



The Planning Inspectorate

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# **Report to the Council of the London Borough of Enfield**

**by Anne Jordan BA (Hons) MRTPI  
an Inspector appointed by the Secretary of State**

Date: 14 August 2019

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Edmonton Leaside Area Action Plan**

The Plan was submitted for examination on 26 April 2018

The examination hearings were held between 9th and 12<sup>th</sup> of October 2018

File Ref: PINS/Q5300/429/11

## Abbreviations used in this report

AA	Appropriate Assessment
CS	The Enfield Plan: Core Strategy 2010-2025
DCO	Development Control Order
DEN	Decentralised Energy Network
DMD	Development Management Document
DtC	Duty to Co-operate
ELAAP	Edmonton Leaside Area Action Plan
EA	Environment Agency
GLA	Greater London Authority
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
MW	Meridian Water
MWHN	Meridian Water Heat Network
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SIL	Strategic Industrial Location
SPD	Supplementary Planning Document

## Non-Technical Summary

This report concludes that the Edmonton Leaside Area Action Plan provides an appropriate basis for the planning of the London Borough of Enfield, provided that a number of main modifications [MMs] are made to it. Enfield Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council and were subject to public consultation over a six week period. In some cases, I have amended their detailed wording and added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Changes to reflect the importance of parts of the Plan area as a Strategic Industrial Location (SIL) and Locally Significant Industrial Sites (LSISs) , and to support employment uses within the plan area, including those outside Meridian Water, in line with local and national policy;
- A reduction in the numbers of dwellings proposed to ensure that the amount and type of housing is deliverable within the plan period and is consistent with the aims of the Core Strategy;
- Revisions to reflect the Council's changed approach to the "Central Spine" to provide flexibility and to reflect the needs of existing occupiers;
- Updates to ensure that there are effective policies to deal with flood risk, biodiversity and adaption to climate change;
- Clarifications to ensure that policies aimed at enhancing the quality of the built environment are effective;
- Greater emphasis on historic environment and heritage assets, to ensure consistency with national policy;
- Factual updates throughout the plan to reflect changes in the Council's preferred development partner, changes in the delivery of Edmonton Ecopark and the Meridian Water Heat Network, and changes to rail infrastructure, including the development of Meridian Water Station.

## Introduction

1. This report contains my assessment of the Edmonton Leaside Area Action Plan (ELAAP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (NPPF) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy. The revised NPPF was published in July 2018 and updated in February 2019. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Unless stated otherwise, references in this report are to the 2012 Framework.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The ELAAP submitted in April 2018, is the basis for my examination. It is the same document as was published for consultation in January 2017. The Council also submitted to the Examination a number of proposed modifications to the plan set out in [EXD-117]. As part of the Examination I have considered whether or not any of these modifications are necessary for the plan to be sound.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [**MMs**] necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended **MMs**, all of which relate to matters that were discussed at the Examination hearings, are necessary. The **MMs** are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed **MMs**. The **MM** schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the plan identified as the

proposed submission Policies Map [ELAAP-02] as set out in the Edmonton Leaside Area Action Plan.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map.
7. These further changes to the policies map were published for consultation alongside the MMs [EXD-220].
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the Edmonton Leaside Area Action Plan Revised Policies Map and the further changes published alongside the MMs, incorporating any necessary amendments identified in this report.

## **Assessment of Duty to Co-operate**

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. The Council sets out its evidence in relation to the DtC in [ELAAP-04]: Regulation 22 Consultation Statement, [ELAAP-06]: Legal Compliance Checklist and [ELAAP-07]: Soundness Self-Assessment. These provide evidence detailing how it has engaged with other bodies including neighbouring local authorities in the preparation of the Plan as prescribed under Section 33A of the 2004 Act, where appropriate.
11. The Council states that consultation with relevant bodies, including neighbouring authorities, has been continuous throughout the process of preparing the Plan since its inception in 2007. These include the Greater London Authority, Transport for London, the Lee Valley Regional Park and the neighbouring authorities of Haringey and Waltham Forest.
12. There are no strategic matters within the Plan that diverge from the Core Strategy. Co-operation has resulted in mitigation measures being incorporated into policies with cross-boundary implications in relation to biodiversity and flooding. Furthermore, the Council has not received any objections to the Plan concerning the DtC.
13. In summary, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## **Assessment of Soundness**

### **Background**

14. Edmonton Leaside lies in the east of the London Borough of Enfield. The ELAAP sets out a framework for development in the area, which includes the Meridian Water development area to the south, alongside extensive existing employment areas. The River Lee, and its tributaries traverse the plan area,

with the Lee Valley Regional Park lying to the east. This contains Picketts Lock and the Metropolitan Green Belt.

15. The Enfield Plan: Core Strategy 2010-2025, was adopted in November 2010 ('The Core Strategy') [EBD-01]. This provides the broad strategy for the scale and distribution of development and supporting infrastructure. Of particular relevance to the ELAAP are Core Policy 37 which deals with Central Leaside and Policy 38 which deals with Meridian Water. Policy 37 recognises the industrial and employment character of Central Leaside and seeks to strengthen the role of industrial estates to support new and emerging businesses. It identifies Meridian Water as a site for a new sustainable mixed use community to provide around 5,000 homes and 1,500 jobs. It also seeks to improve connectivity through the site, both north-south and east-west. Policy 38 sets out the specific criteria for growth at Meridian Water. The Development Management Document, adopted in November 2014 provides detailed policies for dealing with planning applications.
16. The ELAAP is also intended to be read alongside The London Plan (2016). The area has undergone significant change in recent years and is recognised as being a priority area for jobs and housing within the Mayor's Upper Lee Valley Opportunity Area [NRBD-03]. Annex 2 of The London Plan identifies the ULVOA as occupying a strategic position in the London-Stansted- Cambridge Peterborough growth corridor. Annex 2 supports the potential of a Green Enterprise District, to provide employment but also recognises the importance of retaining adequate capacity for industrial needs including waste management and strategic logistics functions which are essential to retain London's global competitiveness and national advantage.
17. The London Plan also seeks to balance the provision of increased levels of housing with its wider policies of protecting the Green Belt and SIL capacity and intensifying development in accessible locations, including on small sites. I am advised that GLA officers are working with Enfield to support them in its Housing Infrastructure Fund bid for part of the Meridian Water area, in order to facilitate the delivery of housing.
18. The emerging New London Plan is, at the time of writing, still subject to Examination. The New London Plan seeks to optimise density by evaluating an area's capacity. TfL has advised that higher levels of housing require investment in public transport services, which includes train services, bus services, bus infrastructure as well as the infrastructure of Crossrail 2 to support them.
19. At the time of writing the Council are of the view that the emerging London Plan does not accurately reflect Enfield's capacity for growth and I note that Enfield's proposed new housing target in the New London Plan has yet to be confirmed. The emerging Plan is therefore a material consideration in the preparation of the ELAAP, which carries less weight than The London Plan (2016) with which the ELAAP must be in general conformity.
20. The ELAAP has been in preparation since 2008 and has previously undergone consultation as the Central Leaside AAP in 2012 and 2014. It was renamed the Edmonton Leaside Area Action Plan prior to consultation in 2017. It comprises a set of policies that relate specifically to development within the

Meridian Water development area, and a further set of area wide policies which relate to the whole ELAAP area.

## **Main Issues**

21. Taking account of all the representations, the written evidence and the discussions that took place at the Examination hearings, I have identified nine main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1 - Whether the vision and objectives of the Edmonton Leaside Area Action Plan (ELAAP) are justified, effective and in accordance with national policy and the development plan.**

22. The ELAAP has an overall vision to maximise opportunities for a range of new homes, jobs and opportunities for local people. Five broad objectives are identified, with detailed aims within each. The objectives comprise: (1) Building a sustainable urban neighbourhood (2) Facilitating economic growth; (3) Connectivity; (4) Delivering sustainable regeneration; and (5) Celebrating the Lee Valley waterways and open spaces.
23. All these objectives are consistent with the core principles within the NPPF, the wider objectives of the London Plan and the emerging New London Plan and the strategic objectives of the Core Strategy. Whilst the consideration of individual development proposals will likely require balancing these sometimes competing aims, the vision and objectives as set out in the ELAAP are nonetheless justified, effective and in accordance with national policy and so are soundly based.

### **Issue 2 : Whether the ELAAP makes appropriate provision for employment land and whether policies E2, E14 and E15 in relation to employment are positively-prepared, justified, effective and consistent with national policy.**

24. Edmonton Leaside contains large areas of land designated for employment as Strategic Industrial Locations (SIL) within The London Plan (2016). As submitted for Examination the Plan proposed removal of a large proportion of land from SIL designation.
25. The function of SIL, as a resource for industrial and related capacity is strategically important to the wider London economy. Furthermore, the 2017 Draft Employment Land Review [EXD-55] identifies an under-provision of employment land in the Borough and relatively buoyant demand for it.
26. Whilst a de-designation of land as SIL would provide the opportunity to introduce higher density employment uses to Meridian Water, there is limited cogent evidence to support the view that existing SIL designations are no longer fulfilling a functional employment need for industry and that any identified need could be adequately accommodated within the other designations proposed.
27. The plan proposes new SIL designations to replace the SIL that would be lost. These comprise Deephams Sewage Works, which is needed for continued operational needs, and so will not provide additional industrial capacity over

the lifetime of the ELAAP. Two further small parcels to the north and east are also proposed, but these would not offset the loss of the existing SIL designation from industrial use in terms of size or quantity. Other potential new designations in the AAP are similarly ineffective as they are relatively small, and their configuration reduces their utility.

28. Consequently, the loss of SIL would not be in conformity with the London Plan. Modifications within **MM2** and **MM2a** which retain the existing SIL designation within the AAP area, are therefore necessary to ensure that the land continues to fulfil a strategic employment function, in line with the aims of the London Plan of both ensuring London retains a competitive economy and that appropriate weight is given to wider economic objectives when considering business and residential development proposals.
29. Consequential changes to the supporting text are also needed. These include changes to maps within the AAP, revised job numbers, references to the relocation of businesses and removal of references to supporting higher density B1 uses, including tall buildings adjacent to Banbury Reservoir. Measures to facilitate the relocation of the bus station at Harbet Road and other occupiers are also no longer necessary and so changes to remove these requirements and to recognise their use as SIL in **MM2a** and **MM15a** are also necessary.
30. The AAP seeks to diversify and intensify development in appropriately accessible locations, such as within Meridian Water. Although, as set out below, I find no justification for the residential and employment capacity assumptions set out in the ELAAP, [Meridian Water Spatial Scenario Testing - ELAAP-14], Both the London Plan and the emerging New London Plan seek to facilitate higher density employment and other uses in appropriate accessible locations. The ELAAP Industrial Floorspace Study [EXD-71] also shows that there are opportunities for some intensification of industrial capacity in the wider AAP area. The more efficient use of land is consistent with the aims of the NPPF and is also aligned with the wider aims of The London Plan. It is also in accordance with Policy 38 of the Core Strategy and would not undermine the purpose of SIL designation.
31. Accordingly, I find no inconsistency with measures and objectives in the plan which seek to increase job density in industrial areas, to make more efficient use of land and to support intensification. These also seek to improve outdated infrastructure and facilities to meet energy efficient standards and respond to the concerns of occupiers in relation to crime within existing industrial estates, all of which are broadly consistent with national policy. The changes in **MM2** and **MM15** which are aimed at achieving these aims are therefore justified. However, to assist with clarity, I have reordered the wording of policy EL2 within **MM2** to make clear that intensification should not undermine the purpose of SIL designation, as I am satisfied this would not prejudice anyone's interests.
32. As outlined above, proposals to allocate small portions of land north and east of Deephams Sewage Treatment Works as SIL would not be effective as the land parcels are not sufficiently large to meet the requirements of the designation. **MM14** and **MM14a** are necessary to delete their allocation from the AAP. The requirement in the supporting text in Chapter 6 that



development be particularly encouraged in industrial estates where the Council has significant land ownership interests is also not justified and **MM15a** is necessary to delete this part of the text.

33. The ELAAP also seeks to protect and improve the quality of employment areas in the plan area. The "Agent of Change principle", seeks to ensure that new development mitigates adverse effects on neighbouring uses. This is consistent with the aim of protecting employment uses within the AAP and the core principles of the NPPF and so changes to reflect it in the Plan in **MM2**, **MM2a** and **MM15** are appropriate. **MM2** also reflects the need for low carbon development in line with the aim of mitigating and adapting to climate change implicit in the NPPF and is also justified.
34. A substantial portion of Meridian Water's existing occupiers are made up of large scale retailers, with both Tesco and IKEA having significant land holdings within the Meridian Water site. Accordingly changes in **MM1a**, and **MM2a** aimed at recognising the contribution retail uses make to employment and economic growth in Edmonton are necessary for clarity and factual accuracy, and so effectiveness.

### **Issue 3 – Does the plan set out a positively prepared strategy for housing which is justified, effective and based on sound evidence?**

35. The Meridian Water Spatial Scenario Testing [ELAAP-14] 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 would be unsound.
36. 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.
37. 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 Meridian Water 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.
38. Taken together, these factors lead me to the view that many of the assumptions in the capacity study are no longer valid and that there is therefore no sound basis for concluding that the figure of 10,000 homes and 6,000 jobs is achievable and therefore justified.
39. Consequently, **MM1** and **MM1a** are necessary to set a lower, minimum figure for housing and employment in the plan period of 5,000 new homes and 1,500 new full-time jobs, in line with the Core Strategy. The consequential

amendments also recognise that the density of development within Meridian Water should reflect both levels of connectivity and environmental impact and is in line with the aims of The London Plan.

40. The plan submitted for examination set a figure of 35% for Affordable Housing, lower than the figure in the Current London Plan, where public subsidy is involved, and lower than the 40% figure in the Core Strategy. The supporting evidence provides no compelling evidence as to why this is justified. Changes in **MM1** and **MM1a** consequently align with the requirement of 40% set out in the Core Strategy and include the aim that the Council will work towards the strategic target of 50%. The MMs are also necessary to ensure that where justified, viability requirements may indicate a lower figure may be appropriate, to allow appropriate levels of flexibility. In the absence of convincing justification for a diversion from the adopted plan, these changes are necessary to make the plan sound.
41. I note that the Core Strategy requirement itself falls short of the requirement in the emerging New London Plan. The GLA recognise that the ELAAP does not have to be in conformity with the New London Plan, but advise that the Council should work towards updating the requirement in the ELAAP, alongside a review of the Core Strategy. This is a matter for the Council to consider, but as the draft New London Plan is not at this stage adopted, a further modification is not required.
42. The Plan proposes a lower level of family housing than advocated in The London Plan or the Core Strategy, in the interests of increasing residential capacity across Meridian Water. In the absence of cogent evidence that the levels of intensification proposed can be satisfactorily achieved, there is no sound reason for providing less family housing than is identified to meet local needs.
43. Accordingly, **MM1** and **MM1a** set out that the mix of housing provided should allow for a range of housing sizes and tenure mix in line with the Core Strategy and also alters the definition of affordable housing to include London Shared Ownership and London Living Rent products in line with The London Plan. These changes are also necessary in the interests of clarity, and therefore effectiveness.

#### **Issue 4: Is the framework for movement throughout the Plan area positively prepared and soundly based?**

44. Improving connectivity is an important component of ensuring the deliverability of Meridian Water and achieving the objectives of the ELAAP as a whole. As submitted for examination, the ELAAP shows a new road link which follows a fixed route extending east-west. The Council advanced an alternative option at the hearings, now shown in **MM6** and **MM6a** to replace this with a safeguarded corridor referred to as the Central Spine. This approach responds to concerns from landowners, that a fixed route, which utilised land outside the Council's control, could be difficult to implement, and could potentially have an adverse effect on existing occupiers and so would not be effective.

45. The safeguarded corridor in figure 5.1 within **MM6** aligns with the principle set out in Core Policy 38 of the CS that a new spine be provided within the site connecting all areas of Meridian Water. I am also satisfied that in the context of the modifications in **MM1** and **MM2** the submitted highways modelling [EXD-44] is sufficient to indicate that subject to detailed design and mitigation works, the route would not lead to a severe impact on the surrounding network consistent with NPPF Para 32. The safeguarded corridor approach also allows the exact route of the Central Spine, which will be subject to a separate planning application, and will take account of the interests of existing businesses as far as possible, to be informed by the development work for the proposed Meridian Water Masterplan.
46. Taking into account the role the route will play in facilitating the redevelopment of Meridian Water and the wider ELAAP, it is important that development proposals within the identified corridor are designed to support the function of the Central Spine. It should also be used as a route for servicing and infrastructure. Whilst the road should make provision for cycle routes, these should take account of the needs of existing businesses. These measures, as set out in **MM6** are reasonable and necessary.
47. **MM6** and consequential amendments to the supporting text in **MM6a** which amend the fixed route to a safeguarded corridor are therefore necessary to ensure the plan is positively prepared. However, the safeguarded area is larger than the route of the future road, and some development within it could be of a scale or type which would not be prejudicial to its delivery and could take place prior to the preparation of a Masterplan. I have therefore amended **MM6** as set out in the appendix to reflect this, in the interests of positive planning, and am satisfied that this change would not prejudice the interests of any parties.
48. Policy EL7 outlines the scope of rail and bus improvements within Meridian Water. As submitted, the policy does not include reference to the replacement of Angel Road Station or to bus standing facilities, both of which are necessary improvements. **MM7** and **MM7a** address this and are necessary to ensure that the policy has been positively prepared.
49. Policy EL21 relates to improving the quality of the pedestrian and cycling environment. **MM21a** clarifies that modal shift will be supported in order to achieve sustainable transport. This would be consistent with the aims of the NPPF and is necessary for clarity.
50. Policy EL22 refers to proposed improvements to cycle routes in the wider ELAAP area. To reflect the need for pedestrian and cycling facilities to integrate with the existing highways network, including the North Circular, modifications **M22** and **M22a** are necessary in order for the policy to be effective. The provision of adequate cycle parking and changing facilities are complementary measures which will help achieve modal shift and the reference to this requirement in the supporting text is therefore justified. The "Mayor's Healthy Streets Approach" is a framework for planning new developments so people can walk or cycle to local shops, schools and workplaces, and have good public transport links for longer journeys. Its aims are consistent with the objectives of the ELAAP and with the NPPF and its inclusion in the plan in **MM22** assists with clarity and therefore effectiveness.

51. Policy EL23 relates to enhancing the bus network and services throughout the Plan area. Amongst other things it seeks to ensure that in planning bus routes, new development is located no further than 640m from a bus route. Improving connectivity is a main objective of the Plan. **MM23** is necessary to extend this requirement to existing development and is necessary to ensure consistency in service delivery and in the interest of effectiveness.
52. Policy EL25 relates to the design of the road network in the plan area. The plan as submitted referred to the Road Task Force (2013), an initiative which is now of some age and so is no longer current. The deletion of reference to this in the policy and supporting text **MM25** and **MM25a** is necessary to update the plan in the interests of clarity.

**Issue 5: Does the Plan set out an effective strategy for securing high quality and inclusive design, which would protect and enhance the built, natural and historic environment?**

*Leisure Facilities and Open Space*

53. Policy EL9 aims to ensure that development at Meridian Water makes sufficient provision for leisure facilities and open space within Meridian Water. Policy EL28 relates to new and existing green spaces within the wider plan area.
54. As the Plan recognises that some of the leisure needs of new residents may be met off site, in order to protect existing wildlife habitats, new development should take into account the impact which additional recreational pressure or traffic arising from development may have upon sites of ecological importance, including the Chingford Reservoirs SSSI and Lee Valley Special Protection Area/Ramsar site at Walthamstow Reservoirs Epping Forest Special Area of Conservation (SAC). **MM9** and **MM9a** are necessary to secure these changes. **MM28** seeks to ensure that the same considerations are reflected in proposals for new green infrastructure outside Meridian Water and is necessary for effectiveness. It is also necessary to ensure that access is enhanced to open spaces which are not subject to protective designations, and waterways outside Meridian Water. These changes are contained in **MM9** and **MM9a** which in the interests of effectiveness also include additional criteria against which development proposals will be assessed.
55. Policies EL9 and EL28 both encourage a range of uses for new and existing green spaces. In order to encourage the multiple use of green and open space, including use for flood storage capacity, **MM28** is necessary to make more efficient use of land and enhance biodiversity, consistent with the aims of the NPPF and also aligned with the wider aims of The London Plan. **MM9** and **MM9a**, which increase opportunities for new water spaces, is also consistent with this aim and includes the clarification that proposals for public access to Banbury Reservoir should not undermine the function of the operational reservoir for public water supply. Furthermore, as some of the land shown within Figure 6.1 as open space is not publicly accessible, **MM14a** which corrects this, is necessary for clarity and therefore effectiveness.

56. Policy EL9 seeks the provision of formal playing fields where appropriate within Meridian Water. To be effective this should be modified to ensure that this is linked to evidence of need. Alterations to improve the readability of the policy are also necessary in the interests of precision and therefore effectiveness. These are set out in **MM9**.

*Urban Grain and Building Form*

57. Policies EL10, EL11 and EL12 relate to design principles for development at Meridian Water and set out the parameters for assessing the design of new developments. In order to ensure that active frontages are an integral component of the design of ground floor frontages, **MM10** is necessary for soundness.
58. Part C of Policy EL11 deals specifically with the implications of tall buildings. However the Policy does not reflect guidance in The London Plan in relation to single aspect dwellings and BS standards for direct sunlight penetration for open space. It is also inconsistent with the definition of tall buildings in The London Plan and fails to take appropriate account of the specific impact tall building proposals may have on heritage assets and groundwater protection. The modifications proposed in **MM11** assist in providing consistent standards for considering the quality of residential environments and are therefore necessary for clarity.

*Public Realm*

59. Policy EL12 relates to the design of the public realm at Meridian Water and EL27 deals more generally with watercourses in the wider plan area. **MM27** and **MM12** comprise a number of changes aimed at creating well designed healthy communities and recognising the importance of integrating waterways within new development.
60. These changes include requiring that natural and man-made watercourse heritage is taken into account in the design of the public realm. They also encourage planning proposals to incorporate watersides within site boundaries so that improvements can be integrated into new development and where appropriate measures which protect and enhance habitats and biodiversity can be included. They also seek, where suitable, to provide residential and commercial moorings along the River Lee Navigation as part of waterside redevelopments at Meridian Water and to ensure that these are appropriately designed. These changes, along with incorporating Sport Englands "Active Design Guidance" and opportunities for games and urban play, are in line with the aim of providing active waterway corridors which contribute to good design.
61. **MM12** and **MM12a** recognise and incorporate the access requirements of the Environment Agency, to allow for maintenance and improvements, such as renaturalisation of river banks and habitat improvement. As this requirement is covered by other legislation and may be waived or reduced where access can be otherwise achieved, I consider it appropriate to set this requirement out within the supporting text rather than the policy. Together these changes are justified in the interests of effectiveness.

*Picketts Lock*

62. Picketts Lock is a Major Developed Site in the Green Belt and Policies EL19 and EL20 recognise the role Picketts Lock plays as an existing leisure destination and the potential for redevelopment of the site to meet future leisure demand in the Lee Valley. The policy outlines a range of potential uses which may come forward. However, in order for future development to conform with the NPPF, in respect of Green Belt development, the modifications proposed in **MM19**, and those in supporting text **MM19a** are necessary for clarity.
63. I take into account the concerns relating to some of the uses outlined in the policy. However, I am mindful that the site is an existing developed site within the Green Belt and that the NPPF does not preclude redevelopment of such sites, subject to considerations of openness. In this regard, the alterations proposed, although extensive, would make clear the basis on which proposals at the site would be considered. When read in conjunction with Core Strategy Policy 33 and DMD policies 25, 82 and 89, **MM19**, **M19a** and **MM20** assist with clarity and therefore effectiveness. To ensure new development is subject to a sequential test, in line with national policy, changes in this regard are also justified. Reference to "floating classrooms" in policy EL20 could conflict with the operational requirements of infrastructure providers and **MM20** is necessary to secure the removal of specific reference to this matter in the policy.

**Issue 6: Are the policies in the plan consistent with the aim of the Framework, to mitigate and adapt to the effects of climate change?**

64. 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. Up to date modelling from the Council is not yet available and so has not informed the Plan. 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.
65. The EA recommend that a sequential approach to site selection is undertaken across the Meridian Water site with new development being directed to areas of lowest flood risk. All development should be subject to a detailed flood risk assessment which takes account of climate change allowances. This is consistent with guidance in the NPPF and **MM8** and **MM8a** are necessary.
66. However, in the absence of an up to date flood risk assessment for Meridian Water as a whole and in advance of a Masterplan which provides an appropriate strategy for flood protection and mitigation across the site, a sequential test would not on its own be effective, as it is a site by site approach which cannot guarantee a cohesive area wide strategy for flood alleviation.
67. **MM8** and **MM8a** are required to make explicit that the phasing of development and the Masterplan will ensure flood mitigation and prevention measures are dealt with in an area-wide manner and that adequate flood risk

mitigation must be in place for all development. These modifications also make explicit the aim of reducing flood risk as an objective of the plan.

68. **MM8** and **MM8a** also updates the text in Policy EL8 and its supporting text to refer to the preparation of a flood risk assessment to inform the upcoming Masterplan and to reflect the fact that revised climate change allowances are not yet available. Changes to policy EL8 in relation to achieving green field run-off rates are required to reflect the need for flexibility. Subject to further minor changes, to make clear the role of the Environment Agency, and make explicit the need to comply with the requirements of the NPPF, these modifications are needed to make the policy clear and therefore effective. I am satisfied these changes would not prejudice the interests of any party.
69. Thames Water has confirmed that Land South of William Girling Reservoir and Land at Harbet Road may be required for operational purposes and as such, may not be available for off site flood storage. Nevertheless, the need for flood storage will be reviewed in the flood risk assessment currently being prepared and as such I see no justification for removing a reference to potential off-site flood storage in the policy. Whilst it is reasonable to include a reference to the potential for the River Lee Navigation to receive surface water drainage, this should be subject to pollution control and would be subject to discharge permitting and **MM8a** achieves this. However, I do not consider it necessary that specific reference is made in supporting text to how compensatory volume is provided.
70. The plan does not include an area wide policy for managing flood risk, although section 13.4 - Managing Flood Risk – refers to both Meridian Water and the wider ELAAP area. In order to clarify that the principles outlined in policy EL8, are also relevant to the wider plan area are consistent with the NPPF, I have amended the wording of **MM8** to reflect this.

**Issue 7: Does the plan make appropriate provision for retail uses and provide positive policies which support the vitality and viability of town centres?**

71. Policy EL3 sets out the requirement for a new town centre at Meridian Water to serve future residents and businesses. The plan as submitted refers to a cumulative threshold for the assessment of proposals, which could result in relatively minor small scale "A" Class development being subject to retail impact assessment. As a result, the policy would be difficult to administer and wouldn't take account of built out developments, so would not be effective. **MM3**, which removes the cumulative requirement and reduces the threshold is necessary in the interests of effectiveness. Policy EL3 as submitted and its supporting text also contains prescriptive requirements in relation to frontage widths and for effectiveness, **MM3** and **MM3a** are necessary to allow greater flexibility.
72. Policy EL4 relates to Ravenside Retail Park on the North Circular. The policy seeks to ensure better integration of the retail park with the wider area, and to encourage intensification of retail provision, in line with The London Plan. However, the site is poorly related to the River Lee Navigation. In order to recognise this, **MM4** provides clarification and is necessary to ensure positive

planning. Furthermore, as development at the retail park may require sequential assessment, the modification in **MM4** is also reasonable and necessary to ensure effectiveness.

73. Policy EL16 acknowledges that Angel Road Retail Park which sits on the A406 is relatively isolated with poor links to the surrounding area. The policy de-designates the site as a Retail Park to mixed employment led uses, reflecting a recent planning permission which allows for a wider range of uses on the site. In order to reflect the range of potential uses which could assist in achieving the aim of strengthening the vitality and viability of the adjoining Eley Estate and wider SIL area, **MM15** and **MM15a** are necessary in the interests of positive planning.

**Issue 8: Does the plan make appropriate provision for infrastructure to serve proposed development, including community and cultural facilities and services to meet local needs?**

74. Policy EL5 relates specifically to the provision of community facilities within Meridian Water. In this regard the plan recognises the importance that appropriate and well-integrated facilities play in the quality of life of local people. However, as submitted the policy reflects the facilities needed for higher development levels and so modifications **MM5** and **MM5a** are necessary to bring the requirement for education provision back in line with those set out within Core Strategy Policy 38.
75. Furthermore, changes in **MM5** and **MM5a** which seek to ensure that outdoor sports pitches are provided in proximity to schools where possible, or be conveniently and safely accessible, rather than within a specified 400m, provide clarification that the co-location of sports pitches and schools is preferable in the first instance, and so the change is necessary for clarity and effectiveness. Whilst I note that Sport England would prefer use of the term "playing field", the term sports pitches includes other multi-use games facilities and so is more appropriate.
76. The supporting text to Policy EL5 refers to the potential for education provision being secured by CIL in the longer term. As there is not currently provision for collecting such contributions through CIL this reference is not justified and its removal in **MM5a** is necessary for effectiveness.
77. The Plan does not make specific provision for Mental Health Services. It nonetheless aims to provide healthy communities in part by providing appropriate healthcare facilities for residents. The provisions in Policy EL5 and within Chapter 14 are comprehensive and do not differentiate between mental and physical health needs. As such, I do not consider that the Plan is unsound because mental health provision is not explicitly referred to.
78. Policy EL13 sets out how infrastructure will be delivered at Meridian Water. The existing CIL 123 list at present only includes provision for road and rail infrastructure, but its scope may widen over time, as development progresses. Policy EL13 sets out where S106 contributions will be sought, in line with national guidance in relation to pooling restrictions. Whilst the list included in Policy EL13 is already broad ranging, sports and recreation facilities, blue infrastructure and space for biodiversity habitats are potentially acceptable



forms of infrastructure which the ELAAP recognises as being important to serve development, or mitigate its impacts. Specific projects are also set out in Chapter 14 of the ELAAP and these relate to the range of projects outlined in EL13. The modifications in **MM13** are therefore necessary for clarity and effectiveness.

79. EL13 also makes reference to overage provisions, specifically in relation to affordable housing. As the ELAAP now has a single affordable housing requirement this clause is no longer necessary and its removal in **MM13** is justified.
80. A comprehensive Water Supply and Drainage Strategy for Meridian Water was recommended by Thames Water. The upcoming Masterplan, should provide scope for determining the scale and timescale of likely development and the Council have further advised that an Infrastructure Delivery Plan is being developed to inform the forthcoming Local Plan which will include details of infrastructure delivery for Meridian Water, building on the infrastructure work undertaken through the Master planning process.
81. Therefore, 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. As such I do not consider that changes to policy EL13 are necessary for soundness.
82. Nevertheless, it is desirable that developers advise infrastructure providers of their future requirements at an early stage. It is also possible for the Council to use planning conditions to phase development where there is an identified capacity constraint. The proposed changes to supporting text in **MM13a** reflect this and are necessary in the interests of effectiveness.
83. I have considered whether a specific policy is needed in the Plan in relation to waste and waste infrastructure. The North London Waste Plan will set out a framework for waste management for the Borough and its neighbours and the Development Management Document makes provision within individual policies for waste matters. I therefore do not consider that there is an identified need for the ELAAP to provide additional guidance on this matter.

#### *Deephams Sewage Treatment Works*

84. EL14 designates Deephams Sewerage Works as SIL in line with The New London Plan, which recognises utilities as an industrial-type function. However, Thames Water have indicated that the site is needed for on-going operations, and so **MM14a** is justified in the interests of clarity. Given the nature of the use, in the interests of effectiveness, **MM18** also refers to the need for appropriate Odour Impact Assessment for development in the vicinity of the site and for appropriate avoidance or mitigation measures to be implemented if required.
85. Furthermore, the supporting text makes reference to the designation of 2 smaller parcels of land north and east of Deephams as SIL allocations. These are small in size and so of limited utility for use as Strategic Industrial Locations. **MM14** removes these sites from SIL designation in the interests of

positive planning. Changes in **MM14**, **MM14a** and **MM18** also make corrections to grammar and clarifies the intention of the policy.

*Edmonton EcoPark and the Meridian Water Heat Network*

86. Edmonton EcoPark is a waste management centre located in the north of the ELAAP area. It collects municipal and commercial waste for seven local authority areas in north London. It was subject to a Development Consent Order (DCO) in 2017 to allow for the construction of an Energy Recovery Facility to replace the existing plant. **MM17** amends the policy and supporting text to update it in light of the DCO and is necessary in the interests of clarity and effectiveness.
87. Policy EL26 relates to the Meridian Water Heat Network (MWHN), a Decentralised Energy Network (DEN) which aims to use power from the EcoPark and the Energy Recovery Facility when it is operational. Energetik, an energy company established and owned by Enfield Council, is seeking to enter an energy supply agreement with the EcoPark to supply power to the MWHN. The aims of the policy, to provide very low carbon heat to local communities, is consistent with the need to respond to climate change explicit in the NPPF.
88. As submitted, Policy EL26 requires connection with a DEN which is also a Council run company and in prohibiting competition the policy is not positively prepared. Support for sustainable energy infrastructure is already well established in Core Strategy Policy 20 and Development Management Document Policy 52 which together set out that where opportunities are available, development will be expected to contribute towards realising opportunities for DENs. The requirements of Policy EL26 are consistent with these policies and the requirement to connect to, or make provision for future connection to the network, in order to create a resilient network, is reasonable. I am satisfied that the fact that the existing DEN is Council owned is incidental in this case.
89. Nevertheless, the policy as drafted does not allow competition and so some clarification of the policy to allow for connection to other DENs, where available, is necessary for soundness.
90. Furthermore, given that the extension of the DEN to the wider area has not been confirmed, it is necessary to amend the wording of the policy to take into account considerations of viability in requiring future developers to adopt combined heat and power systems as an interim measure. The policy and supporting text also require some simplification and updating to reflect the grant of the DCO and uncertainties in the timescale for delivery of both the DEN and to be more flexible in relation to the specifications for access, easements and protection corridors required for connection pipework. These modifications are set out in **MM26** and **MM26a**.

**Issue 9: Are appropriate provisions in place to ensure the effective implementation and delivery of the plan?**

91. The Plan as submitted sets out a range of initiatives and projects. In line with the key objectives of the plan these focus on connectivity, improvements to the public realm and biodiversity improvements, as well as identifying

community infrastructure which may arise as a result of development. The addition of further projects assists in delivering these objectives and so **MM29** is justified in the interests of positive planning and effectiveness.

92. The plan as submitted does not identify phasing for the projects identified, but **MM29** explains that the Council is developing an Infrastructure Delivery Plan to accompany the forthcoming Local Plan, and that this will include details of infrastructure delivery in the ELAAP area, informed by the forthcoming Meridian Water Masterplan. As the forthcoming Masterplan will provide details of phasing throughout Meridian Water, I consider this to be a sound approach.
93. The plan includes arrangements for partnership working and for monitoring, primarily through an officer working group to monitor and drive forward the delivery of proposals. The group will manage the implementation of the ELAAP and oversee its implementation. It will also liaise with relevant delivery partners, assess the extent to which policies in the ELAAP are being implemented, and where necessary, take steps to remedy blockages in implementation. Overall, I am satisfied that this aspect of the Plan will be effective in monitoring and ensuring the delivery of the Plan.

### **Other Changes**

94. Throughout the AAP reference is made to existing and forthcoming SPDs. To ensure that the status of these documents as guidance is clear, changes throughout the plan are necessary for effectiveness. The individual policies have also in places been cross-referenced with the relevant policies on the Core Strategy and the DMD. A number of factual updates including changes to the names of Meridian Water Station, The Central Spine, The Meridian Water Heat Network and The River Lee Navigation have also been made to the plan. References to the selection of a master developer have been deleted where necessary as a result of the evolving nature of the Meridian Water project. Updates in relation to changes to the names of supporting documents, the changing policy context to the plan and changes to public transport proposals have also been made throughout the document. Changes to illustrations and their titles have also been made.
95. These collective changes are necessary in the interests of clarity and so effectiveness and in the interests of brevity. These are contained within the following modifications and I have not referred to them individually. **MM1, MM1a, MM2, MM2a, MM3, MM3a, MM4, MM4a, MM5, MM5a, MM6, MM6a, MM9, MM10, MM11, MM12, MM12a, MM17, MM17a, MM18, MM20, MM21, MM22, MM23, MM25, MM26, MM26a, MM27, MM28, MM29.**

### **Public Sector Equality Duty**

96. In undertaking the Examination I have had due regard to the equality impacts of the ELAAP in accordance with the Public Sector Equality Duty, contained in section 149 of the Equality Act 2010. This includes consideration of the Plan's provision to meet the need for accessible and adaptable housing and inclusive design.

## Assessment of Legal Compliance

97. My examination of the legal compliance of the Plan is summarised below.
98. The Area Action Plan has been prepared in accordance with the Council's Local Development Scheme.
99. Consultation on the Local Plan and the **MMs** was carried out in compliance with the Council's Statement of Community Involvement.
100. Sustainability Appraisal has been carried out and is adequate.
101. A Habitats Regulation Assessment (HRA), dated January 2017 [ELAAP-09] was carried out. This concluded that all likely significant effects on European Sites have been avoided. Subsequently, 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 proposed modifications to the plan to take account of the cumulative effect of recreational disturbance on the Walthamstow Reservoirs SSSI and Lee Valley SPA/Ramsar Site. Natural England have confirmed that the Council's approach is justified and this mitigation has been secured through the plan as modified.
102. The Area Action Plan includes policies, in particular EL8, EL17, EL21, EL23 and EL26, designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
103. The Area Action Plan is in general conformity with The London Plan and The Enfield Plan: Core Strategy 2010-2025.
104. The Area Action Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## Overall Conclusion and Recommendation

105. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above. However, the Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Edmonton Leaside Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Anne Jordan*

**INSPECTOR**

This report is accompanied by an Appendix containing the Main Modifications.