

## **EDMONTON LEESIDE AREA ACTION PLAN**

### **EXAMINATION**

#### **FINAL**

### **Hearing Position Statement**

#### **Matter 1: Legal Compliance, including the Duty to Co-operate**

Issues: Whether the preparation of the Plan has complied with the duty to co-operate imposed by S33A of the Planning and Compulsory Purchase Act 2004, as amended. Whether all the other legal requirements of the 2004 Act (as amended) and the 2012 Regulations have been met.

##### **a. Duty to Co-operate**

###### **i. Has the Duty to Co-operate been met?**

The Council confirms that in accordance with Section 33A of the Planning and Compulsory Purchase Act 2004 and the 2011 Localism Act to requirements on local planning authorities to co-operate with other local planning authorities, neighbouring councils and other specified bodies or persons, including statutory agencies has been met.

The Council has ensured that consultation with relevant bodies, including neighbouring authorities, has been continuous throughout the process of preparing the Plan since its inception in 2007. The Council's partners in the preparation of the AAP include the Greater London Authority, Transport for London, and key private sector organisations, particular those directly impacted by proposals put forward in the development plan.

Duty to Cooperate bodies have been directly informed of all public consultations carried out on the AAP. The responses received are evidenced in ELAAP-04: Regulation 22 Consultation Statement; ELAAP-06: Legal Compliance Checklist and ELAAP-07 Soundness Self-Assessment.

###### **ii. What has been the nature and timing of the co-operation and on which issues?**

The process for producing the Edmonton Leaside AAP began in 2007, and since then there have been several stages of consultation and ongoing discussions to develop a sound planning framework with local people and interested organisations, including:

- Joint Issues and Options Report (2008)
- Discover Central Leaside: Towards a draft Area Action Plan (2012)

- Proposed Submission Central Leaside Area Action Plan (2014)
- Proposed Submission Edmonton Leaside Area Action Plan (2017)

**iii. Who did the Council co-operate with? Were any standing arrangements/protocols/memorandums of understanding in place?**

Enfield's Duty to Co-operate" bodies include:

- Other local planning authorities
- The Mayor of London (GLA)
- Transport for London
- The Environment Agency;
- Historic England
- Natural England
- Health bodies
- Office of Rail Regulation
- The highway authority
- The Marine Management Organisation
- Highways Agency
- Thames Water
- North London Waste Authority
- Network Rail
- The Civil Aviation Authority
- Local enterprise partnership
- The Homes and Communities Agency

The Council confirms there no were and are no standing arrangements/protocols/memorandums of understanding in place as part of this plan making process. However, a number of inter-borough forums are established which aid strategic planning dialogue between partners. For example the Six Authorities Liaison Group (comprising Enfield, Essex and Hertfordshire councils), Enfield plays an active role and meets regularly with adjoining authorities which focus on cross-boundary planning and transportation issues. Similarly, the Council is a long-standing member of the group of seven North London local authorities which are jointly preparing the North London Waste Plan. The Council is also part of the 'Local London' group which is a quorum of east London boroughs seeking to plan for sustainable and inclusive growth.

The Council has not received objections to the AAP concerning the duty to co-operate, and the Council's view is that the duty has been fulfilled.

**iv. How has the co-operation influenced the preparation of the Plan?**

Previous stages in the document preparation and consultation have allowed for alternatives to be raised and considered. Reasonable alternatives were also assessed by the Sustainability Appraisal.

The Regulation 22 Consultation Statement [ELAAP-04] demonstrates how this process has been carried out, in particular Appendix C: Summary of Consultation Responses sets out how the Council has responded to representations and put forward appropriate modifications via the Schedule of Minor Amendments [ELAAP-03].

**b. Community Involvement**

**i. Has the Plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?**

The preparation of the Edmonton Leaside Area Action Plan has been carried out in accordance with Enfield's adopted Statement of Community Involvement (2015) and subsequent Town & Country Planning Regulations (2012) (as amended). The Regulation 22 Consultation Statement [ELAAP-04] that accompanied the Submission AAP [ELAAP-01] provides the detail of how and when the Council consulted organisations, residents, businesses and the community and voluntary sectors as part of the preparation of the Plan.

**c. Scope of the Plan**

**i. Has the Plan been prepared in accordance with the Local Development Scheme?**

Yes, the Edmonton Leaside Area Action Plan has been prepared in accordance with the Council's agreed project plan and content for preparing Enfield's Local Plan. The document is clearly identifiable from its listing and description in the Council's Local Development Scheme (2013 – 2016).

**ii. What is the scope of the Plan?**

The scope of ELAAP is to provide a strategic planning framework for the borough's south eastern Lee Valley corridor known locally as Edmonton Leaside, one of capital's most deprived areas. In particular, the Edmonton Leaside AAP provides for a spatial and policy framework in which to bring forward the strategic regeneration of Meridian Water, North London's most significant flagship regeneration opportunity set to deliver thousands of new homes and jobs as part of a new sustainable communities and neighbourhoods as identified by the Mayor of London.

The AAP will be the overarching policy document to guide the more detailed development of a new supplementary planning document for Meridian Water currently under preparation. This SPD will be subject to detailed evidence and public consultation; and the phased delivery of development through establishing a more area-specific level of detail on which future planning applications will be assessed and determined along the AAP.

The policies within the AAP will deliver the objectives and vision for the area. The objectives act as a framework for the AAP's policies, giving them direction. Collectively the objectives and policies will enable the Council to achieve the vision for the area.

The Plan will form part of suite of documents that make up Enfield's Local Plan. While there is broad consistency, the AAP varies in the policy approach to the Core Strategy and DMD policy in some areas, for example housing mix and industrial land. This is due to evidence and modelling which supports different requirements for this area.

**iii. Having regard to the Council's intentions, as set out in the Local Development Scheme, are there any obvious omissions, in terms of policy guidance, from the submitted Plan?**

The Council confirms no obvious omissions in policy guidance.

**iv. Paragraph 157 of the National Planning Policy Framework (NPPF) says that, crucially, plans should be drawn up over an appropriate timescale, preferably a 15 year time horizon, take account of longer term requirements, and be kept up to date. Does the plan accord with Government policy in this respect?**

The AAP provides for a minimum 15 year time horizon and takes into account longer term strategic requirements associated with supporting improvements for transport infrastructure and regeneration in the Upper Lee Valley Corridor. It incorporates principles of the Mayor's London Plan (2016), and Upper Lee Valley Opportunity Area Planning Framework (2013), including policies related to housing densities, parking standards and sustainable transport.

The Edmonton Leaside Area Action Plan reflects the concept of spatial planning as defined in legislation and national planning policy, containing both strategic and detailed site management policies to achieve sustainable development in the borough over the next 15 years. The ELAAP, together with existing and future new Enfield Local Plan documents will be key planning documents used to guide long-term investment into the area.

#### **d. Sustainability Appraisal**

##### **i. Is the Plan legally compliant with respect to Sustainability Appraisal?**

The Plan has also been informed by Sustainability Appraisal and complies with the Strategic Environmental Assessment (SEA) Directive and Regulations, and to follow best practice in Sustainability Appraisal (SA), the SA compares the sustainability impacts of the AAP.

##### **ii. Is the Plan based on a sound process of Sustainability Appraisal?**

The exploration of options for the Plan has been informed by an extensive evidence base and several stages of consultation. The Plan preparation process has involved and been subject to Sustainability Appraisals at different stages of the plan production. This has informed site options, policy direction and plan content. Sustainability Appraisal [ELAAP-08] provides an account of the approach undertaken in the plan-making process; seeks to address all reasonable alternatives; and appraises the preferred option against agreed sustainability objectives put forward in the submitted ELAAP.

##### **iii. Has the Sustainability Appraisal been undertaken at each stage of the Plan's preparation to clearly justify the Council's policy choices?**

Yes. Each stage of the Plan's preparation has been informed by scoping which established the sustainability objectives to be assessed through more detailed sustainability appraisal. Plan-making has been underway since 2007, with several consultations having been held prior to submission stage. The SA process has been iterative and undertaken alongside plan-making; with SA outputs published alongside past consultation documents.

##### **iv. How has the Sustainability Appraisal process informed the selection, refinement and publication of proposals in the Plan?**

The Sustainability Appraisal Report [ELAAP-08] aims to present information regarding the consideration of reasonable alternative approaches to housing growth in Meridian Water. This has proved itself, over time, to be the key, overriding issue at the heart of the submitted Plan. It is therefore considered reasonable that alternatives appraisal be focused on this matter and evidence there has been formal consideration given to 'reasonable alternatives'. Given the acknowledged changes to housing requirements, the Sustainability Appraisal focuses on the options for greater housing delivery, and does not pursue the figure of 5,000 homes at Meridian Water already established in the Core Strategy.

The SA undertaken for the 2014 AAP document appraised the options of releasing/not releasing industrial land, and found positive sustainability effects from releasing SIL.

The proposals and policies put forward in the Plan have been chosen having reasonably considered alternatives through the Plan's preparation and where importantly a balance is struck in taking decisions between competing alternatives.

**vi. Does it test reasonable alternatives? Has the Sustainability Appraisal been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative?**

A major focus of plan-making and the approach to sustainability work has been on Meridian Water, and this there has been the formal consideration given to 'reasonable alternatives'. Chapter 6 highlights the Council determined a need to undertake technical modelling work, to provide understanding and evidence in relation to the growth potential at Meridian Water. A series of 32 housing growth quantum scenarios were assessed, varying in terms of 1) housing quantum; 2) employment quantum; and 3) the proportion of Harbet Road EIL retained. Table 6.1 presents the implications of these scenarios.

Eight reasonable alternatives were established for appraisal (and consultation) in Table 6.2. These alternatives were determined to be the 'reasonable' alternatives in that their appraisal would facilitate effective discussion of important issues and opportunities. Chapter 7 presents alternatives appraisal findings in relation to Meridian Water, which is the 'stand-out' plan issue and hence that which should be the focus of alternatives appraisal and subject to consultation.

The SA process has assessed reasonable alternatives - rather than all possible alternatives - and given the reasons set out above, the Council is satisfied that the SA has achieved this for plan-making purposes.

**vii. Is the Sustainability Appraisal decision making and scoring robust, justified and transparent?**

The SA framework is presented within Chapter 4. Chapter 6 explains how reasonable alternatives were established in 2016 in-light of earlier consultation/SA. Chapter 8 explains the Council's 'reasons for supporting the preferred approach', i.e. explains how/why the preferred approach is justified in-light of alternatives appraisal (and other factors).

**viii. Does it represent an most appropriate strategy in the circumstances?**

The Edmonton Leaside AAP has been prepared in the context of major trends in the borough and London-wide requirements for significant levels of housing, jobs and supporting infrastructure. Very significant increases in population have driven Enfield's housing needs much higher than was envisaged by the 2010 adopted Core Strategy. Achieving a high number and density of housing and jobs means taking a comprehensive approach to land uses within Meridian Water is the most appropriate strategy.

The Sustainability Appraisal process for the ELAAP therefore considers how the borough's key regeneration location at Meridian Water can be developed in a way which optimises the land use. The development must also support viability of essential transport infrastructure improvements, in particular the new station and improved rail service.

**ix. Does the final report set out the reasons for rejecting earlier options?**

Yes. Chapters 5 and 6 deal with 'Reasons for selecting the alternative options dealt with', in that there is an explanation of the reasons for focusing on particular issues and options. Chapter 6 explains how reasonable alternatives options were established. Chapter 7 presents alternatives

appraisal findings and Chapter 8 explains the Council's 'reasons for supporting the preferred approach'.

**e. Habitats Regulations Assessment**

**i. Is the Plan legally compliant with respect to the Habitats Regulations and any requirement for appropriate assessment?**

The Council confirms an appropriate assessment under the Habitat Regulations [ELAAP-09] has been undertaken for the Submitted Plan. This report sets out the methodology for the Habitats Regulations Assessment (HRA), determines the European sites that require consideration with regards to potential effects arising from the ELAAP, and then goes through the assessment process, assessing likely significant effects on relevant European sites and presents its conclusion. Consultation on this report with appropriate stakeholders was undertaken as part of the consultation for the Proposed Submission.

**ii. In the light of the "People over Wind, Peter Sweetman v Coillte Teoranta" judgment in the Court of Justice of the European Union (CJEU) is the screening assessment appropriate in relation to the potential effects of the AAP on the Lee Valley SPA?**

The Council has further consulted and confirmed with Natural England and agreed via a Statement of Common Ground to put forward a modification to the Plan to recognise that development must not negatively impact on areas of ecological importance, particularly through recreational disturbance, and will include additional wording for Policy EL9 through adding a new item as the 4th bullet point:

**"How they will avoid negative impacts such as recreational disturbance on sites of ecological importance, including the Chingford Reservoirs SSSI and Lee Valley Special Protection Area/ Ramsar site at Walthamstow Reservoirs";**

**f. Modifications to the Plan**

**i. Is the Council proposing any Main Modifications, that are being considered as part of this Examination?**

The Council is in continuing discussions with the GLA regarding general conformity with the London Plan over the full release of SIL land in Meridian Water. Main Modifications may be brought forward and advanced during the hearing sessions. Matter 2: Employment provides further details on potential main modifications.

**ii. Are any further Main Modifications likely to be advanced during the Examination?**

As above.

**iii. Are there any further Additional/Minor Modifications proposed?**

Minor amendments are to come forward through Statements of Common grounds and where minor modifications would benefit clarity to the Plan.

**iv. Could the Council keep an up to date schedule of all Main Modifications during the Examination and provide me with a final copy of this schedule after the Hearings sessions have been completed?**

Yes a schedule of Main Modifications will be provided.

**g. Coverage**

**i. Are there any policies in the Plan that do not accord with the National Planning Policy Framework or advice in the Planning Practice Guidance?**

No, the Council believe the Plan is sound in this respect.

**ii. Are there any policies in the Plan that do not accord with the Adopted Development Plan, including the London Plan?**

The submitted Plan is supported by the core policies 37 and 38 of the adopted Core Strategy. The London Plan (successive versions) and the Upper Lee Valley Opportunity Area (2013) support regeneration in this area. There is strong consistency between the documents that make up Enfield's planning framework.

The ELAAP departs from the Council's adopted Core Strategy position in respect of projected housing and job numbers established by Core Policy and thereby departs from the SIL retention position set out in Core Policy 37 Central Leaside and Core Policy 38 Meridian Water. The latter retains the employment designation of SIL at Herbet Road. The proposal to now fully release SIL is also a departure from the current London Plan and is therefore subject to a position of not being in general conformity with Mayor's London Plan.

**iii. Are there any policy omissions in the plan which would compromise soundness? Have any other policies been considered and discounted?**

The Council believes the Plan as submitted is sound.

**h. Evidence Base**

**i. Is the evidence base in relation to housing, employment and flood risk up to date?**

Yes

**ii. Are there any important developments/changes since the submission of the Plan?**

On the 10th July 2018 the Council's Preferred Bidder withdrew from the Master Developer process for Meridian Water and Cabinet agreed at this meeting the Council would take the lead role in the overall scheme enabling the delivery of approximately 10,000 new homes, through more small flexible plot based developments to be coordinated under an area-wide planning and site-specific masterplan framework. The Cabinet Report is appended to this matter at Appendix 1. At the same meeting Cabinet agreed to progress with bringing forward 3 early sites. The Council now owns just over 70% of the 77ha Meridian Water site

A range of strategic infrastructure has been identified to allow Meridian Water to begin transformation. On the 25th July Cabinet agreed the scope and planning strategy to progress to the next stage of the Housing Infrastructure Fund (HIF). The HIF is a government capital grant programme, which will help to deliver new homes in England. A successful bid will be used to forward fund key infrastructure, prioritising the central spine route, (the Causeway), rail improvements and service frequency. The HIF application also proposes to remediation and flood alleviation works at Meridian Water. The detailed report is appended at Appendix 2.

The Council is also progressing on a new Masterplan SPD for Meridian Water which will be subject to public consultation once the AAP framework is adopted.