

Public Examination of Enfield's Development Management Document (DMD)

Enfield Council's Response to MIQs raised by the Inspector

MATTER 6 CLIMATE CHANGE

Question 1: Do focused changes 22 & 23 result in policies (DMD 49 & 50) for sustainable design and construction statements and environmental assessment which would be sound, ensuring that viability and the need to conserve heritage assets would be fully considered?

LBE Response

- 1.1 DMD 49 requires that 'all development proposals must be accompanied by a Sustainable Design and Construction Statement, the scale and scope of which will be determined on a site by site basis and as published in further guidance'. Further details are set out in DMD Appendix 3. The Policy seeks to ensure that all development requiring planning permission engages with the principles of Sustainable Design and Construction commensurate with the technical and economic constraints of the particular site. In referring to technical constraints these would include site specific limitations including heritage assets. When this is read in tandem with Core Policy 31 and DMD 44 it is considered that sufficient flexibility would be afforded to heritage assets.
- 1.2 Moreover, adaptation to climate change when implemented in a considered manner can serve to enhance and conserve the heritage asset including for example flood resilient features.

Question 2: Should paragraph 8.1.5 be made more flexible regarding "post construction assessment", bearing in mind the time needed to achieve accreditation?

LBE Response

- 2.1 The Council recognises the variations in time to achieve formal certification at the post-construction stage. Paragraph 8.1.5 seeks to ensure flexibility in approach by including the caveat 'unless otherwise agreed by the Local Planning Authority'. It is considered that this is sufficient to allow developers to negotiate with the Council to agree appropriate triggers commensurate with the particulars of the site and the development.

Question 3: Is Policy DMD 54: Allowable Solutions sound in the context of the Government's Housing Standards Review?

LBE Response

- 3.1 DMD 54 responds directly to the requirements of Policy 5.2 of the London Plan and when read in tandem with the Council's S106 Supplementary Planning Document adopted in November 2011 [EBD-21] provides a clear methodology to the calculation and administration of Carbon off-setting. The Housing Standards Review does not deal specifically with allowable solutions.

Question 4: Whether the concerns of Thames Water about the provision of new water and wastewater infrastructure, as foreseen in Core Strategy Policy 21 and the London Plan, are overcome by focused changes Nos. 25-27 & 29?

LBE Response

- 4.1 Thames Water's representation, referenced as DMD 58/11/003 in the submitted Schedule of Representations, sought changes to the DMD 58 to insert new text on the provision of water and wastewater infrastructure. Focused changes 25-27 and 29 do not make changes to address this representation, because the Council does not accept that these amendments to the Development Management Document (DMD) are necessary.
- 4.2 The adopted Core Strategy (2010) anticipated the need for the DMD to contain policies that have regard to the impact of the development proposals on water demand and existing capacity. However, when developing the DMD the Council considered that the London Plan policy 5.14 B on water quality and wastewater infrastructure, which states that "development proposals must ensure that adequate wastewater infrastructure capacity is available in tandem with development", already provides a clear statement to address the issue of existing capacity. The additional text suggested by Thames Water is therefore considered unnecessary. More detailed policy guidance to that contained in the London Plan was considered to be required on water demand, and this is included in DMD 58, which looks at water efficiency as a way to manage demand side issues, in response to this.
- 4.3. In addition to this, the Council considers that the text put forward by Thames Water is not appropriate as it would require developers "to make financial and in kind contributions towards (water and wastewater) infrastructure and community facilities". The Council has concerns in principle to this suggestion and questions the extent to which this is within the remit of the planning system. It is unclear the extent to which 'funding' for such works is already part of the Thames Water business planning cycles or any statutory provisions that allow Thames Water to recharge developers/occupiers for reasonable costs associated with

connecting/using their network. Without this information, the Council is not entirely satisfied that the provisions suggested by Thames Water would meet the relevant tests for planning obligations under Part 11, section 122 of The Community Infrastructure Levy Regulations 2010.

- 4.4. The Council also considers that the DMD does not need to make explicit reference to supporting all new forms of water supply and wastewater infrastructure. The form of development that future infrastructure may take and its impact is not clear, therefore, it is difficult to justify the inclusion of a broad statement. The key point to note is that the DMD does not prohibit future investment proposals; but development would be assessed against all of the relevant policies in the Development Plan. The Council has taken a consistent approach with similar forms of infrastructure development (i.e. gas, electrical, broadband, etc.) and the suggested text would create an inconsistency in the DMD. Where detailed infrastructure investment projects are planned, for example Deephams Sewage Treatment Works (STW), the Council has accepted the inclusion of supportive text via [FC 27].
- 4.5 The Council met with Thames Water on the 11th March and is continuing to work towards minor changes acceptable to both parties through a Statement of (un) Common Ground, to be submitted shortly.

Question 5: Whether the Environment Agency's concerns about Policies DMD 59, DMD 61, DMD 62, DMD 63 and paragraph 9.2.4 related to water conservation, flood risk and remediation for land contamination are adequately addressed by focused changes Nos. 28, 30, 31, 32, 33, 35 & 36?

LBE Response

- 5.1 The Council has addressed the majority of the comments and suggested revisions made by the Environment Agency. The only outstanding issue remains that within DMD 61 where the Environment Agency has questioned the 1 in 1 year event to be demonstrated and has suggested a 1 in 30 year event. The Council has provided justification for the 1 in 1 year event within [DMD 08] - Schedule of Representations and Enfield Council's Response. The Council will seek to produce a Statement of (un) Common Ground on this outstanding matter.

Question 6: Whether Policy DMD 68 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?

- 6.1 Thames Water's representation, referenced as DMD68/11/008 in the submitted Schedule of Representations sought changes to the DMD 68 that were not agreed in full. As stated in paragraph 4.5 above, the Council has met with Thames Water and is continuing to

work towards minor changes acceptable to both parties through a Statement of (un) Common Ground, to be submitted shortly.