

Edmonton Leaside Area Action Plan Examination

Jacqui Glover – Programme Officer
Mobile: 07790 930827

Email: EdmontonLeaside.Examination@enfield.gov.uk

Neeru Kareer
Stephanie Brewer
Strategic Planning & Design
Enfield Council

21st November 2018

Dear Neeru and Stephanie,

The following letter is sent on behalf of Inspector Anne Jordan.

Letter from the Inspector to the London Borough of Enfield 20th November 2018

EXAMINATION OF THE EDMONTON LEESIDE AREA ACTION PLAN

POST HEARING ADVICE – MAIN MODIFICATIONS AND RELATED MATTERS

As indicated during the final hearing session on the 9th of October I am writing to set out my interim views on the modifications needed to make the Edmonton Leaside Area Action Plan (AAP) sound¹.

I have considered all the representations made to the plan, including the discussions that took place during the hearing sessions. My final conclusions regarding soundness and procedural compliance will be given in a report provided following consultation on proposed main modifications. Nevertheless, in order to assist at this stage, I have explained my preliminary findings, on issues where the plan is likely to be found unsound, below. These may change in the light of further evidence which emerges and so the views are given without prejudice to the conclusions that will appear in the later report. This will also cover other main issues that arose during the examination, but which are not dealt with below.

¹ I note that the Council have proposed modifications to the AAP prior to and following submission for examination and in response to discussions at the hearings. Whilst I have had regard to these proposals, in line with the requirements of section 20(7B) and (7C) of the Planning and Compulsory Purchase Act I take as my starting point the Proposed Submission Area Action Plan (AAP) which was prepared in January 2017.

In summary I conclude that the AAP as submitted lacks some of the key supporting evidence necessary to demonstrate that the strategy as proposed is justified and would be effective. I understand that to some extent, some of this evidence may be available through work carried out since the submission of the AAP, in support of the emerging Masterplan for the area. Furthermore, some issues may be resolved through joint working with other Agencies. In all cases I have identified how I consider the matter may be resolved and where the Council should consider undertaking further work.

Although covering a relatively small part of the Borough, the scale of development proposed represents a very significant shift in the pattern of development in the area. In this regard, the evidence base should provide a focused but proportionately thorough demonstration that development can be appropriately accommodated and delivered within the development area and that a cohesive response to the cumulative effects of development can be provided.

The Employment Evidence Base and the Loss of SIL

The AAP is advanced on the basis that all of the land currently designated within the Meridian Water (MW) boundary will be de-designated as Strategic Industrial Land². In order for this to be in accordance with policy 2.17 of the London Plan, the evidence supporting the plan would need to demonstrate that the land in question no longer fulfilled a functional employment need for industry and that any identified need could be adequately accommodated within the other designations proposed.

Only after such an analysis has provided a picture of the effects of de-designation, would it be reasonable to reach the conclusion that the loss of SIL, would be justified and in general conformity with the London Plan.

The 2017 Draft Employment Land Review appears to identify an under-provision of such employment land in the Borough and relatively buoyant demand for it. The Council also submitted the ELAAP Industrial Floorspace Study at the hearing, which seeks to show how industrial capacity could be supported within the wider AAP area including intensification. However, this provided limited evidence that it is achievable in market terms.

The designation of Deephams Sewerage Works as SIL would not offset the loss of the existing SIL designation from industrial use. Other new designations in the AAP are relatively small and their configuration, reduces their utility.

In light of this, I see no convincing justification for diverging from the strategic aims of the London Plan at this time. The strategy is in clear conflict with policy 2.17 of the London Plan and the GLA have confirmed that as a result they cannot agree that the AAP is in general conformity with the London Plan.

During the hearings the Council also advanced a modification which retained the northern end of the land to the east of the River Lee in industrial use, and designated some areas of land, including land

² A modification to this approach was put forward at the hearing and I turn to this below.

between Rays Road and Montagu Industrial Estate and at Kenninghall, as SIL. However, the extent of SIL retention proposed in the modification is very limited, and the new designations are also relatively small, and in any case, already largely in industrial use. The argument that SIL loss is necessary to make Meridian Water viable is also unsubstantiated.

Consequently, the Council should reconsider the approach to SIL de-designation within the AAP. The Council should either retain the SIL designation for the plan period, or without prejudice to what my findings may be on the matter, should the Council wish to proceed with SIL release on a more limited basis than that currently put to me:

- Provide evidenced analysis of local and strategic need for SIL;
- Provide convincing evidence that the quantitative and qualitative loss that would arise from more limited SIL release could be effectively offset by more intensive use of new and existing SIL sites elsewhere in the AAP area. This should be supported by evidence that there is both the capacity and market for vertically stacked business uses in Edmonton within the plan period.

Residential Capacity

The MW Spatial Scenario Testing assumes that the site has the capacity to accommodate 10,000 homes and 6,000 jobs, based on all of the land currently used as SIL being de-designated and being put to more intensive use. I have outlined above why this strategy should be revised.

In addition, the existing permission at Willoughby Lane, which I am advised comprises approx. 8 hectares, would appear to be proposed for development at a significantly lower intensity than that envisaged across the remainder of the site. The scenario testing also assumes that all of the Tesco and IKEA car parks provide the potential for redevelopment. In the case of IKEA, the evidence put to me at the hearings suggests that IKEA as landowner consider their operational needs to require more car parking than envisaged in the Scenario Testing, potentially also reducing the future residential capacity of the site.

Furthermore, as the Scenario Testing predates any information regarding technical requirements for flood storage it cannot take account of these. It is not known whether this is likely to require additional land take within MW over and above the open space provision assumed in the capacity study, or whether this will have any implications for the utility of the open space proposed, and this adds to my reservations regarding the assumptions made within the Scenario Testing in relation to residential capacity.

Taken together these factors lead me to the view that many of the assumptions in the capacity study are no longer be valid and so the quantum of development proposed within the AAP should be reassessed. I recognise that the figures in the AAP are aspirational, rather than a target to be achieved over the lifetime of the plan. Nevertheless, I cannot conclude, based on the evidence before me, that the figure of 10,000 homes and 6,000 jobs is achievable and therefore justified.

Consequently, the plan should reflect a lower, minimum figure for the plan period. This should be caveated that the longer term objective is to increase capacity subject to detailed Masterplanning and capacity work satisfactorily demonstrating a higher figure could be delivered without unacceptable harm to environmental quality and economic vitality of the area.

Transport

Achieving an acceptable route through the site as part of the AAP is an important component of ensuring the deliverability of MW. The AAP shows a fixed route which extends east-west. The Council advanced a modification at the hearings to replace this with a safeguarded corridor.

However, in order to conclude that either the fixed route or the safeguarded option is justified, I would first have to be assured that any adverse effects of either approach could be mitigated, or alternatively, be likely to be outweighed by the benefits of the route. In the absence of either an indication of the capacity of the route or an up to date Masterplan, I cannot reasonably make such a judgement. In short, the likely effects of the route on the existing occupiers first need to be identified.

The evidence submitted³ shows that traffic flows around the site will be likely to increase as a result of the proposed quantum of development, but that subject to mitigation works, there would be no severe impacts on the surrounding network. However, the study identifies the need for further modelling, in order to inform the design of the highways network within the site, and also identifies specific enhancements required to accommodate development.

I understand that work⁴ has been undertaken following submission of the AAP with regard to the impact on some existing occupiers. It is also separate from the Strategic Highway Modelling and the Transport Review which forms part of the evidence base. I am also conscious that the modelling to date is dependent upon assumptions of modal shift which will require a programme of identified and phased improvements to the public transport network. These are broadly identified in the implementation section of the AAP but there is limited information as to how and when they will be achieved on site. Whilst I appreciate that the Masterplan will inform these measures, I nonetheless need to be assured that the necessary modal shift can be achieved.

These concerns lead me to the view that the evidence as submitted does not provide clear justification for the transport strategy within the AAP. The Council should provide a Supplementary Transport Statement which clearly sets out:

- The existing situation and likely generation of trips over time by all modes, taking account the needs of existing commercial operations at Meridian Water;
- The likely network of highway infrastructure necessary within the site to support the proposed quantum of development;
- The assumptions on which the projected modal shift is based along with the extent of measures necessary to facilitate it, including trigger points by which they will be implemented which take account of likely timescales in public transport infrastructure provision.

³ London Borough Enfield Meridian Water Strategic Highway Modelling Draft oct 2016

⁴ London Borough of Enfield Meridian Water Masterplan - Ikea and Tesco Access Study July 2018

Given that work has been carried out following the submission of the AAP this statement may, to some extent, include and supplement previous work. However, the evidence will need to take into account any Modifications which are advanced by the Council to resolve the matter of SIL de-designation outlined above.

In addition, the Council proposes to modify the plan in a number of places to refer to the Mayor's Healthy Streets Approach. Whilst this may be appropriate, modifications can only be recommended if they are required to make the AAP sound. I would therefore be grateful if the Council would make clear what these modifications would provide that is not already dealt with in the plan, and why they are therefore necessary.

Housing, including Affordable Housing

The figure of 35% Affordable Housing is lower than the figure in the London Plan, where public subsidy is involved, and lower than the 40% figure in the Core Strategy. Policy EL1 refers to an overall figure of 40% eventually being achievable in Meridian Water subject to viability. I acknowledge that a lower target may be justified in cases where development would not otherwise be viable, and that evidence to support the lower rate may have been obtained from previous work carried out in relation to the Affordable Housing SPG. I would nonetheless be grateful if this could be provided as part of the supporting evidence to the AAP.

The wording of policy EL1 is also vague and lacks sufficient clarity. The policy suggests that higher levels of affordable housing will be required after "initial phases" of development. The implication would be that if 40% affordable housing overall within Meridian Water is to be achieved, some later schemes may be required to provide levels of affordable above 40%, although this is not made clear in the policy. The policy should instead set out clearly a single affordable housing target for Meridian Water and recognise that in some cases viability requirements may indicate a lower figure may be appropriate. Some modification to the policy will also be required to make clear how affordable housing will be measured and to remove the reference to starter homes.

Furthermore, the plan is not specific as to how an acceptable housing mix will be assessed on a site by site basis. The Council should modify the wording to indicate a minimum proportion of larger units, with the caveat that in some identified circumstances, the Council may accept a more intensive mix.

Flood Risk

Meridian Water lies within an area of flood risk classified at levels 2 and 3. The Level 2 Strategic Flood Risk Assessment is out of date as it does not take account of 2015 Environment Agency (EA) guidance in relation to climate change allowances. The Council are undertaking updated flood risk modelling but this is not yet available. At present the EA indicate that it is unclear what the 1 in 100 year 35% and 1 in 100 year 70% climate change scenarios will look like on site but that the level of flood risk on site is likely to increase once these have been taken into account.

The EA recommend that a sequential approach to site selection is undertaken across the site. During discussions at the hearings it emerged that taking into account the anticipated high levels of development, the sequential approach would in effect amount to a strategy which diverts flood

storage to allocated green space. Whilst off-site flood storage has been considered, it is unclear if any such site can be secured.

In the absence of an up to date flood risk assessment and in advance of a Masterplan which provides an appropriate strategy for flood protection and mitigation across the site, I cannot conclude that the AAP has demonstrated that flood risk has been adequately addressed. The proposed modification of Policy EL8 in the Statement of Common Ground between the Council and the EA, which refers to a sequential test would not on its own be effective, as it is a site by site approach which cannot provide a cohesive strategy for flood alleviation on an area-wide basis. In short, a site by site approach would not be effective in securing the comprehensive redevelopment of MW.

For a sequential approach to be justified the Council should also make explicit how the phasing of development and the Masterplan will ensure flood mitigation and prevention measures are dealt with in an area-wide manner. This is partly addressed within the projects in Part D of the Plan, which makes reference to flood alleviation measures being in place before development, however, this also needs to be explicit within Section 5.9 of the plan. The Council may wish to work with the EA to develop a modification that satisfactorily addresses this issue. This should ensure adequate mitigation is in place for all development prior to occupation, which may include early provision for area-wide flood storage. Formal confirmation should be obtained from the EA that they are satisfied that in the absence of an up to date flood risk assessment this represents a sound approach.

Water and Sewerage Infrastructure

The initial response from Thames Water indicated that although there was likely to be some capacity in the network in relation to sewerage, there is a need for additional investigations in relation to water supply capacity and that if an upgrade is required, this is likely to have a 3 year lead in time.

Thames Water have suggested changes to policy EL13, but whilst it is reasonable that infrastructure is in place to serve development, I do not consider that the impetus to secure this should arise wholly as a result of the application process. Planning Policy Guidance is clear that planning for the necessary infrastructure should normally be addressed through the Local Plan.

I note that a comprehensive Water Supply and Drainage Strategy for Meridian Water was recommended by Thames Water. Furthermore, the upcoming Masterplan, should provide scope for determining the scale and timescale of likely development. The Council have further advised that an Infrastructure Delivery Plan is being developed to accompany the Council's forthcoming Local Plan which will include details of infrastructure delivery for MW, building on the infrastructure work undertaken through the Masterplanning process.

Nevertheless, in the absence of these, as part of the AAP, and to provide some certainty that the policy as originally proposed is justified and effective, the Council should secure confirmation from Thames Water that it will provide the infrastructure necessary to support the Council's aspirations for the site in the short and medium term and that it is feasible to do so.

Once some clarity in relation to this matter is achieved, the Council should consider whether the Modifications to policy EL13 are necessary.

Habitats Regulation Assessment (HRA)

The Council has proposed a number of modifications to the plan to take account of the ecological impacts of development and the potential effects of recreational disturbance on the Walthamstow Reservoirs SSSI/Lee Valley SPA/Ramsar Site which I consider to be reasonable. Nevertheless, In the light of the “People over Wind, Peter Sweetman v Coillte Teoranta” judgment in the Court of Justice of the European Union (CJEU) the Council will need to provide confirmation from Natural England that the original screening assessment is adequate.

Implementation and S106

Projects which are pivotal to ensuring modal shift should not be restricted by limits on pooled contributions. However, many of the projects identified in Part D, particularly transport related projects, will be reliant on pooled contributions. The Council should therefore be satisfied that other sources of funding for essential transport infrastructure will also be available to ensure that essential infrastructure will be delivered.

Retail Provision

Policy EL3 aims to protect existing retail centres. The wording refers to a cumulative threshold, which could result in relatively minor small scale “A” Class development being subject to retail impact assessment. In addition, the wording gives the same status to developments with permission and those identified in a SPD. As a result, the policy will be difficult to administer and doesn’t take account of built out developments, so would not be effective. The Council should modify to the policy to include setting a local floorspace threshold for a sequential test which takes account of the status of Meridian Water as a large local centre.

Green Belt

The AAP refers to development at Picketts Lock. This is a major developed site within the Green Belt and so redevelopment at the site will be subject to considerations in relation to openness, in line with policy in the NPPF. Policy EL18 and supporting references in the AAP do not currently reflect this adequately. The wording should be amended to take full account of the context of the location of the site within Green Belt and the restrictions this imposes.

Lee Valley Heat Network (LVNH)

The Council have advanced substantial Modifications to this section of the AAP which I consider to be broadly necessary to update the plan in the light of the Development Consent Order and to reflect other local policy and national guidance. Nevertheless, the term “major developments” in policy EL26 should be defined to avoid ambiguity.

Sustainability Appraisal

The Council should satisfy itself that it has met the requirements for sustainability appraisal by producing an addendum to the Sustainability Appraisal of the submitted plan in relation to the potential main modifications, as appropriate. I will need to see a draft of the addendum and may have comments on it.

Other Proposed Modifications

The Council have provided a Schedule of Amendments to the AAP. This appears to combine a large number of modifications that arose following consultation, following preparation of the SoCGs, and during and after the hearings. Many of these changes refer to name changes or are factual changes necessary to update the text. I will forward my comments on these changes in due course and indicate where the changes proposed by the Council are not necessary for soundness, and should if desired be advanced as additional modifications.

Next Steps

These interim views are primarily provided for the purpose of identifying the matters where consideration should be given to further modifications in order to achieve soundness. In summary the Council now need to take the following steps:

1. The Council should first address their approach for SIL de-designation and if a strategy of more limited SIL release is to be pursued, provide additional evidence in relation to local and strategic need for SIL, which looks at evidence of existing and projected demand, and analysis of whether this need could be effectively met through more intensive development elsewhere in the AAP area.
2. Review the capacity assumptions for MW in the light of other suggested modifications to the plan.
3. Provide additional transportation evidence which sets out:
 - The existing situation and likely generation of trips over time by all modes, taking account the needs of existing commercial operations at Meridian Water;
 - The likely network of highway infrastructure necessary within the site;
 - The assumptions on which the projected modal shift is based along with the extent of measures necessary to facilitate it, including trigger points by which they will be implemented which take account of likely timescales in public transport infrastructure provision.
4. Provide supporting evidence to justify the lower affordable housing target at Meridian Water and consider the recommended amendments to the policy.
5. Confirm how soundness issues will be addressed in relation to residential capacity, flood risk, habitats regulation assessment, water infrastructure capacity, retail provision, green belt, the LVHN and S106 obligations.
6. The Council should review whether any proposed modifications would require additional work to the submitted Sustainability Appraisal.

I would be grateful if the Council could provide the relevant evidence, along with any proposed modifications to the plan in response to the above, by **Friday 18th of January 2019**. Please advise me if there are any reasons why this may not be feasible.

As these matters go to the heart of the matter of soundness, until these matters are resolved it would not be prudent to formally progress the Main Modifications to the AAP at this stage. The Council should also be aware that as substantial new evidence is going to be provided by the Council, further consultation will be necessary with all those who made representations on the AAP.

Thank you for your cooperation on this. If you need any clarification, please contact me through the Programme Officer.

Anne Jordan

INSPECTOR