEM, CBIOL, MBS.

The main findings of the surveys were as follows:

- The site is designated a Borough Grade I Site of Importance for Nature Conservation (SINC).
- The site is used as a breeding site by no less than six notable bird species (UK BAP Priority Species or RSPB Red or Amber Status) (current survey, Arup 2011). It also provides breeding and foraging habitat for a diversity of widespread and common bird species.
- Slow worm occur at the site (T7 & P7) and transitional vegetation, areas of disturbed ground and wet depressions offer potential habitat for other reptiles such as grass snake.
- One hundred and thirteen vascular plant species were recorded during the habitat survey.
- The principle habitats on site comprised secondary woodland and scrub, tall ruderal vegetation, rough grassland and areas of disturbed ground which are characteristics of open mosaic habitat.
- Features of ecological significance include: the mature Lombardy poplars *Populus nigra* and oaks *Quercus robur* at the boundary of the site (T6), many of which supported cavity features suitable for nesting birds and roosting bats; transitional habitats (P1, P4), wet depressions (T2 & P2) and areas of disturbed ground (P5) that offer shelter, foraging and basking sites for invertebrates and reptiles; and woodland, scrub, rough grassland (T1 & P4) and tall ruderal vegetation (P6) which provides nesting habitat for birds, foraging habitat for birds and bats and potential nesting sites for hedgehogs.

Recent surveys confirm that the site continues to support habitats that are characteristic of London Priority Habitat 'Wasteland' (London BAP) and UK Priority Habitat Open Mosaic Habitat on Previously Developed Land (UK BAP). The site has high biodiversity value within the context of the local area and therefore continues to qualify as a Borough Grade I SINC. However, management in the form of rotational clearance of woodland and scrub, infrequent cutting of tall ruderal vegetation and rough grassland and the creation of scrapes to expose areas of bare ground and wet depressions is required to maintain and enhance the biodiversity interest of the site in the long-term.

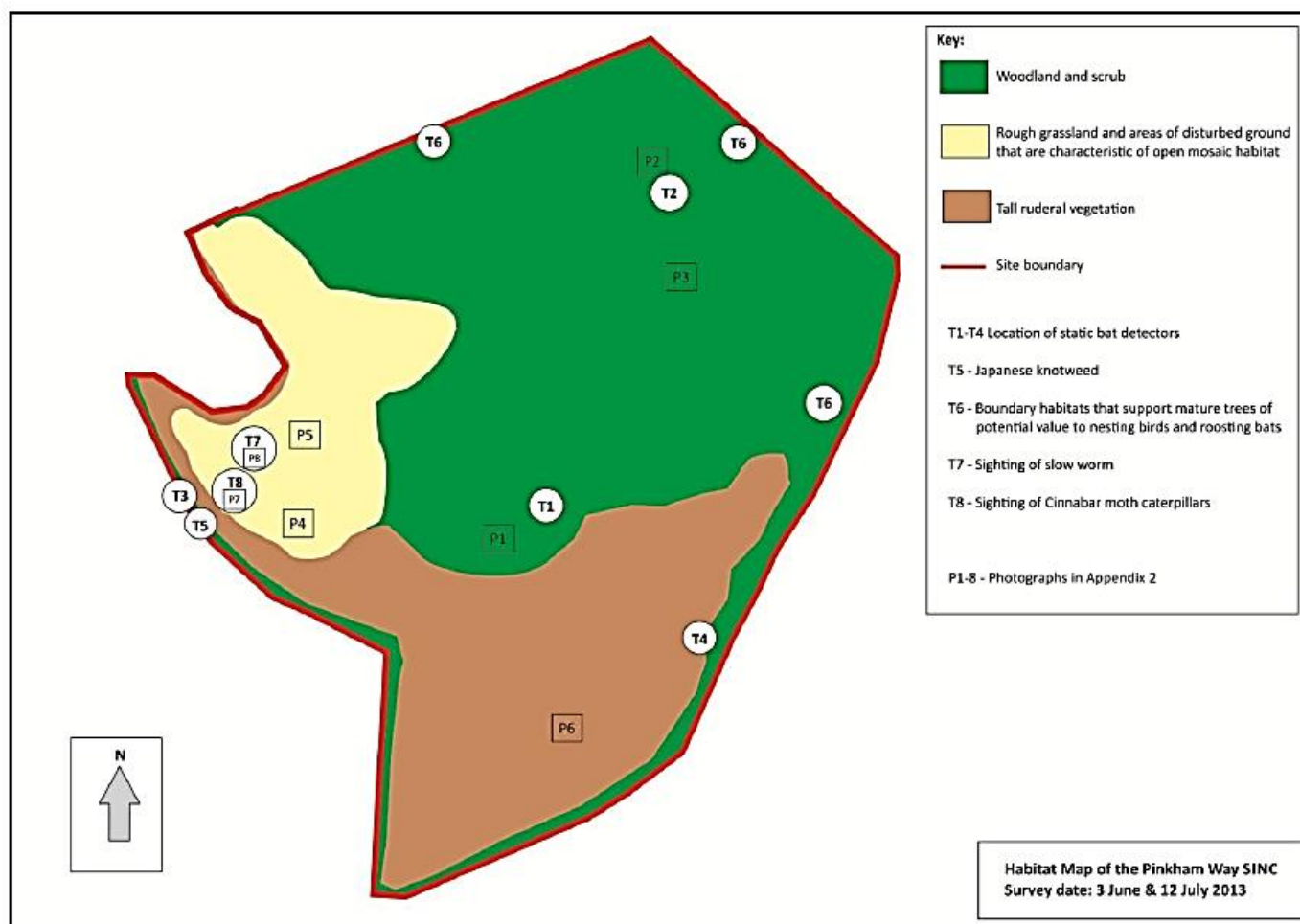
Giant hogweed *Heracleum mantegazzianum* and Japanese knotweed *Fallopia japonica* (T5) were identified on site, but there was evidence of on-going control of these invasive species.

Mature trees at the boundary of the site have the potential to support roosting bats (T6). An early record for common pipistrelle *Pipistrellus pipistrellus* before sunset suggests a roost may occur on site. The site also provides foraging and commuting habitat for common pipistrelle and noctule *Nyctalus noctula* bats (current survey, Arup 2011, Jacobs 2009b). Higher levels of bat activity at the southern and western

boundaries of the site suggest that these habitats offer a flight line between the adjacent Muswell Hill Golf Course and Hollickwood Park.

Figure 4: Habitat map produced during survey

Plan 1: Habitat map of Pinkham Way Site of Importance for Nature Conservation.



Huma Pearce t/a Mostly Bats Tel: 07540 783 609 Email:mostlybats@gmail.com

Transitional vegetation and areas of disturbed ground in the north-western part of the site provide suitable habitat for common invertebrates. Caterpillars of UK BAP Priority Species Cinnabar moth were also recorded. It is possible that other notable invertebrate species occur within these habitats and a comprehensive invertebrate survey is recommended.

PWA also commissioned the consultant, Edward Milner CIEEM, who is the Recorder of Spiders for London to carry out Invertebrate survey 2014-2015

As Recorder of Spiders for London Mr Milner has been making invertebrate surveys for about thirty years; clients have included 16 London Boroughs, the Royal Parks, City of London Corporation etc. He is also National Recorder for Middlesex as well as the old

county of London which means that his database holds the spider records for the whole London area (except for some adjacent parts of Essex).

Mr Milner's invertebrate survey (comparatively short for invert studies at 18 months) noted several species of spider and especially of beetle which were rare in London. He described the site as *'... an unusually rich site for beetles ... the site is of considerable conservation value'* and *'it should be an urgent matter to conserve it, as well as extending the survey area to include the northern bank.'*

The London Plan states that the *'value of important wildlife habitats must be protected, and appropriate maintenance regimes should be established to maintain or enhance the wildlife value'*. We wholeheartedly support this, as the NLWA's programme to do nothing more than eradicate invasive plants is its only activity in managing Pinkham Way. This is inadequate.

The London Plan also emphasises the value of what it calls the 'urban forest', ie trees. There are over 1500 trees on Pinkham Way. The Mayor aims to increase London tree cover by 10% by 2050.

Pinkham Way designations

Pinkham Way SINC is an open green space that has been vacant for over 50 years. The whole of the site is designated Site of Importance for Nature Conservation, Borough No 1 value; part of the site is also designated MOL and a significant part of the site has a dual designation of SINC/Employment Land (see Fig 5 below).

This is the only site in London that has a dual designation of Employment and a SINC. Mixed use designations are normally reserved for compatible planning combinations, e.g. Employment/Housing. Pinkham Way's dual designation is contradictory, and we believe is an anomaly that needs to be put right by removal of the Employment designation. See Planning Inspector's comments below.

Figure 5: Haringey Proposals Map extract March 2018

http://www.haringey.gov.uk/sites/haringeygovuk/files/policies_map.pdf



The site's ecological value is acknowledged by its SINC designation which was confirmed during the Examination in Public of Haringey Council's Local Plan DMPs in August 2016. However, in her Report, the Inspector questioned the appropriateness of the Employment designation and advised the Council that

"... it is not a site identified as necessary to bring forward a net increase in employment floor space. The site is now of nature conservation importance and the subject of a long campaign by local residents to remove its employment designation. The Framework at paragraph 22, advises that Councils should avoid the long-term protection of employment sites where there is no reasonable prospect of employment"²

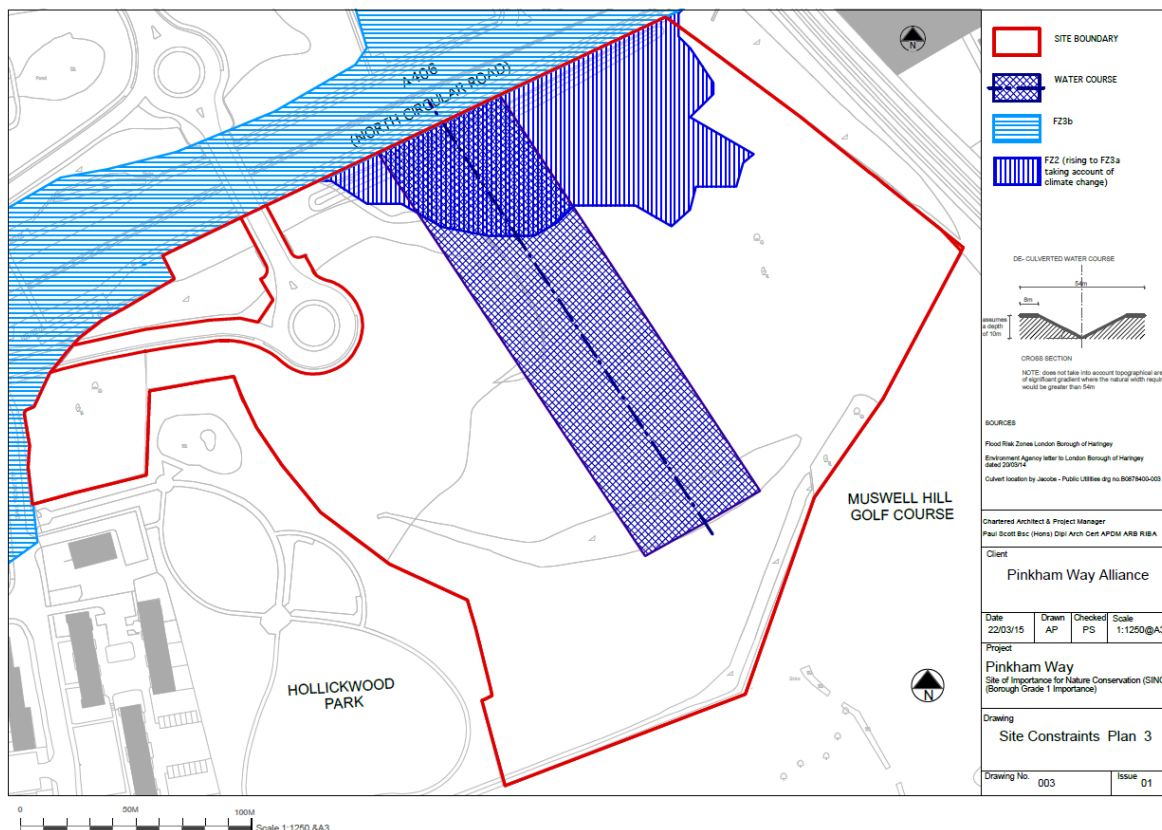
PWA considers that the site is not deliverable due to its high environmental value and other constraints set out below.

A watercourse running in a culvert beneath the site is highlighted in the London Rivers Restoration Action Plan for de-culverting see (Figure 6 below).

² Para35 Inspectors Report April 2017

Pinkham Way acts as a visual amenity for Hollickwood Park, Muswell Hill Golf Club and for passing traffic on the busy NCR. It acts as sound buffer from the NCR for the local residents and also as a 'lung' absorbing pollutants etc from the heavy passing traffic.

Figure 6: De-Culverted Water Course and Flood Zones 2 and 3



Size and extent of the site

The site area is approximately 6.6 ha. The eastern boundary of the site is part of a designated Ecological Corridor known as Great Northern Line RAILSIDES from Finsbury Park to Bowes Park and New Southgate stations and Wood Green Tunnel Gardens. The portion of the site that is a designated ecological corridor forms part of the embankment of a railway line and comprises 2544m².

Planning Policy

The National Planning Policy Framework (NPPF) (2012) sets out the Government's national policies on different aspects of planning in England. Section 10, paragraphs 109 to 125 detail planning policies on the conservation and enhancement of the natural environment.

Circular 06/2005 provides further guidance in respect of statutory obligations for

biodiversity and geological conservation and their impact within the planning system. In summary, it states that the planning system should contribute to and enhance the natural and local environment by:

- 'minimising impacts on biodiversity and providing net gains in biodiversity where possible,*
- contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*
- opportunities to identify land where development would be inappropriate, for instance because of its environmental or historic significance; and*
- contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been, identified.*

Paragraph 74 of the NPPF prohibits building on existing open space unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements or that the loss would be replaced by equivalent or better provision in a suitable location or the development is for sports or recreational needs that clearly outweigh the loss.

Paragraph 74 of the NPPF was considered by Mrs Justice Patterson in the case of Anne Marie Loader v Rother DC in June 2015, where it was found that "the criteria in paragraph 74 of the NPPF need to be interpreted to include the quality of the open space. In that case no assessment of the amenity value of the open space had been undertaken and no assessment had been undertaken to show it was surplus to requirements and that was found to be a material error."

The NPPF states that the planning system should contribute to and enhance the natural and local environment and at paragraph 114 directs planning authorities to set out a strategic approach in their local plans, planning positively for the creation, protection, and enhancement and management of networks of biodiversity and green infrastructure.

In the light of the above and of other factors, including the fact that certain areas of the site are already Metropolitan Open Land, we consider that the site is unsuitable for development and instead qualifies for designation as Metropolitan Open Land under the criteria London Plan Policy G3. We shall be pursuing this with the Local Planning Authority in due course.

The target for the London Plan Key Performance Indicator (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 to the Mayor's wish to increase the number of trees in London.

Section 2.

Pinkham Way SINC – Open Space

The Pinkham Way SINC is open space and should be protected as such in accordance with policies in NPPF, the proposed New London Plan and Haringey Council's Local Plan (see Fig 2 above).

We set out evidence below to show that not only does it fall squarely within the definition of Open Space given in the NPPF and the New London Plan but that it has been used as open space for recreation by local residents and others over a long period.

Definition of Open Space

The proposed New London Plan defines Open Space as

"All land in London that is ***predominately undeveloped*** other than by buildings or structures that are ancillary to the open space use. The definition covers the broad range of types of open space within London, ***whether in public or private ownership*** and ***whether public access is unrestricted, limited or restricted.***" (our emphasis).

Pinkham Way SINC is fenced from the public. The open space definition is quite specific on accessibility. A site may be completely fenced off and completely inaccessible to the public and still be classified as open space. As it happens, the public had access to the site and used it for recreational purposes up to 1994.

SP13 of Haringey Council's Strategic Plan sets out the Council's policy for Open Space and Biodiversity as ***"the level of public access is not a criterion for definition. Where desirable, and where the open space in question has identifiable value, the council will resist any development that results in a net loss of this open space"***

The open space definition requires land to be **predominately undeveloped** except for buildings or structures that are **ancillary to its use as open space**, Pinkham Way SINC is totally undeveloped and the site has been vacant for over 50 years.

The fact that there are no buildings on the site was accepted by Haringey Council when

it agreed to remove the Pinkham Way site from a proposed Article 4 Direction aimed at protecting the Council's strategic employment sites from unsuitable development.

The recorded minutes of the Regulatory Committee meeting on 21 September 2015 state; "Pinkham Way Alliance had made a representation seeking the removal of the Pinkham Way site from the Article 4 Direction. Officers had subsequently agreed to this removal on the basis that there were no buildings on the site to which the permitted development provisions would apply. The map at appendix A of the report would be amended to reflect this".

An application to register the Pinkham Way Site as a Town or Village Green was made in 2011 by local residents. The application was unsuccessful on two grounds. It was submitted too late, and it failed to provide sufficient evidence to show that a 'significant number of people' used the site for recreation.

However, the Assessor found, and the objectors accepted, that there was sufficient evidence to show that there was "reasonably open access to the site up to 1994."

Evidence was given by a number of witnesses at the hearing of the type of activities that used to take place on the site when it was accessible. Children met up and hung out there, played 'run out', people picked flowers, searched for golf balls (from the adjacent Muswell Hill golf course), some people liked to observe nature, e.g. watching birds, frogs and newts, looking for foxes. Some people picked fruit (there were apple and cherry trees) and blackberries. Some people used it for motorbike scrambling. It had always been popular with dog walkers. It was used for quiet reflection.

Dr Oliver Natelson gave evidence that David Bevan, (who had been an Environmental Officer for Haringey Council) told him that a number of unusual and rare plants had been recorded on the site. They visited the site and found golden dock, a very rare plant. Dr Natelson also explained that he sometimes gave guided tours of the site. In the summer of 2011 he had led a party looking for bats, and the previous April he had gone there with bird experts. His last visit to the site was in Summer 2011.

Barnet Council gave evidence that the fencing around the site was not secure at all points and due to fear of occupation by third parties (particularly by travellers) decided to secure it. In May 2009 Barnet commissioned the work for the fence to be secured.

The outcome of the application for registration of the site as a town or village green does not affect a decision about whether this site should be designated open

space or not, except in so far as it provides evidence (given under oath) as to the uninterrupted access to the site over a long period and the use of the site by local people and others for recreation.

Figure 7 below, shows a photograph taken from Google Earth, showing the site with tracks throughout. Clear evidence that people were accessing the site and using it as recreational open space.

Figure 7: Ariel photo of Pinkham Way SINC

(Hollickwood Park can be seen at the North West corner separated from the site by a line of trees)



The Council’s Open Space strategy summarises the benefits of open space and the important contribution it makes overall to quality of life.

“It provides a sense of freedom and relief from our built environment, somewhere to relax and leave behind the strains and pressures of day to day life, somewhere to play, enjoy flora and fauna, to meet with our friends and family, to exercise and to learn about our natural environment.”

“In developing the Open Space Strategy, Haringey Council is seeking to provide a framework for the future management and development of open space within the borough which will enable the whole community – residents, community organisations to work in partnership in order to obtain the maximum benefit from our open spaces.”

“... we want to particularly stress the importance we will place on our desire to involve the whole community in shaping the future of our open space.”

The Council advised PWA in July 2015 that “the LUC Open Space Study identified a primary deficiency in the east of the borough. Pinkham Way is not well placed to address this deficiency effectively.”

What the Council omitted to mention was the finding by LUC that in fact large parts of the borough are deficient in access to local open space, especially the Western zone of the borough.

On page 85 they state: “**Local open space 7.31** Large parts of the borough are deficient in access to local open space. The Western zone has large areas of deficiencies at this level of the hierarchy”

Among the areas in the western zone LUC identified the Eastern parts of Alexandra Ward and in the Central zone they identified central parts of Bounds Green Ward (para 7.32) as being deficient in local open space Fig 7.7 below.

The Pinkham Way site is very well placed to address these deficiencies.

In 2003, Atkins also found there was open space deficiency in the northern part of Bounds Green. Since no new open spaces have been identified in this area since then we presume that this deficiency persists. See extract from Atkins 2003 Open Space and Sports Assessment below at Fig 8.

Figure 8: Atkins Open Space deficiency map



Excludes sites under 0.25ha or where access is restricted. This includes private sports grounds and private playing fields.
Source: Atkins, 2003. Haringey Open Space and Sports Assessment (Volumes 1 and 2).

Planning Policy – open space

Paragraph 73 of the NPPF requires planning policies to be based on robust and up-to-date assessments of the needs for open space and opportunities for new provision. The assessments should be qualitative as well as quantitative. No up to date assessment of the open space value of Pinkham Way exists.

Paragraph 74 of the NPPF prohibits building on existing open space unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements or that the loss would be replaced by equivalent or better provision in a suitable location or the development is for sports or recreational needs that clearly outweigh the loss.

Paragraph 74 of the NPPF was considered by Mrs Justice Patterson in the case of Anne Marie Loader v Rother DC in June 2015, where it was found that “the criteria in paragraph 74 of the NPPF need to be interpreted to include the quality of the open space. In that case no assessment of the amenity value of the open space had been undertaken and no assessment had been undertaken to show it was surplus to requirements and that was found to be a material error.”

The NPPF states that the planning system should contribute to and enhance the natural and local environment and at paragraph 114 directs planning authorities to set out a strategic approach in their local plans, planning positively for the creation, protection, and enhancement and management of networks of biodiversity and green infrastructure.

In the light of the above and of other factors, including the fact that certain areas of the site are already Metropolitan Open Land, we consider that the site is unsuitable for development and instead qualifies for designation as Metropolitan Open Land under the criteria London Plan Policy G3. We shall be pursuing this with the Local Planning Authority in due course.

Haringey’s SP13 protects environmental land and open space.

Section 3.

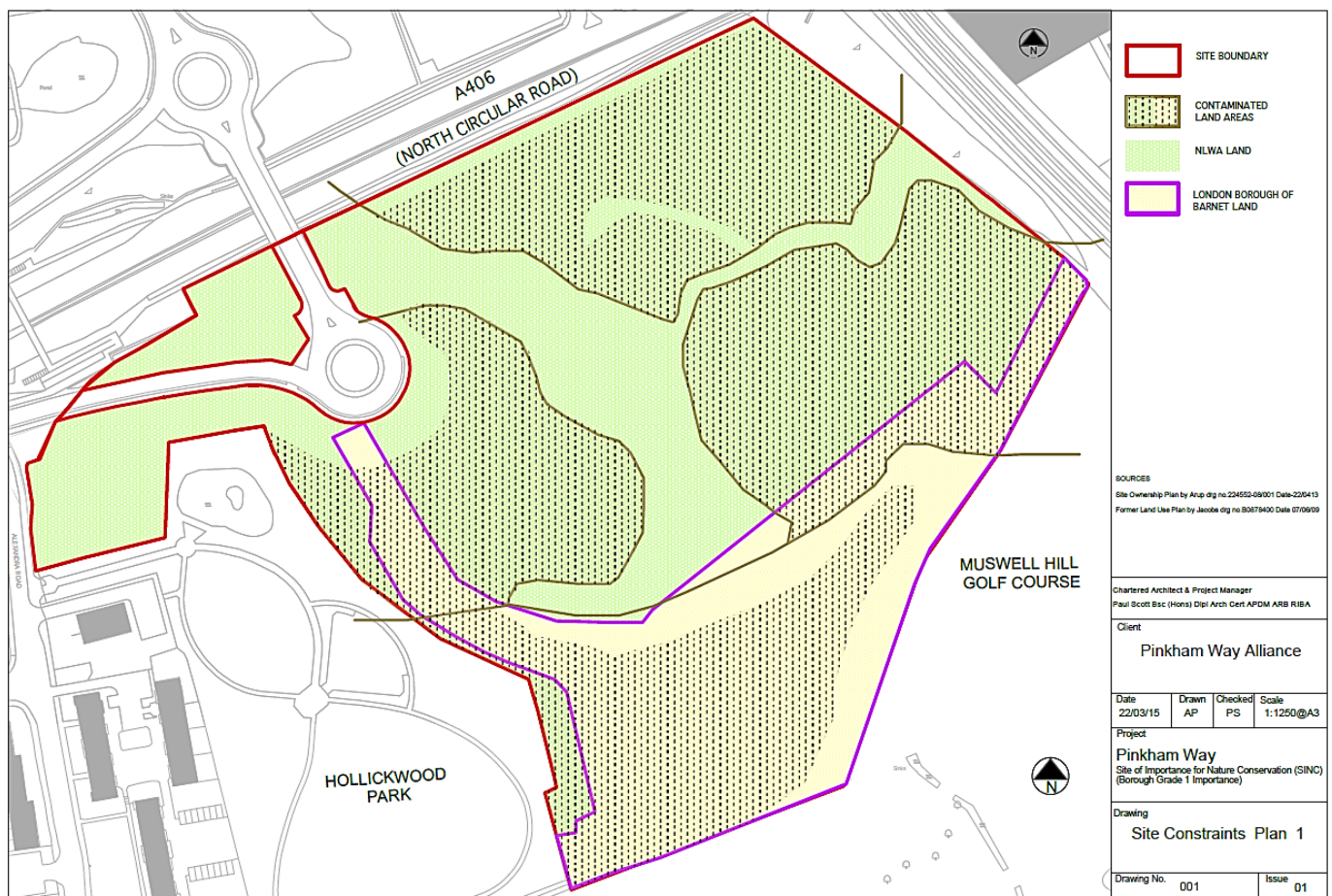
Site Constraints: Evidence of unsuitability/unviability of the site for development and VFM risk

This should be read in conjunction with the Risk Assessment in Appendix A and the Site Constraints Plans which are set out below at Figures 9, 10 and 6 and the Haringey Green Corridor Aerial view Fig 3

There has been sporadic use of the site for landfill, refuse tipping, dumping and fly-tipping up until the 1980s which has resulted in large areas of the site being contaminated³.

Figure 9 describes the land ownership and areas of contamination.

Figure 9: land ownership and areas of contaminated land.



³ Arup Reports and Jacobs

Figure 10 describes the distribution of vegetation, areas of significant gradient, the ecological corridor, the area of the invertebrate survey and areas of MOL.

Figure 10: Distribution of vegetation, areas of significant gradient, the ecological corridor, the area of the invertebrate survey and areas of MOL



Figure 6 describes the flood zones and the area required for de-culverting the water course.

Figure 6: Flood Zones 2 and 3 and area required for de-culverting water course

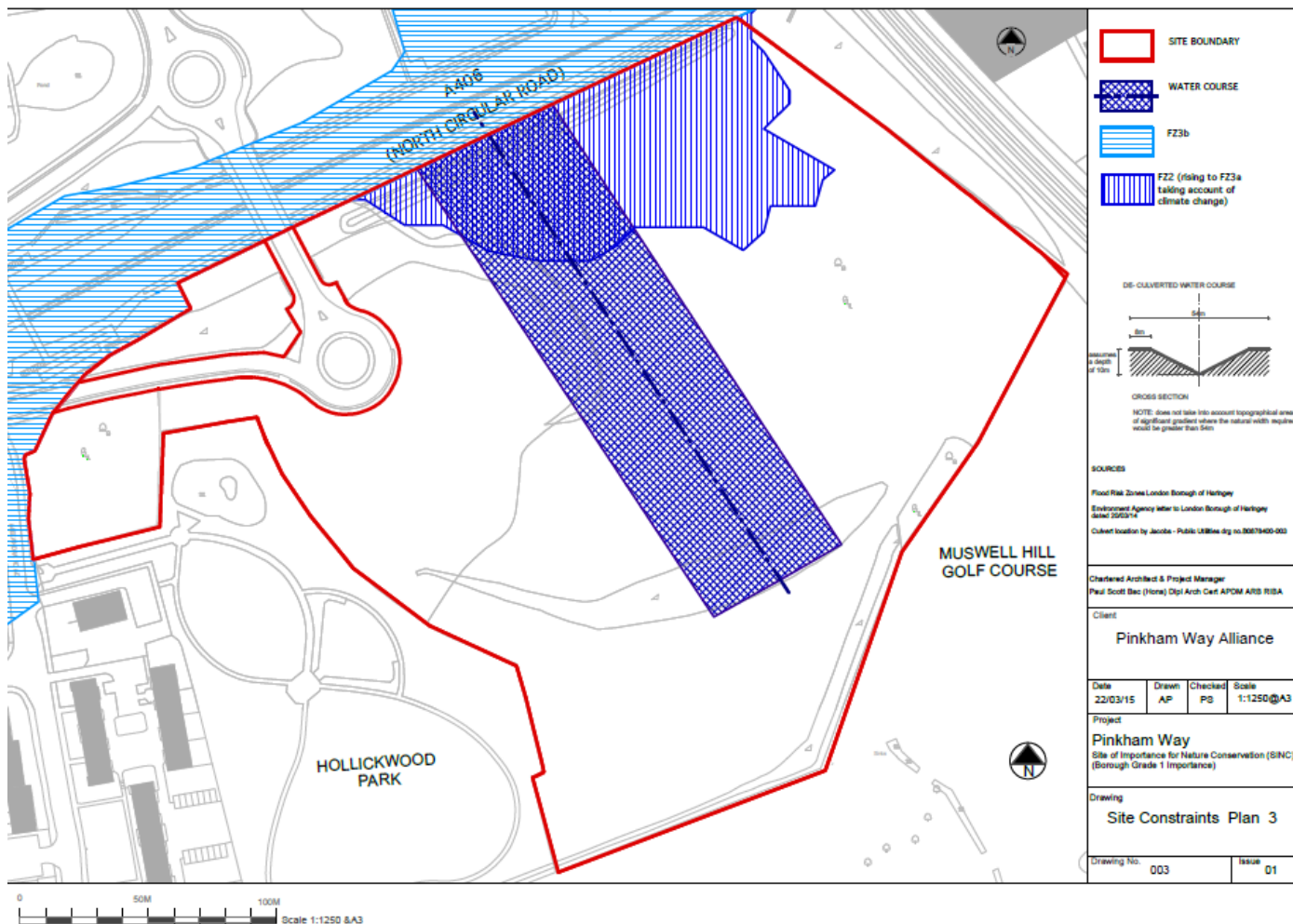


Figure 3 shows The Haringey Green Corridor including the areas of MOL, SINC, and including the new SINC at Golf Course Allotments as well as the ecological corridor.

Figure 3: Haringey Green Corridor



HARINGEY GREEN CORRIDOR - AERIAL VIEW

Two previous Development Constraints Reports for Pinkham Way have been published. As well as the NLWA Arup Environmental Scoping Report of March 2011, Jacobs had produced a report for Barnet Council in 2008. The Arup report contained the following findings:

- **Ground levels differ ...** *The existing levels within the site vary considerably; with a difference of up to 15 metres from one side to the other.*⁴

Contamination/Landfill Use Arups... *Made Ground ... highly variable, bricks, wood, glass, glass bottles*

- *metal, ash, clinker, paving slabs, asphalt, ceramics and paper ... concrete obstructions ... presence of methane ... carbon dioxide ... lead ... asbestos sheeting and pipes*

⁴ Arup Scoping Report 2011 pages 5, 16, 18, 20, 24, 32

- **Effects of Contamination (Arups)*** ... *there is potential for end users to come into direct contact with contaminants in areas of landscaping or open space ... maintenance workers may come into contact with contaminated ground during the operation of development. Tests in Hollickwick Park showed ...elevated concentrations of metals and microbial contaminants*
- **Existing culvert (S8)** ... *a culverted water course intersects the centre of the site ... connecting to the Bounds Green Brook ...*
- **Significant detriment to Pinkham Way SINC** ... *there is likely to be a significant adverse effect on this non-statutory designated site as a result of loss of habitat.*
- **Significant detriment to adjacent SINC and MOL** ... *potential for significant adverse effect on these sites as a result of disturbance during construction and operation ...; **Bluebell Wood** (1ha of ancient woodland); **Muswell Hill Golf Course** (extensive areas of acid and neutral grassland); **Hollickwood Park** (meadows, shrubberies and pond); **Golf Course Allotments**, c 4.5 hectares, adjacent to Bluebell Wood and abutting the eastern edge of the Golf Course, is proposed as Local SINC in the Open Space and Biodiversity Study 2015*
- **No direct Access to strategic road network** ... *access to and from the site is achieved from Pegasus Way and Orion Road ... linked to the grade-separated junction of the B550 Colney Hatch Lane ... there is no direct access to the site from the A406 itself.*
- **Air Quality worsened** *“the location is sensitive in terms of air quality” potential for additional ... “exhaust emissions to have a detrimental impact on local air quality”.*
- **Very poor access via public transport** *“... public transport accessibility level (PTAL) of 1a, rated as ‘very poor’ on a scale where 1a is the lowest possible accessibility and 6b the highest”*

Jacobs reported in 2008 that *the site investigation demonstrated the presence of lead in the Made Ground at concentrations above the CLEA commercial soil guideline values. Asbestos was also identified as potentially present in the ground. Due to the site’s former use as a Sewage Works, some residual microbiological activity has been identified both in the soils and the ground waters. Only limited testing has been carried out in relation to these contaminants, and soil and water should be classed as potentially hazardous to human health across the site. Microbes thrive in anaerobic environments and therefore may exist beneath any area of the site which was formerly occupied by sewage works structures or the related waste materials, which have since been buried.*

It should be noted in relation to Arup’s and Jacobs’ findings on contamination, that Haringey Council, in its website comment on the Contaminated Land Register it is

required to maintain, asserts that 'there are no contaminated sites in Haringey'. We believe that Pinkham Way should be recorded as contaminated in that register.

Legal issues

One of the reasons contaminated land is unattractive to developers is fear of running into contaminated land issues which often result in a legal minefield.

The most recent case concerning liabilities for contaminated land is **R (on the application of National Grid Gas Plc (formerly Transco Plc)) v Environment Agency [2007] 1 WLR 1780**, a decision of the House of Lords on appeal from an earlier decision by Mr. Justice Forbes. The case has also been referred to as 'the Bawtry case', and as 'the Transco case'. (Rylands v Fletcher quoted). The fear is that a developer may find themselves liable for contaminated related issues arising after development has been completed.

Section 4 Employment not suitable designation

A number of studies have been carried out on the Pinkham Way SINC during the recent past for Haringey Council.

The LUC Open Space study identified deficiency of local open space in the vicinity of the Pinkham Way SINC.

The Atkins Employment Study advised that the site was not suitable for the type of employment uses anticipated in Haringey over the plan period and that it was unlikely to be brought forward anyway during the plan period because of its location and contaminated state.

The GVA Viability Assessment of Pinkham Way, even with its sympathetic Approach, found that a development that was 100% employment would not be viable under any scenario on this site.

Reasonable alternatives to explore might have been its potential value as local open space or as a Local Nature Reserve, or as natural green space providing educational value and limited access to nature for local people and schools. With the neighbouring A406 lying within a Flood Zone 3b, which extends on to the site, the low-lying section of the site could be safeguarded for flood alleviation.

To support such a proposal, PWA submitted a Five Year Site Management Plan to Haringey in 2014. This had wide community support and over 100 people gave their commitment to ensure its practical implementation. The Plan remains with the Council pending consideration. PWA have recently contacted the North London Waste Authority about implementing the Site Management Plan; the Authority are currently considering its merits.

Enfield Council, in its response to the Haringey Site Allocations DPD consultation 2014, requested discussions with Haringey about future uses of the site in the context of the Enfield Action Area Plan. That plan includes the development of a significant number of additional residential dwellings close to the boundary of both boroughs, a large number of which have already been erected with no provision for local open space or access to nature.

PWA considers this a lost opportunity for cross borough cooperation which could have provided some limited access to natural green space for the wider community and opened up useful, if limited, access from the Freehold Estate to Bounds Green, whilst protecting the more environmentally sensitive parts of the site.

Section 5 Raft or tunnel

Raft or tunnel at Pinkham Way (A406) (New Southgate)

We consider that a tunnel would be the only effective solution in this location.

Construction of a concrete raft incorporating the A406 / A109 junction would not alleviate the situation, it would actually worsen it.

The congestion would pivot on the next junction - A406 / A1110 Bowes Road / B1452 Wilmer Way which is right-angled. This is closely followed by two sets of traffic lights making the space for traffic to progress wholly insufficient.

DfT Traffic Flow figures from 2000-2015 indicate 3% pa compound growth in flows along the Pinkham Way section of the A406 (A1000-A109 Bounds Green Road).

The same sets of figures illustrate how many more vehicles are leaving the A406 to avoid the congestion. Local residents are all too familiar with the acute overload on local secondary roads which is the direct consequence.

Any flyover at the junction A109/A406 would have a direct and serious effect on the 500-dwelling estate presently under construction near the A406 / A109 Station Road junction and would be likely to attract additional traffic trying to avoid the A406 congestion.

Waste Policy S18

NB Waste Policy S18 is inconsistent with Policies E6, SK1, E4, and E7 insofar as it refers to Locally Significant Employment Sites/Land. This is the only reference to LSES/L and it is not referred to in the narrative. It should be amended to Locally Significant Industrial Sites which would be consistent with the explanatory narrative throughout the rest of policies

and narrative in the Plan and it would remove the confusion about whether designated 'Employment sites' were suitable for waste uses