

GreenN4&N15's Closing Submission

Inspector Woolcock, GreenN8&N15 opposed the proposal for a concrete batching plant before the start of this public inquiry, which began on 13th December 2005, on the grounds that the proposal is out of synch with the character of the Cranford Way Estate and incompatible with the nature of the surrounding residential roads and community as it certainly will cause multiple, detrimental effects, radiating outwards 360° in all directions, from noise, dust and HGVs, that will adversely impact on, worsen and harm health, road safety, employment, ecology, Haringey's poor road infrastructure and amenities of existing and future residents and businesses and the environment.

We urge you, Inspector, in the light of what we believe to be damning evidence presented to this inquiry that you refuse this proposal. I have attended every day of the inquiry, I have heard and read all the evidence and I am more scared now of the impact this terrible impact would have on Haringey than I ever was.

Unlike the applicant's senior counsel, who is likely to continue to try to convince you of their just cause for what will seem like forever, repeatedly reminding you, and us, of the national rail freight transport plans and policies which favour their proposal of how their highly paid and very experienced experts have found no evidence of harm and have proven compliance with all the legal requirements when undertaking their professional reports, for what is termed a low-risk proposal, how the proposal is in line with the mayor's plan and how it will meet Haringey's needs and that the whole community's concerns and opposition, and even hysteria, to this proposal is groundless and has been whipped up by sinister residents' groups which have misrepresented this application on a website and during public meetings.

However they won't mention the real aim is to corner the North London concrete market, to bite into their competitors' market, to boost their profits and to grow their business at the cost of our and our children's lives and environment.

GreenN4&N15 wish to make best use of inquiry time and briefly list some salient points on noise, dust and HGV movements that will help you to refuse this abominable application.

There are simply too many anomalies and inconsistencies to list them all; we'll be here all day otherwise. However we do feel it necessary also to comment on the applicant's dubious modus operandi before and during this inquiry, in particular, the continual attempts to smear and undermine residents' and business's perception that this proposal would do them harm.

The first expert witness called by LCL to testify that the proposal would not generate excessive noise adversely affecting residents' quiet enjoyment of their homes, that opening a window or sitting in their gardens or sleeping in their beds would be possible, was Mr Sharp, the noise expert with experience of over 300 public inquiries.

It must be noted that since the proposal was reorientated to face Wightman Road and East Haringey, effective noise screening between the proposal and Wightman Road has not been improved as Mr Sharp told us that Wightman Road is elevated, so the plant does not need to be screened.

During his testimony, a leading question was put to him from his side's Counsel, "Was the plant a sociological disaster in the making?" as was suggested by Lydia Rivlin (who had just prior given her evidence) the Deputy Chair of the Haringey Conservative Party. Mr Sharp replied, "It will never be audible due to a continuous terrace". During GreenN4&N15's cross-examination, it was pointed out to Mr Sharp that Wightman Road is not a continuous terrace. This was also pointed out to the Inspector during the sight visit from the upper balcony at Chettle Court.

David Lammy MP, Executive Lead Cabinet Member for the Environment, Councillor Peter Hillman and others, have pointed out the area is shaped like an amphitheatre.

Mr Sharp told us and his Proof informs us, that in his view the main sources of noise are "lorry movements around the site" and the "loading of vehicles when under the supply chute". However he like the other experts use the isolation or segment argument to select all the primary sources and break them down into manageable parts which on their own, though not exceeding guidelines, do not give the whole truth and show the full picture of cumulative effects. Therefore noise from a heavy freight train pulling into the proposed plant's sidings, the squealing of the train's brakes, the noise from a diesel train idling for 2 or 3 hours while the wagons are being unloaded, the noise from shunting wagons, the noise from stone aggregates being dropped into the bottom discharge unit, the noise of the conveyor belts which

carry the aggregates to the storage hoppers from the BDU (it is claimed as the conveyor belt is made of rubber, it will not be audible 50m away when loaded), the reverberating sound of aggregates spinning in the metal discharge hoppers, the noise of the concrete mixing lorry's drum when stuck on a gridlocked road, the noise of its engine trying to climb one of Haringey's many hills, the noise of a lorry's brakes squealing, were all sources of noise not factored into the report.

The noise expert's report did not take into account the reverberating noise a hammer and drill make inside a metal drum when used to clean it and loud echoing noise when cleaning equipment outside from hardened concrete residue build-up. It was denied that these practices took place. However during the inquiry's site visit to Wembley, a sledgehammer was spotted lying on the floor about a metre away from a wagon and when permission was given to question an LCL employee (the foreman), his answer was "We use it to hammer stuff out".

Although the Council's noise expert embarrassingly got his sphere and hemisphere mixed around, we can all sometimes put our leg down the wrong side of our trousers. He quickly realised his error and apologised.

Mr Sharp, for the best part of his testimony, refused to acknowledge the suitability and value of BS4142, saying it gave "a skewed answer" and that he disliked it since over the years "the assessment had changed from steady noise to unsteady noise" but near the end of cross-examination, Mr Sharp admitted that BS4142 and his favoured WHO guidelines "unusually complement each other in this case" so perhaps he should have realised it and used it from the beginning.

Given the narrow, flawed and limited scope of the noise expert's report, his aversion to BS4142, which is really about trying to avoid the industrial connotations on the proposal and his admission during testifying that the science of noise is imperfect as people react differently to sound, surely, Inspector, in view of the community's concerns regarding noise not being assuaged, you must uphold the Council's third reason for refusal and agree that this proposal will be harmful to the amenity of nearby residents by way of noise nuisance, in accord with the policies of the Adopted UDP 1998 and the Revised UDP 2004.

On the subject of dust, I was at first simply dumbstruck with shock, I then felt incredulous and finally outraged to discover, under cross-examination by GreenN4&N15 that the dust expert had not carried out an ambient dust deposition study but had assigned, in my view, a rather low rate of 80mg/m²/day as he thought is prescribed by the Environmental Effects of Surface Mineral Workings. When given the history and high level of respiratory conditions in the Hornsey ward, closely followed by Haringay, and the number of times daily levels exceed the 'acceptable level' a higher level as prescribed in the guidance should have been given instead.

The dust expert stated that the plant would generate up to 20mg/m²/day but that this would supposedly attenuate at the site's boundary. Using the dust expert's own figures, which I and many other sincerely believe are flawed, 80 plus 20 equals 100mg/m²/day, which is only 50% less than what is considered a severe nuisance level and very disturbingly, is 50% above the proposed American rate of 50mg/m²/day, also listed in the guidance 'The Environmental Effects of Surface Mineral Workings'.

It does not compute in my mind. I cannot equate how a country that has yet to sign the Kyoto Agreement and is supposedly indifferent to the effects of pollution can propose a dust deposition limit 50% below what this community is expected to endure.

The guidance also contains this anomaly. Black coal dust is considered a severe nuisance at 80mg/m²/day but just because concrete dust is lighter and harder to see and not considered a severe nuisance until it is about 200mg/m²/day, it does not mean it is not all around us being breathed in.

If this was not bad enough, and I think it is very scary, the report does not contain data of site specific dust deposition monitoring giving the existing soiling rates of the surrounding area, does not consider train diesel emissions or the dust being blown off uncovered wagons or the dust generated by the unloading of aggregates from the wagons when dropped into the bottom discharge unit, and at Wembley this was noticed to escape from either end of the tunnel the train entered when unloading, or dust escaping from the conveyor belt where it enters the hopper or dust from the lorry's brakes or dust from slippage, or dust does not travel uphill and the report used shifty quantitative and qualitative methods of assessment according to the imperfect Casella Stanger desktop critique.

A by now familiar report method is emerging of the isolation or segment method whereby a primary activity is assessed and shown by itself not to exceed guidelines, but the whole picture, the whole truth,

the cumulative total is not shown but rather dismissed as irrelevant because it need not be done that way. Nothing would get permission if reports were done properly, don't you know!

One final point on the dust expert's report is when it states "...the supply of aggregates by rail will result in a reduction of around 4,000 HGVs in and around London ie a reduction of 8,000 movements per annum". "...This will make a positive contribution to the air quality action plans being developed by Haringey Council and other London boroughs." GreenN4&N15 asked the expert during cross-examination, very fairly, we thought, because we rounded down the 17,632 HGVs and 7,240 car movements we are led to believe the plant will generate, (although these figures have been vigorously disputed by the community as too low - however, as they stand they are over four times the road movements it is claimed would be saved) to 15,000 HGVs and 6,000 car movements just to make it easier for him to calculate and asked him how it would help Haringey's Air Quality Action Plan.

Of course it doesn't, and he couldn't answer, but he wanted to defend emission savings over longer distances. Our reply was, we would have that argument with the transport expert but as far as Haringey was concerned, he agreed it would not.

To attempt to make and present a case for this proposal on the grounds that this community and environment can safely absorb this proposal's dust emissions from all its operations when the community knows many of its members suffer from respiratory conditions, is wholly immoral.

When considering the number of employers on Cranford Way falling over each other in their rush to get their objections to the Council and do not forget either Keith Flett for Haringey TUC being deeply concerned about this proposal's impact on employment, and when you, Inspector, fully negate, as you must, Dr Ingram's lofty report, as it is based on a presumption of a healthy, unpolluted environment, you will surely regard the Council's reason number 2, that dust will drive out businesses on Cranford Way, leading to a net reduction of jobs, as justified but also as a bit of a classic understatement.

The issue of road movements and sustainability was taken up with the transport expert, Mr Roberts, who had experience of over 400 public inquiries and often referred to them in his report. So we questioned him on the dust expert's proposition. We knew Haringey's Air Quality Action Plan would not benefit so we asked him about London's air quality. Would boroughs in South London Benefit? The answer was no. In E. London? No. In W. London? No. Well, then, we said that only leaves neighbouring London boroughs. Tell us, how would Camden's air quality benefit if LCL were to deliver near to King's Cross where two competitors have rail-served plants? He answered, "it wouldn't". Or, we went on to suggest, Islington or Hackney which are near to King's Cross. Oddly, Mr Roberts said he was not the right person to talk to about the merits of transport movements and sustainability, which we thought very odd indeed.

Prima facie, the isolation/segment argument with regard to road miles saved when freight is moved by rail, is convincing. However if we look at the three plants at Edmonton, just down the road from Cranford Way, as examples, they are served from primary road routes from the north. HGVs delivering to them do not go through dense residential areas or school routes or have to slow down for tricky 150° turns around a Church Lane or jump over speed cushions or swerve to avoid a pensioner picking up their pension or a schoolchild suddenly darting across the road. Motorway driving burns fuel more efficiently than driving on congested, urban roads – everyone knows that. Inspector, you cannot compare motorway driving with driving in Haringey and afford equal weight to a motorway mile and a Haringey mile. It was stated by Lynne Featherstone MP when she gave evidence "it is completely spurious to use strategic intent to argue against local conditions and impact".

As was seen during the site visit and explained during the inquiry, residents' gardens and homes are subjacent to the western loop by a height of 12'. LCL's HGV drivers with a full load of concrete drying out in the drums are likely to use the western loop as the main road out of Cranford Way is often obstructed.

Given the number of disputes and other flaws in the transport report such as the number of private collections, the number of deliveries each official driver makes. the involvement of other companies such as Hardcrete, effects on Tottenham and Church Lane, concerns of rat-running and concerns of school and cycle routes, the poor road infrastructure as referred to in Atkins Employment Study and in the GreenN4&N15 narrative on the circular route, surely, Inspector, you must uphold the Council's first reason for refusal, namely that it would result in disturbance to residents in nearby roads and it would unacceptably detract from the amenity of those residents.

The Employment report in my view was nothing more than a collection of subjective assumptions, mixing fantasy with reality. I won't waste any more time on it other than to let the words of Daniel Smith of Smith, Lance, Larcade and Bechtol, managing agents for Starmark Enterprises Ltd hammer the nail in its coffin. "We take strong exception to Stephenson's report. 6.6 is not true. Our client has not been contacted and it is spurious to say that it [Cranford Way] is going to be sold."

Mr Smith was not the only person to accuse the applicant of being spurious. He was in the good company of Hornsey Constituency MP Lynne Featherstone. If I may, let me briefly deal with Firstplan and the issue of concrete as a sustainable building material since the applicant's counsel in paragraph 1 of his opening submission stated, "the proposal for the inquiry is an example of exactly the type of development which is needed if the country's commitment to sustainability is to be described as serious". GreenN4&N15 quoted three paragraphs from MPG6. To quote para 29, "[the] relatively low price of primary aggregates discourages use of all available resources". So we pose the question, why concrete and not lime mortar? Both are fired in furnaces but concrete to a higher temperature and needs more additives and cannot be cleaned off bricks so that they can be re-used. I cannot report an answer as it seems that I was again talking to the wrong person.

It came out during the inquiry that the Mayor's housing target for Haringey was being reduced from 19,370. There was uncertainty whether the new figure was 13,500, 9,500 or 6,500 so GreenN4&N15, naturally posed the question to Mr Casey and asked how it would affect the application since it appeared LCL was pre-empting approval of the plant by saying Haringey has to build all these homes. Mr Casey said he did not care if it was 13, 9, 6 thousand or nothing. He would still want to site a plant at Cranford Way.

There are numerous anomalies that GreenN4&N15 would like to clear up but we have just one to bring up before finishing, with a look at LCL's attacks on the community. In the book of objection letters from Cranford Way, submitted by David Guertler, a report to SLLB Architects from Hurst, Pierce and Malcolm, a firm of chartered and civil engineers which looked at four plants from LCL's competitors and they indicate that all their delivery vehicles deliver 6 cubic metre loads, yet LCL have maintained that the 8 cubic metre capacity drums on their vehicles will only be loaded up to 5 cubic metres.

LCL at this inquiry on a number of occasions have tried to portray the community website and the public meetings as dangerous, irresponsible forces influencing the community's perception of their proposal's impacts by claiming the community's fears and the all important, in planning terms, public perception of harm is false and based on wild rumour, it hopes to distract you from the truth and to convince you, Inspector, to disregard or afford little weight to perception when the truth is that LCL is wholly to blame for creating any mistrust and misunderstanding believed by the community over and above any such reasonable concerns.

Long before the inquiry began in 2002, LCL had set its eye on Cranford Way and in February 2003 it instructed reports to be undertaken and made representations to the First Deposit draft UDP in September 2003.

In January 2004, businesses on Cranford Way received notification by way of a letter from Firstplan. By 29th January, agents were writing complaining about a lack of information and one followed this up on 17th March 2004 with the words "we do not wish to unreasonable obstruct this proposal if it is capable of withstanding the rigour and systematic testing that completing an EIA entails but the fact is that from the reports prepared, we simply do not know" and went on to state "the applicant's decision to try to persuade the Council by way of legal opinion from a senior QC sends out all the wrong signals. Why are they so willing to pay significant sums to avoid having to do an EIA when those funds could have been spent completing an EIA? The sooner the EIA is completed, the better. What is the point in challenging a Screening Opinion (if that is what the applicant appears to be threatening) – it wastes our time and money and engenders a distrust of the applicant?"

Can the community or other businesses be blamed for mistrusting LCL because they fought all the way to the ODPM's office against doing an EIA. If they really wanted to build trust with the community, they would have undertaken what has been described as a rigorous test of their proposal.

The community was similarly concerned. It took LCL 18 months to clarify what dry batching meant. Another example is that at the DCF as late as December 2005, the transport expert, as related by Lynne Featherstone could not clarify the number of axles on their vehicles.

At the inquiry, the applicant's counsel, in his opening statement, referred to largely fears that are largely illusory and wholly insufficient in terms of weight. We believe there are many anomalies and flaws contained in the reports which exasperate rather than ease the community's fears. The applicant's counsel seemed to strike at the community during this inquiry. On 14th December he referred to "brouhaha public meetings" while cross-examining David Guertler. That same evening during the community session, he enquired of West Park Primary School headteacher, Andrew Wycombe, if he had acquired his opinions from the public meetings. The next day on 15th, he began questioning the establishment of GreenN8's website whilst cross-examining Ofer Acoo, the website's co-ordinator, on 16th he enquired of Lynne Featherstone MP if she had picked up information from a public forum. He did the same thing again on 11th January when the Garden Residents' Association gave evidence and questioned the two local doctors about dust footprints. Despite having every advantage of being part of a Swiss-based international multi-billion pound Holcim Group and every advantage of the inquiry's first session beginning the first week before Christmas week and the second session beginning and ending within the second week of the new year and the third session taking place during half term, even as late as the last day of the third session on the 17th February, LCL tried to smear GreenN4&N15 by pulling off GreenN8's website our Appendix A. This was a document which we had submitted along with our proof, back in November of 2005. Why did LCL not do the decent thing and question us when we were being cross-examined?

If the applicant believes that public perception has somehow been misinformed and misled by the misrepresentation of their reports on the community website or at public meetings, how then can the statement of Lynne Featherstone MP be explained when she informed the inquiry and said she was "chair of transport at the GLA for 4 years and did not believe the transport's study's findings were accurate".

The applicant also hinted at direct support from the Mayor but this was also shown not to be true when Joanne McCartney AM came and testified to the inquiry and produced a letter from the Mayor's Senior Planning Advisor for Planning and Development, Alex Bax, which stated "I am writing to confirm the Mayor has not expressed support for the scheme". After that we did not hear any more about the Mayor's direct support for the scheme other than references to the London Plan.

When Government Minister David Lammy gave testimony to the inquiry, he stated "given the residential nature of the surrounding area, the existing risks posed – that the construction of LCL's batching plant would significantly damage the local economy and also place undue stresses on local residents". He went on to state, "the issues I have highlighted are not nimbyst issues. They are real concerns. We as a community are not saying that using railways to relieve our congested roads is wrong in principle. Our main contention is that such plants should be sited in industrial areas that have a history of such industries, not in the heart of a residential area."

In closing, GreenN4&N15 feels it has to explain that when the applicant's senior counsel refers to the proposal as a low risk category, as he is sure to do, that the public is aware that an asbestos plant is classed as a medium risk category and an incinerator as a high risk.

Also GreenN4&N15 is not convinced by the Environmental Health Officer's assessment and understanding of the extent of the impact of this proposal on the community. When he assessed it, he looked at air quality and transport impacts but as Haringey does not have a surface mineral working plant, he was not aware that the ambient air quality would be compromised as was outlined in our section on dust and we understand that the impacts were only considered in isolation or as segment arguments.

We also do not accept Highways and Transportation's comments as we do not believe the wider picture was considered but only the isolation or segment argument on the impact at local junctions.

I have heard many true and heartfelt voices at this inquiry, all of them opposing this, what the public considers an abominable application, entirely inappropriate development in terms of noise, air quality, dust, transport, employment, nuisance to neighbours, amenity and ecology.

I have not heard or seen any person voice support for the proposal other than LCL's managing director, Derek Casey, and his team of highly paid and experienced experts. On 14th December, I saw a grown man in the prime of his life unable to get his words out and speak them to the inspector. On 15th December, I heard a woman painfully but patiently explaining how her young daughter had been run over by an HGV. On 16th February I saw and heard a pensioner, a man suffering from an asthmatic condition, break down in tears because of his fear of this concrete factory being built near his home. I looked on in shame that I could not intervene and felt anger and upset at the government, the planning system and the applicant which is just here for the profit.

I heard the words of Dave Morris, the sec of the HFRA, the umbrella org for over 130 RAs in the Borough of Haringey, who stated “the campaign and the opposition to the proposed plant has united virtually the whole borough. The residents are the experts on their own neighbourhoods and the quality of their lives. The protection of residents’ lives and communities is the key factor in any planning system which hopes to claim public legitimacy and therefore the planning system is effectively on trial in this inquiry”.

I heard and saw many other members of the community and elected representatives. I have also read, heard and seen all the evidence presented to the inquiry and I am more concerned about the possible impacts from dust, noise, concrete-mixing 4-axle rigid HGVs and effects on employment, ecology and the local amenity than I ever was.