

**Enfield Council Proposed Submission Development Management Document (24th January 2014)
London Borough of Enfield Response to Representations and Subsequent Proposed Changes to the DMD**

The following table reviews and summarises the focused changes proposed to the draft DMD in response to Thames Water's representation submitted in September 2013. Thames Water's proposed changes that have been accepted are highlighted in **green**; changes that are partially accepted are highlighted **orange**, and changes that haven't been accepted by LBE are highlighted in **red**.

Part A of the table includes those representations where outstanding issues remain. Part B of the table includes those representations where the LBE further amendments resolve the issues raised.

PART A – OUTSTANDING ISSUES

Enfield Council 2013 Proposed Submission DMD Policy and Supporting Text References	Wording of Policy and Supporting Text in Enfield Council 2013 Proposed Submission DMD	Changes Sought within Thames Water Representations on LB Enfield Proposed Submission DMD (2013)	LBE Response to Representations and Proposed Changes to the DMD as stated in the Addendum of Focused Changes in January 2014	Summary of Current Position
DMD 58 Water Efficiency	<p>DMD 58 Water Efficiency In accordance with Core Policy 21 and the objectives for water efficiency set out in the London Plan all new development will be required to maximise its water efficiency.</p> <p>A. Residential Development New residential development, including new build and conversions, will be required to exceed a water efficiency of 105 litres/person/day. Major residential development will be required to achieve as minimum water use of unless it can be demonstrated that it is not technically feasible to do so:</p> <ul style="list-style-type: none"> • 2013 to 2015 – 90 litres/person/day • 2016 onwards – 80 litres/person/day <p>B. Non Residential Development The Council will require major non-residential development involving the extension, replacement or creation of new non-residential floorspace or a combination thereof will be required to exceed the following standards under WAT1 of BREEAM 2011 or equivalent rating/scheme if this is replaced or updated:</p> <ul style="list-style-type: none"> • 2013 to 2015 – Exceed a 12.5% improvement in water efficiency over notional baseline • 2016 to 2018 – Exceed a 25% improvement in water efficiency over notional baseline • 2019 onwards – Move towards 65% improvement in water efficiency over notional baseline <p>An assessment of the efficiency of the building's domestic water consuming components is undertaken using the BREEAM Wat 01 calculator. The water consumption (litres/person/day) for the assessed building is compared against a notional baseline performance.</p> <p>For all other developments including changes of use, conversions, extensions and refurbishments captured by the planning process, the highest level of water efficiency will be sought.</p>	<p>Change 1: The following wording should be added to Policy DMD 58 after 'Greywater Collection': "Water and Wastewater Infrastructure" <i>All new development proposals will be required to demonstrate that there is sufficient water and wastewater infrastructure capacity both on and off site to serve the development or that any necessary upgrades will be delivered ahead of the occupation of development.</i> <i>In accordance with Core Policy 46, when there is a capacity problem and improvements in off-site infrastructure are not programmed, developers will be required to make financial and in kind contributions towards infrastructure and community facilities.</i> <i>The Council will work with water supply and wastewater companies and support new water supply and wastewater infrastructure improvements necessary to meet existing and future demand. Planning permission will be granted where such proposals are consistent with, or do not materially conflict with, other development plan policies."</i></p> <p>Change 2: Add reference to Core Strategy Policy 46 to the last sentence in DMD 58.</p> <p>Change 3: The first sentence of DMD 58 should be amended to include the following caveat (new text underlined): <u>"...all new development will be required to maximise its water efficiency <u>subject to technical, operational and financial feasibility and other planning considerations</u>".</u></p> <p>Change 4: Include new supporting text to support Policy DMD 58, to be placed under paragraph 8.4.4:</p>	<p>Requested changes 2 and 3 have been accepted and focused changes are proposed. However the remaining changes sought are not considered appropriate DMD planning policy requirements and go beyond the statutory planning function of the local authority in assessing individual planning applications.</p> <p>Proposed Changes DMD 58 Paragraph 1 of DMD 58 to read: "In accordance with Core Strategy Policy 21 and the objectives for water efficiency set out in the London Plan all new development will be required to maximize its water efficiency, <u>subject to technical and economic feasibility and other relevant planning considerations</u>".</p> <p>Final sentence of DMD 55 to read: [AH Comment: The change should state DMD 58, not DMD 55.] "This Policy should be read in conjunction with Core Strategy Policy 21 and 46".</p> <p>New paragraphs to be inserted after 8.4.4 <u>A major upgrade is being planned for the Deephams Sewage Works during the plan period, to meet new environmental standards and to accommodate growth within the catchment. The principal of the upgrade is supported as being necessary to deliver infrastructure to meet existing and future wastewater demands."</u></p>	<p>Matter 6 (Climate Change and Environmental Protection), question 4 deals with this issue. <i>"Whether the concerns of Thames Water about the provision of new water and wastewater infrastructure, as foreseen in Core Strategy 21 and the London Plan, are overcome by focused changes 25-27 and 29."</i></p> <p>Focused changes 25-27 and 29 do not fully address the concerns raised by TWUL.</p>

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	<p>Greywater Collection</p> <p>The Council will seek to encourage the inclusion of rainwater collection and greywater recycling. All new major developments should undertake a rainwater and greywater use feasibility study. Where collecting and reusing water is feasible, it should be included in the proposed development.</p> <p><i>This Policy should be read in conjunction with Core Policy 21.</i></p>	<p><i>"The Council will also seek to ensure that there is adequate water and foul drainage capacity to serve all new developments to avoid any adverse amenity impact. The developer will be required to demonstrate that there is adequate infrastructure both on and off the site to serve the development and that it would not lead to problems for existing users or future occupiers.</i></p> <p><i>In some circumstances a water supply and / or drainage strategy will need to be produced by the developer in liaison with Thames Water to ensure the appropriate upgrades are in place ahead of occupation of the development.</i></p> <p><i>Where there is a capacity problem or potential adverse amenity impact on future occupiers, and no improvements are programmed by the statutory undertaker, the Council will require the developer to fund in full the appropriate improvements which must be completed prior to occupation of the development.'</i></p> <p><i>A major upgrade is being planned for the Deepahms Sewage Works during the plan period, to meet new environmental standards and to accommodate growth within the catchment. The principal of the upgrade is supported as being necessary to deliver infrastructure to meet existing and future wastewater demands."</i></p>		
<p>DMD 59 Avoiding and Reducing Flood Risk</p> <p>DMD 60 Assessing Flood Risk</p>	<p>DMD 59 Avoiding and Reducing Flood Risk</p> <ol style="list-style-type: none"> 1) New development must reduce the risk of flooding, and not increase the risks elsewhere. New development must <ol style="list-style-type: none"> a. Be appropriately located and informed by a site specific Flood Risk Assessment (FRA) if proposed in flood risk areas in line with DMD 62 (Assessing Flood Risk); b. Preserve overland flood and flow routes, where applicable; c. Ensure no net loss of flood storage on site, or in exceptional circumstances, provide adequate off site compensatory storage; d. Manage surface water as part of all development to reduce run off in line with DMD 61 'Managing Surface Water'; and e. Prevent the loss of permeable surfaces/areas of soft landscaping, and maximising the use of green infrastructure as a potential sources of flood storage. <p>In consultation with the Environment Agency, planning permission will only be granted for proposals which have addressed all sources of flood risk and would not be subject to, or result in, unacceptable levels of flood risk.</p> <p><i>This policy should be read in conjunction with Core Strategy policy 28</i></p>	<p>Change 7:</p> <p>It is proposed that the policy text for DMD 60 under section 2 'Additional requirements for non fluvial flooding' is amended to add a new bullet 'b.' as follows (new text underlined):</p> <p><i>"b. Development proposals will need to demonstrate through a drainage strategy, that down stream flooding of the sewer or combined sewer network will not occur as a result of the development or if flooding will occur as a result of the development, appropriate mitigation will be proposed to address the flooding."</i></p>	<p>In response to Thames Water's changes, LBE in their DMD Schedule of Representations and Enfield Council's response state at (number 99) that</p> <p><i>"The current wording is considered sufficient to cover the requirements of development. In particular the final sentence emphasises that all sources of flood risk will be considered".</i></p> <p>The final column states that no changes are being proposed to the policy text for DMD 60.</p> <p>However, the 'Addendum of Focused Changes' at number 29, state that under section 2 'Additional requirements for non fluvial flooding' to add a new bullet as follows:</p> <p><u>"b. Development proposals should provide a drainage strategy to demonstrate the requirements of DMD 61".</u></p> <p>It should also be noted that the first sentence under DMD 61 has been amended to read</p> <p><u>"A drainage strategy will be required for all developments to demonstrate how proposed measure manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan..."</u></p>	<p>Matter 6 (Climate Change and Environmental Protection), question 4 deals with this issue.</p> <p><i>Whether the Environment Agency's concerns about Policies DMD 59, DMD 61, DMD 62, DMD 63 and paragraph 6.2.4 related to water conservation, flood risk and remediation for land contamination are adequately addressed by focused changes nos 28, 30, 31, 32, 33, 35 and 36?</i></p> <p>TW need to clarify Enfield's position on new bullet b under section 2 in DMD60.</p> <p>Introductory paragraph 8.5.2 to DMD 59 has been amended in accordance with TW's representation to include sewer flooding as a form of flood risk.</p> <p>The new bullet added to DMD 60 is acceptable, however, DMD 61 does not explicitly state / refer to sewer flooding. Supporting text in paragraph 8.5.10 states that "Effective management of surface water will</p>

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	<p>DMD 60 Assessing Flood Risk</p> <p>1) Requirements for a site specific Flood Risk Assessment</p> <p>Site specific Flood Risk Assessments will be required for the following:</p> <ul style="list-style-type: none"> a. Development proposals of 1 hectare or greater in Flood Zone 1; b. All proposals for new development located in Flood Zones 2 and 3; and c. All proposals in ground water flood risk areas that involve the creation of usable space below ground; d. All proposals for new development identified as being at risk from surface water flooding in the SWMP; or e. Any development that may be subject to other sources of flooding identified in subsequent reviews / updates of the evidence base on flooding. <p>The FRAs must:</p> <ul style="list-style-type: none"> f. where applicable, provide evidence so that the Council can assess whether the requirements of the sequential test of sites across the borough are met, and where an exception test is required, demonstrate that: <ul style="list-style-type: none"> • the development would provide wider sustainability benefits to the community that outweigh flood risk • the development is on developable previously-developed land or, if this is not the case, that there are no reasonable alternative sites on developable previously-developed land; and • the development will be safe (see paragraph 8.5.16), without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. <p>2) additional requirements for non fluvial flooding</p> <ul style="list-style-type: none"> a. where developments are proposed in areas identified as being at risk of groundwater flooding, consideration should be given to prevention or mitigation measures and the Council may require developers to submit further details to determine the extent of risk and the requirements for mitigation. <p>Developers at risk of flooding need to make sure they are safe and incorporate appropriate mitigation measures in line DMD 61 ‘Managing Surface Water’, DMD 62 ‘Flood Control and Mitigation Measures’ and DMD 63 ‘Protection and Improvement to Watercourses and Flood Defences’, and having regard to specific measures in the SFRA</p> <p><i>This Policy should be read in conjunction with Core Strategy Policy 28.</i></p>			<p><i>reduce the risk of flooding, pollution and other environmental damage”.</i></p> <p>A new bullet could be added under section 5 in DMD 61:</p> <p><i>“b. Development proposals will need to demonstrate that down stream flooding of the sewer or combined sewer network will not occur as a result of the development or if flooding will occur as a result of the development, appropriate mitigation will be proposed to address the flooding.”</i></p>

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DMD 68 Noise	<p>DMD 68 Noise</p> <ol style="list-style-type: none"> 1. Developments that generate or would be exposed to an unacceptable level of noise will not be permitted. 2. Developments must be sensitively designed, managed and operated to reduce exposure to noise and noise generation. Particular regards should be had to the following: <ol style="list-style-type: none"> a. Building design (positioning of facades, selection of materials); b. Layout of uses and rooms c. Positioning of building services d. Landscaping e. Sound insulation f. Hours of operation and deliveries 3. Development involving noise sensitive users close to sources of significant noise will only be permitted if mitigation measures reduce noise to an unacceptable level to safeguard the amenity of future occupiers. Applications must be accompanied by a noise assessment to demonstrate that occupiers/users will not be exposed to unacceptable levels of noise, having regard to relevant noise exposure categories noise standards and corresponding advice. 4. Development involving potential noise generating development will only be permitted in appropriate locations, where there is compatibility with existing uses and no adverse impact on amenity. 5. Proposals for plant and machinery that result in harm to amenity will not be permitted. Developments must not contribute to cumulatively higher noise levels and, where appropriate, must be designed to achieve an improvement on background levels with an overall aim to achieve an improvement of 10dB. <p><i>This Policy should be read in conjunction with Core Strategy Policy 32.</i></p>	<p>Change 10: <i>Proposed amendment to Part 4 of the policy to read (change shown):</i></p> <p><i>"4. Development involving potential noise generating development will only be permitted in appropriate locations, where there is compatibility with existing uses and no adverse impact on amenity"</i></p> <p>Change 11: <i>Proposed amendment to Part 5 of the policy to read (revised wording shown):</i></p> <p><i>"Proposals for plant and machinery that result in significant harm to amenity will not be permitted. Developments must not contribute to cumulatively higher noise levels and, where practicable, must be designed to achieve no increase to background levels. Where this is not practicable developments should be designed to meet WHO Guidelines on Community Noise."</i></p>	<p>In response to change 10, LBE haven't provided a response / reason as to why the proposed change to Part 4 haven't been accepted.</p> <p>Focused changes made in response to representations (in part).</p> <p>DMD 68 at point 5</p> <ol style="list-style-type: none"> 1. Development involving potential noise generating development will only be permitted in appropriate locations, where there is compatibility with existing uses and no adverse impact on amenity" 2. Proposals for plant and machinery that result in significant harm to amenity will not be permitted. Developments must not contribute to cumulatively higher noise levels and, where appropriate practicable, must be designed to achieve with an overall aim to achieve an improvement of the lowest measured background level. Developments should aim to achieve an improvement of 10dB. 	<p>Matter 6 (Climate Change and Environmental Protection), question 6 deals with this issue.</p> <p><i>"Whether Policy DMD68 is too restrictive, given the likelihood of industrial, leisure and other uses being closely located in this urban Borough? Whether focused change 38 is clearly set out in DMD-07, and whether it would achieve an effective policy?"</i></p> <p>TW's previous representation is still valid as the policy working isn't flexible.</p>

PART B – ISSUES RESOLVED BY LBE AMENDMENTS

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DMD 64 Pollution Control and Assessment	DMD 64 Pollution Control and Assessment Developments will only be permitted if pollution and the risk of pollution is prevented, or minimised and mitigated during all phases of development, including demolition/decommissioning, construction, operations/occupation and maintenance. <i>This policy should be read in conjunction with Core Strategy policies 22 and 32</i>	Change 8: It is proposed that word “minimised” is replaced with “reduced”.	Accepted. “Developments will only be permitted if pollution and the risk of pollution is prevented, or <u>minimised reduced</u> and mitigated during all phases of development, including demolition/decommissioning, construction, operations/occupation and maintenance”.	Amendments to the policy / supporting text have been made in accordance with TW’s representation.
DMD 65 Air Quality	DMD 65 Air Quality 3. Planning permission will be refused for developments which would have an adverse impact on air quality unless the developer is able to demonstrate that measures can be implemented that will mitigate these effects. Development will only be permitted if it is air quality neutral. 4. Major developments located in air quality hotspots and all development that could have significant implications for air quality, should be accompanied by an air quality assessment detailing appropriate mitigation measures. 5. Developments involving sensitive uses will only be permitted if sited away from major sources of pollution or adequate mitigation measures are secured to improve air quality. <i>Policy should be read in conjunction with Core Strategy Policy 32.</i>	Change 9: Amend Policy DMD65 part 3 to require a technical assessment that should confirm that either: (a) there is no adverse amenity impact on future occupiers of the proposed development or; (b) the development can be conditioned to ensure that any potential for adverse amenity impact can be avoided/mitigated.	In response to Thames Water’s changes, LBE state that “ <i>Air quality assessments are required as either standalone documents or as part of an Environmental Assessment as stated in supporting text in paragraph 9.1.4 therefore the additional wording put forward is not considered necessary</i> ”.	No further comment / representation required as supporting text 9.1.4 to DMD 65 address TW’s concerns.
DMD 39 – The design of business premises	Definition of “Business Premises” added to the glossary: <i>“All buildings and land used for the carrying out of commercial, industrial or other non-residential operations, but excluding public buildings and institutions. Examples include shops, factories, warehouses, utility company premises and depots.”</i>	Change 12: Either: <ol style="list-style-type: none"> 1. Amend the wording of Policy DMD 39 to remove reference to utility buildings and make clear that the policy only applies to business premises into which people enter on a regular basis; or 2. Amend the wording in the Glossary to explicitly exclude premises into which people would not regularly enter from the definition of “business premises”. 	Appendix 14 Glossary “Building Premises: All buildings and land used for the carrying out of commercial, industrial or other nonresidential operations, but excluding public buildings, <u>and institutions and utility premises which people do not regularly enter</u> . Examples include shops, factories, warehouses, utility company premises and depots.”	Amendments to the policy / supporting text have been made in accordance with TW’s representation.
DMD 82 Protecting the Green Belt	DMD 82 Protecting the Green Belt Inappropriate development within the Green Belt will not be permitted. Appropriate development will only be permitted if all of the following criteria are met: a. The siting, scale, height and bulk of the proposed development is sympathetic to and compatible with the prime aim of preserving the openness of the Green Belt; b. The development has regard to site contours, displays	Change 13: It is proposed that bullet ‘d’ of this policy is amended to read as follows: <i>“d. Where possible, existing trees, hedges, bushes and other natural features are retained and integrated with the scheme to ensure adequate screening. Where this is not possible, planning permission will only be granted if adequate mitigation measures are secured.”</i>	Agree to wording. DMD 82 <i>“d. <u>Where possible</u>, existing trees, hedges, bushes and other natural features are retained and integrated with the scheme to ensure adequate screening. <u>Where this is not possible, planning permission will only be granted if adequate mitigation measures are</u></i>	Amendments to the policy / supporting text have been made in accordance with TW’s representation.

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	<p>a high standard of design and landscaping to complement and improve its setting, and takes all measures to ensure that the visual impact on the Green Belt is minimised;</p> <p>c. The nature, quality, finish and colour of materials blend with the local landscape to harmonise with surrounding natural features;</p> <p>d. Existing trees, hedges, bushes and other natural features are retained and integrated with the scheme to ensure adequate screening;</p> <p>e. Appropriate parking provision, safe access, egress and landscaping is provided to ensure vehicles are parked safely and that the development does not prejudice the openness of the Green Belt.</p> <p><i>This policy should be read in conjunction with Core Strategy Policy 33.</i></p>		<p>secured.”</p>	
DMD 56 Heating and Cooling DMD 57 Responsible Sourcing of Materials, Waste Minimisation and Green Procurement	<p>DMD 56 Heating and Cooling</p> <p>All new developments (excluding householder applications) will be required to demonstrate how the scheme has been designed to control and manage heat gain and reduce the reliance on mechanical cooling.</p> <p>Development proposals should reduce their reliance on mechanical cooling systems in accordance with the following hierarchy:</p> <ul style="list-style-type: none"> a. The proposal has utilised passive design measures to minimise unwanted heat gain and manage incidental gains to reduce overheating in the summer months and the reduce need for heating in the winter, through orientation, daylighting, green roofs, air tightness, overshadowing, materials specification, managed thermal mass, construction and end-user operation; b. Passive or natural ventilation techniques have been employed to manage cooling, moisture and air change requirements; c. Where mechanical ventilation/cooling systems are required, development should be designed to include mixed mode ventilation and cooling in the first instance utilising low energy plant and heat recovery systems where appropriate. d. Where mixed mode ventilation/cooling is not appropriate and the development requires full mechanical ventilation/cooling, installed plant shall be (in order of preference) low energy or air conditioning. Heat recovery systems should be used where appropriate. <p>Measures to manage the heating and cooling demands of development must adhere strictly to the principles of the cooling hierarchy with each tier utilised fully before a lower tier is employed. Where mechanical</p>	<p>Change 5: Include new text in the Policy DMD 56 to include a caveat that the policy's requirements are (new text underlined): <i>“subject to technical, operational and financial feasibility and other planning considerations”.</i></p> <p>Change 6: Include new text in the Policy DMD 57 to include a caveat that the policy's requirements are (new text underlined): <i>“subject to technical, operational and financial feasibility and other planning considerations”.</i></p>	<p>Paragraph 1 of DMD 56 to read: “All new developments (excluding householder applications) will be required to demonstrate how the scheme has been designed to control and manage heat gain and reduce the reliance on mechanical cooling, <u>subject to technical and economic feasibility and other relevant planning considerations.”</u></p> <p>Paragraph 1 of DMD 57 to read: “All major developments are required to ensure materials used in construction are responsibly sourced <u>subject to technical and economic feasibility and other relevant planning considerations.</u> As a minimum development will be required to achieve the following credits under the Materials category of the Code for Sustainable Homes and BREEAM or equivalent rating/scheme if this is replaced or updated:....”</p>	<p>Amendments to the policy / supporting text have been made in accordance with TW's representation.</p>

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	<p>ventilation/cooling plant is present in a scheme, evidence must be provided to demonstrate that the heating and cooling demands of the development cannot be met by alternative means.</p> <p>Opportunities to adapt to existing buildings, places and spaces to manage heating and cooling demands must be maximised where practicable.</p> <p><i>This Policy should be read in conjunction with Core Strategy Policy 20.</i></p> <p>DMD 57 Responsible Sourcing of Materials, Waste Minimisation and Green Procurement</p> <p>All major developments are required to ensure materials used in construction are responsibly sourced. As a minimum development will be required to achieve the following credits under the Materials category of the Code for Sustainable Homes and BREEAM or equivalent rating / scheme if this is replaced or updated:</p> <ul style="list-style-type: none"> a. For residential schemes assessed under the Code for Sustainable Homes: a minimum of 10 out of 15 credits under MAT1; 3 out of 6 credits under MAT2; and 1 out of 3 credits under MAT3. b. For non-residential schemes assessed under relevant BREEAM document: a minimum of 3 out of 6 credits under MAT1; and, a minimum of 2 out of 3 credits under MAT3. <p>In addition 100% of timber used on the project must be sourced in accordance with the UK Government's Timber Procurement Policy.</p> <p>A Site Waste Management Plan will be required for all Major developments (and those defined under the Clean Neighbourhoods and Environment Act 2005) to demonstrate procedures for the minimisation of construction waste consistent with the principles of the waste hierarchy: reduce; reuse; recycle; recover. As a minimum, development will be required to divert at least 85% of non-hazardous waste by weight or volume from landfill with a strategic objective to divert a minimum of 95% of waste by weight or volume by 2020.</p> <p>All new development should:</p> <ul style="list-style-type: none"> a. Make appropriate provision (within individual units and as parts of the overall development as appropriate) for waste storage, sorting and recycling, and adequate access for waste collection; and b. Encourage non waste related development to provide on-site solutions for treating / managing waste generated by the development (i.e. composting, dedicated AD plants for food waste). 			

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	<p>All major developments are required to include a Green Procurement and Construction Plan detailing how the development has sought to minimise the environmental impact of the scheme through responsible sourcing of materials, minimising construction site impacts, local procurement and employment strategies and the minimisation of construction and demolition waste.</p> <p><i>This Policy should be read in conjunction with Core Strategy Policies 20, 22 & 32.</i></p>			