



The Planning Inspectorate

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# Report to Enfield Borough Council

by Jill Kingaby BSc(Econ) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 2 September 2014

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION OF THE PROPOSED SUBMISSION  
DEVELOPMENT MANAGEMENT DOCUMENT PART OF ENFIELD'S LOCAL PLAN**

Document submitted for examination on 24<sup>th</sup> January 2014

Examination hearings held on 23<sup>rd</sup> and 24<sup>th</sup> April 2014

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## Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
DMD	Development Management Document
GLA	Greater London Authority
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	national Planning Practice Guidance
REMA	Revised Early Minor Alterations to London Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHMA	Strategic Housing Market Assessment
SIL	Strategic Industrial Location

## **Non-Technical Summary**

This report concludes that the Development Management Document Part of Enfield's Local Plan (The DMD or the Local Plan) provides an appropriate basis for the planning of the Borough, providing a number of modifications are made. Enfield Council has specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.

All of the modifications to address this were proposed by the Council but where necessary I have amended detailed wording and added consequential modifications. I have recommended the inclusion of modifications after considering the representations from other parties on the relevant issues.

The Main Modifications are necessary, in summary, to achieve the following:

- To secure general conformity with the London Plan and recognise the significance of viability in affordable housing policy;
- To give a flexible approach towards suitable non-B uses on Strategic Industrial Locations, and give encouragement to a range of businesses which can contribute to redevelopment and renewal of existing industrial locations;
- To explain the sequential approach for new retail, leisure and office development accurately, and provide appropriately for out-of-centre development if no sequentially preferable sites are available;
- To secure good design in new developments and protect heritage assets, and aid effective planning for tall buildings;
- To secure transport and parking policies which are in general conformity with the London Plan and encourage the promotion of more sustainable travel and road safety;
- To address the concerns of the Environment Agency and Thames Water over water-related issues; and
- To achieve clear policies for conserving and enhancing the natural environment, including waterways, to protect and improve open space for leisure, and to protect the Green Belt in line with national policy.

## Introduction

1. This report contains my assessment of the Development Management Document Part of Enfield's Local Plan 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, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective; and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Proposed Submission Development Management Document (March 2013) [DMD-01] plus the Addendum of Focused Changes (January 2014) [DMD-07] which sought to address concerns with soundness raised during public consultation on the Plan at the Regulation 19 stage.
3. My report deals with the main modifications that are needed to make the Development Management Document (the DMD or Local Plan) sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act, the Council requested that I should make any modifications needed to rectify features that make the Plan unsound and thus incapable of being adopted. These main modifications are set out in the Appendix to this report.
4. The main modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings and/or resulted from the Council's work with interested parties and persons to produce statements of common ground on points of dispute. Following the hearings, the Council prepared a Schedule of Proposed Main Modifications, which also included the Focused Changes it had put forward at submission stage. This schedule has been 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 these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. I have highlighted the amendments in the report (**MMs 12, 71 & 72**).

## Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation.
6. The Council prepared a Statement on the Duty to Co-operate [DMD-05] detailing how it had engaged with other bodies including neighbouring local authorities in the preparation of the Plan. This Development Management

Document is designed to provide detailed policy and criteria for assessing planning applications within Enfield, and assist with delivery of the strategy in the adopted Core Strategy. I have seen no substantive evidence to suggest that the Council has not engaged constructively, actively and on an ongoing basis with the relevant bodies to prepare the current Plan. The duty to co-operate has been met.

## Assessment of Soundness

### Preamble

7. The national Planning Practice Guidance (PPG) was issued in its final form by the Department for Communities and Local Government in March 2014, after the Council had submitted this Local Plan for examination. The PPG is intended to support and provide guidance on the application of the NPPF and not to replace or change national policy. Nevertheless, it is a material consideration for the DMD and I have taken account of it in examining the Local Plan.
8. I have considered whether the DMD should include a specific policy to confirm the presumption in favour of sustainable development which lies at the heart of the NPPF and "should be seen as a golden thread running through both plan-making and decision-taking" (paragraph 14). However, section 1.3.2 of the Local Plan, entitled Sustainable Development and containing highlighted text, satisfactorily reflects the approach sought by the NPPF. Also, as the NPPF has been in place for more than 2 years now, and its objectives are more widely embraced than in the recent past, it is unnecessary and it would be repetitive to add a specific policy to this Local Plan, in my view.

### Main Issues

9. Taking account of all the representations, written evidence and the discussions that took place at the Examination hearings, I have identified six main matters with related issues upon which the soundness of the Plan depends.

**Issue 1a – Whether policies in Chapter 2 of the Plan are consistent with delivering a wide choice of high quality homes as sought by the NPPF, the London Plan and the adopted Core Strategy. Issue 1b - Whether policies in Chapter 3 provide for people's needs for community facilities consistently with the Core Strategy and are deliverable.**

10. The Greater London Authority (GLA) objected to Policy DMD1 concerning its coverage of affordable rent, which it contended could be interpreted as attempting to cap rents. A statement of common ground was subsequently signed on 26<sup>th</sup> March 2014 by the GLA and the Council, and there was agreement to revise the wording and clarify the purpose of the affordable housing policy. This should be done to secure general conformity with the Revised Early Minor Alterations to the London Plan (REMA), as set out in **MM1**.
11. In order to address concerns that Policy DMD1 did not recognise the significance of viability to delivering affordable housing for developers, especially those promoting small housing schemes, and in order to remove any potential conflict between Policy DMD2 and paragraph 2.1.8, the Council

proposed modifications **MM1 & MM2**, which I support to ensure the policies will be justified, and effective in delivering affordable housing.

12. Policy DMD5 was perceived by some as contrary to the London Plan Housing Supplementary Planning Guidance [EBD-30]. This, as a general principle, opposes local restrictive policies including those based on 'conversion quotas' along transport corridors or within walking distance of town centres. However, EBD-30 recognises that a balance has to be struck between realising the potential for residential conversions, especially to meet the needs of smaller households, and sustaining residential quality in neighbourhoods where the pressure for conversion is intense. The Enfield Characterisation Study [EBD-19] describes the detrimental effect of clutter from aerials, satellite dishes and rubbish bins which can disrupt the streetscene, and the pressure for parking spaces in Victorian streets which has led to the loss of front gardens and boundary walls in the Borough. These effects, it is alleged, are exacerbated when residential conversions leading to high occupancy rates are concentrated in a particular street.
13. The Enfield Housing Market Assessment identified a significant shortfall of family housing for dwellings with three or more bedrooms in the Borough. The Council argues that this shortfall justifies its policy to restrain conversions, and advises that it has applied a similar policy to Policy DMD5 with a 20% threshold since 1994. I have seen no substantive evidence that the application of this policy has had harmful consequences. Indeed, Enfield's Monitoring Report 2011/12 indicates that, even with the policy in place, flatted development has been growing faster than new family housing. **MM3** would clarify the meaning of houses in multiple occupation and explain that an Article 4 Direction to limit conversions has been in place since October 2013. This modification is necessary to inform potential developers as to when a planning application would be necessary, and to achieve an effective policy.
14. I also support the Council's **MM4** as this would remove a potential inconsistency in the wording of Policy DMD6. I have seen no substantive evidence that applying the London Plan density matrix unless higher density can be justified in the regeneration areas would be inappropriate in this Borough or prevent sustainable development. I have considered whether Policies DMD6 and DMD8, General Standards for New Residential Development, would be too onerous for developers, bearing in mind paragraphs 173 & 174 of the NPPF which state that development should not be subject to such a scale of obligations and policy burdens that viable delivery is threatened. However, the Council has assessed the likely impact of the policies, as recorded in its Viability Assessment – Community Infrastructure Levy and Proposed Submission Development Management Document (DMD) [EBD-10], section 2.12. I am satisfied that there is consistency with the NPPF.
15. Concerning the policies which address standards for new development, the use of the words "adequate" and "appropriate" for parking, scale, form and density etc has been queried. Although these words are not precise, they are helpful when describing qualitative issues, and should alert applicants to relevant subject matter. They also provide necessary flexibility for the decision-makers who will have to deal with each planning application on its own merits. **MM5**

would clarify the distinction between overlooking private and communal open space, and should ensure Policy DMD9's effectiveness. Suitable management arrangements for communal amenity space should be sought (criterion 2e) to secure good design in accordance with paragraphs 57 & 58 of the NPPF.

**MM6** would clarify how Policy DMD16, Provision of Community Facilities, would be applied, especially in the strategic growth areas.

16. Providing the above-mentioned modifications are made, I conclude that policies in Chapter 2 of the Plan are consistent with delivering a wide choice of high quality homes as sought by the NPPF, the London Plan and the adopted Core Strategy. The policies in Chapter 3 should help provide for people's needs for community facilities consistent with the Core Strategy and be deliverable.

**Issue 2 – Whether the policies in Chapters 4 and 5 are consistent with the NPPF's goal for a strong, competitive economy, encouraging and not acting as an impediment to sustainable growth, and with ensuring the vitality and viability of town centres.**

17. Policy DMD19 permits a range of activities in Preferred Industrial Locations and in the Great Cambridge Road Industrial Business Park. The Employment Land Review 2012 [EBD-09] which underpins the policy is an up-to-date local assessment that has had regard for market signals. EBD-09 concludes that Enfield does not appear to have any significant surplus capacity in terms of its property market, and vacancy rates appear to be low.
18. Policy DMD19 permits a wide range of business activities including green industries, waste management, and car showrooms in selective locations, and goes beyond listing traditional 'B' uses. The policy, to protect the Strategic Industrial Locations for a diversity of industrial uses, is justified and consistent with the encouragement of economic growth and business development in the context of Enfield. The Council proposed **MM7** which would add text to paragraph 4.2.1 to explain that a flexible approach will be taken to suitable non-B uses, in line with the London Plan and Mayor's supplementary planning guidance. I consider that this should be made to ensure that business development is not unreasonably restricted and that the approach is consistent with supporting growth in the local and wider economy, and with regeneration.
19. Policy DMD22, in line with Core Policy 19 of the Core Strategy [EBD-01] seeks to protect and enhance office development and resist the loss of such floorspace in Enfield Town and Southgate town centres, unless the site is no longer suitable and viable for continued office use. Paragraph 4.5.3 and section 4.6 explain the need for market demand analysis and viability assessment to support any proposed loss of employment use. **MM8** would clarify, in paragraph 4.6.4, the role of qualitative appraisals required to justify a release of land. Policy DMD22, with the proposed modification to the supporting text, is consistent with paragraph 22 of the NPPF and would not be overly protective of sites with no reasonable prospect of employment use. In addition, Appendix 13 of the Plan helpfully sets out the Requirements for Market Demand and Viability Assessments. **MM66** would ensure that the Appendix was clear about qualitative appraisals, contributing to effectiveness and consistency with national policy, and should be made.

20. The Council proposed changes to Policy DMD23 and the supporting text (**MM9 & 10**) which should ensure that the Plan recognises the important contribution to Enfield's economy which local and other businesses and small business start-ups can make. Policy DMD25 (paragraph v.) was seen by some as too restrictive and inconsistent with the NPPF, as it states that retail, leisure or office development beyond town centres and edge of centre sites, or within specified retail parks, will not be permitted. The NPPF allows the possibility of out-of-centre development if no sequentially preferable sites are available. **MM11** would explain the sequential test more accurately and allow the necessary flexibility for all proposals to be determined on their individual merits but in line with national and other Local Plan policy.
21. The Council proposes a similar change to that put forward to Policy DMD25 to give flexibility to Policy DMD32, designed to manage the number and clustering of food and drink establishments (**MM12**). Policy DMD32's paragraph 4 aims to tackle health issues notably childhood obesity. The Enfield Food Strategy [EBD-24] and other local evidence support a restriction on hot food takeaways within 400m of secondary school entrances. **MM12** would strengthen the effectiveness of the policy, although a further modification is necessary to avoid conflict between Policy DMD32 and Policy DMD21. **MM12** should also allow for "*Complementary and supporting uses within SIL and LSIS [Locally Significant Industrial Sites] in accordance with Policy DMD21*" after 1.c in Policy DMD32. However, there is insufficient justification for the DMD to alter the boundaries of Oakwood Large Local Centre to include Trent Park Golf Club.
22. With all the above modifications, I conclude that the Plan is consistent with positive planning for a strong, competitive economy, encouraging and not acting as an impediment to sustainable growth, and with ensuring the vitality and viability of town centres.

**Issue 3 – Whether the policies in Chapter 6 are consistent with securing good design (a key aspect of sustainable development and indivisible from good planning, according to the NPPF) and conserving the historic environment, whilst not subjecting development to an excessive scale of obligations and policy burdens.**

23. Policy DMD37 sets out the objectives for good design and sets out a positive approach consistent with paragraphs 56 onwards of the NPPF which should assist prospective developers to achieve good design. The DMD was prepared and submitted before the PPG was finalised and earlier documentation was superseded, including By Design: Urban Design in the Planning System which is referenced in paragraph 6.1.2 of the Plan. The principles of the policy remain sound and I see no necessity to remove the reference to By Design which, as a matter of fact, aided plan preparation. However, I support the Council's proposed change to the wording (**MM13**) to achieve consistency with national policy.
24. Design and access statements are required for a significant number of planning applications in Enfield, and the Council's experience is that many are poor quality and fail to explain the design rationale of proposals. Policy DMD38 sets out the expectations of design and access statements. I am satisfied that the policy should not be too onerous, and would avoid



unnecessary prescription or detail. The approach is supported by the recent PPG which provides guidance as to what is, and what should be, included in such a statement. Proposed modifications **MM14 & 15** are needed to ensure that heritage assets are protected and high quality outcomes sought.

25. I also support the Council's proposal to move text from paragraph 6.2.3 to Policy DMD39, The Design of Business Premises (**MM16 & MM17**). This should reassure developer and business interests that the operational requirements will be fully considered when design is assessed, and that excessive obligations and policy burdens will not be imposed. **MM18** would introduce a degree of flexibility into Policy DMD41 regarding internally illuminated signs, box fascias or projecting box signs in conservation areas. Although **MM18** is considered insufficient by some representors, preservation or enhancement of the character or appearance of conservation areas is a legal requirement. A liberal approach to new illuminated or projecting signage could be materially harmful and inconsistent with the NPPF's requirement for good design.
26. Local residents expressed frustration about the quality of recent developments and proposals, and stated that there had been limited opportunity for public involvement. Policy DMD38 refers to the use of design review panels, and it was suggested that qualified members of the public should be involved. The PPG states that *"To achieve good design the use of expert advice from appropriately skilled in house staff or consultants may sometimes be required. But design should not be the preserve of specialists, it is also important to seek the views of local communities."* Whilst recognising the importance of public engagement, it is not essential for the composition of design review panels or the detailed mechanisms for consultation on design to be set out in this DMD. The absence of such information should not prevent a step up in public involvement in future nor make the Plan unsound.
27. Core Policy 30 stated that areas appropriate, inappropriate and sensitive to tall buildings would be mapped, and policies developed as part of the DMD. Policy DMD43 provides detailed criteria to direct proposals for tall buildings away from inappropriate or sensitive areas to appropriate ones, but fails to map distinctive areas. English Heritage contended that mapping would be useful to developers, decision-makers and local communities in understanding the interpretation of the policy. Some other London Boroughs have included such policies in their Plans, and Enfield should do the same.
28. The Council has studied the character and location of existing tall buildings, the factors which make them appropriate or inappropriate, and the scope for accommodating new buildings, in its Report on Location of Tall Buildings and Important Local Views in Enfield [EBD-14], and in the Enfield Characterisation Study [EBD-19]. However, having researched the topic in greater depth since the Core Strategy was published, the Council considers that maps to guide future development, whether based on precise boundaries or broad locations, could be misleading. Town centres in principle would be appropriate for tall buildings but many in Enfield include or abut conservation areas which could be adversely affected by them.
29. The existing tall buildings' assessment in EBD-14 indicates that the majority of such buildings in Enfield are seen as inappropriate structures and/or

inappropriately located. This indicates that a degree of caution as to the suitability of future schemes and their locations is justified. Detailed assessment of the areas with most potential for new tall buildings where development is most likely to occur can be undertaken through other parts of the Local Plan. For example, the recently examined North Circular Area Action Plan contains policies with specific expectations as to the number of storeys in new buildings [EBD-37]. The absence of a map as promised in the Core Strategy is regrettable but, in combination with Area Action Plans and masterplans, Policy DMD43 should provide a sufficiently comprehensive set of criteria to guide users of the Plan. **MM19 & 20** would add references to the map in EBD-14 and relevant Area Action Plans, and should be made to aid the Local Plan's effectiveness in achieving buildings of high quality design.

30. A cross-reference to Core Policy 31: Built and Landscape Heritage in Policies DMD49 & DMD50, Sustainable Design and Construction Statements and Environmental Assessment Methods, and changes to the wording in paragraph 2 of Policy DMD44 and Appendix 6 are put forward by the Council in **MM21, 22, 34 & 35**. These modifications should be made to emphasise the importance of good design and of conserving and enhancing the historic environment, to achieve consistency with the NPPF and reflect legislative language and terminology. In Appendix 14, the Glossary should be changed by **MM68** so that the particular types of heritage asset are defined. English Heritage suggested some additional refinement of the terms which, in my opinion, could be made at the Council's discretion without affecting the Local Plan's soundness.
31. As long as the above main modifications are made, I conclude that the policies in Chapter 6 are consistent with securing good design (a key aspect of sustainable development and indivisible from good planning, according to the NPPF) and with conserving the historic environment.

**Issue 4 - Whether the Plan is consistent with the promotion of sustainable development and the use of sustainable travel modes, and includes appropriate parking policies which are in general conformity with the London Plan.**

32. Transport for London raised concerns that the tone of Policy DMD45 could encourage car parking in all developments regardless of location, nature and scale. This would be contrary to the London Plan which seeks to minimise car parking and promote sustainable transport options. Car club provision, electric vehicle charging points and disabled parking provision, it was suggested, should be considered when developments were proposed. The proposed modifications **MM23 & 24** would address these concerns. Local residents expressed doubts as to whether limiting car parking space would discourage car ownership and use. However, proposed modifications to the supporting text, **MM25-27**, would add a new paragraph to signal the production of new guidance notes on parking provision and the need for a Transport Assessment where development could exacerbate on-street parking pressure. The modifications would emphasise that a design-led approach will be sought which would balance the needs of all users of vehicles and parking space with the need to protect streetscape.
33. In addition, proposed modifications of Policy DMD46 and its supporting text

(**MM28 & 29**) are put forward by the Council to clarify the approach to proposals for vehicle crossovers and dropped kerbs. I support all the above modifications to secure effectiveness in planning for vehicle parking.

34. Proposed modifications to Policies DMD47 and DMD48 and the supporting text (**MM30, 31 & 32**) would reinforce the aim that new access and servicing arrangements should secure attractive, safe and convenient access for users of all forms of transport including pedestrians, cyclists and public transport users. They would clarify the role of transport assessments, travel plans and servicing and delivery plans. I have seen no detailed evidence that encouraging the production of Construction Logistics Plans for major applications would be unduly onerous for the development of new waste facilities in the Borough. Concerning risk assessments for road safety, the NPPF's definition of a transport assessment states "*....It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development*". **MM33** would provide additional information about the use of Travel Plans which should ensure effectiveness in securing safe and sustainable development.
35. With the proposed modifications, Chapter 7 of the Plan: Transport and Parking is consistent with the promotion of sustainable development and the use of sustainable travel modes, and includes appropriate parking policies which are in general conformity with the London Plan.

**Issue 5 - Whether the Plan tackles the challenge of climate change in a positive fashion and consistently with national planning policy. Whether the Plan's policies provide protection against flooding, pollution, deterioration in air quality, and other contamination.**

36. The Council has proposed modifications in response to Thames Water Utilities Limited, to address concerns over water efficiency, wastewater infrastructure and assessing, avoiding and reducing flood risk. A reference to the proposed upgrade to Deephams Sewage Works was also sought. These have been agreed and are shown in **MM38, 39, 40, 42, 43 & 65**. Main modifications **MM53 & 54** to Policy DMD68 and supporting text would confirm how development generating noise would be assessed and these have also been agreed with Thames Water. Amendments to the Glossary were also agreed between Thames Water and the Council in respect of Building Premises and Sustainable Drainage Strategy (**MM67 & 69**). I am satisfied that all these changes, including the change to wording in Policy DMD64, Pollution Control and Assessment (**MM48**), are necessary for the delivery of high quality, sustainable development.
37. Concerns were raised that the policies in Chapter 8 paid insufficient attention to viability and the need for schemes to be deliverable. Modifications to specify that technical feasibility and economic viability and other relevant planning considerations will also be taken into account are put forward in respect of Policies 49, 56, 57 & 58 (**MM34, 36, 37 & 38**). This caveat is already included in Policy DMD55 in recognition that there may be schemes where it is technically unfeasible to use all roof space and vertical surfaces for green roofs, living walls etc.

38. It was also claimed that paragraph 2 of Policy DMD49 should differentiate between householder, minor and major development preferably in a SPD, so that the policy requirements did not appear too onerous, and to achieve consistency with the NPPF's paragraph 174. As the policy makes reference to "technical feasibility", however, it should not be unduly onerous to proposed developments of different types and scale. The suggested modification is not necessary, in my view. Policy DMD49 includes a reference to Appendix 3, explaining that the scale and scope of statements will be determined on a site-by-site basis. **MM64** would add a reference to the local validation list to Appendix 3 which should clarify how the policy will be applied.
39. The Environment Agency expressed pleasure that resilience to the impacts of climate change formed such an important part of the DMD. It proposed a number of modifications to address procedural matters. **MM41** would be consistent with the fact that it could be Enfield Council rather than the Agency that will have responsibility for reviewing sustainable drainage schemes in the future. **MM51** would add a reference to paragraph 9.3.3 to the Environment Agency's General Principles and Practice document. **MM46 & 47** advise that there should be a minimum 8 metre buffer strip between new development and main rivers, and the Agency should be consulted on applications within 8m rather than 20m of a main river. The modification to Policy DMD63 addresses the Environment Agency's concern raised at the Regulation 19 consultation stage and is not so significant that it undermines sustainability appraisal for the Local Plan. The Council has offered to add definitions of 'main rivers' and 'ordinary watercourses' to the Glossary, which I support to assist application of the policy (**MM71**).
40. In addition, **MM44** would require all development to explain how surface water management would be achieved. **MM45** would refer to mitigating flood risk to third parties as well as on site, to the Agency's Groundwater protection: Principles and Practice document, and to Water Framework Directive assessments. **MM49** should ensure that surface water and groundwater is taken into account when remediation for pollution control is considered. **MM55** would alert developers to address ecological impact when a Water Framework Directive is required. All the proposed modifications are supported by the Council and necessary for the achievement of sustainable development in my view. The Environment Agency also pointed out a typographical error in paragraph 8.5.7 which could lead to misunderstanding of the sequential and exceptions' tests. I recommend that this be corrected (**MM72**).
41. The Government's Housing Standards Review has signalled the likely demise of the Code for Sustainable Homes and indicated that energy requirements in dwellings should be secured through Building Regulations rather than planning policy. However, the PPG has not confirmed this and national policy has not yet been changed. Policy DMD50 states that proposals must achieve standards under the Code for Sustainable Homes or BREEAM "or equivalent scheme or rating if this is updated". This should enable future changes in national policy to be applied appropriately in Enfield. Policies DMD51 and DMD54 address the requirements of Policy 5.2 of the London Plan, and should be read in conjunction with the Council's s106 supplementary planning document [EBD-21]. I consider that these policies for energy efficiency in new development are consistent with the NPPF in seeking good design and

sustainable development.

42. Regarding the reference to the 1 in 1 year run off rate in Policy DMD61, the Council explained that this applies to major developments. As the majority of these will occur on brownfield sites which have the greatest impact on flood risk in Enfield, I consider the policy to be justified.
43. The Greater London Authority (GLA) sought change to Policy DMD 67 and supporting text to state that the risks from hazardous installations would be considered in balance with the benefits of development and existing patterns of development. The Council proposed **MM50 & 52** which would bring the Local Plan into line with REMA.
44. I conclude that the Plan tackles the challenge of climate change in a positive fashion and consistently with national planning policy. As long as the main modifications are made, it should provide protection against flooding, pollution, deterioration in air quality, and other contamination.

**Issue 6a - Whether Chapter 10 of the Plan is consistent with conserving and enhancing the natural environment including waterways and biodiversity, and with protecting and improving open space provision.**

45. Policy DMD74 seeks to resist the loss of space used for outdoor sports and establish standards to secure high quality new facilities. Sport England pointed out that the policy should refer to "playing field land" rather than "sports' pitches", as the latter are defined by white markings to denote the area of play of a particular sport. To achieve an effective and unambiguous policy consistent with national policy for Green Belts, the Council's proposed **MM56** should be made.
46. Lee Valley Regional Park is the subject of Core Policy 35, which states that the Park Development Framework being prepared by the Lee Valley Regional Park Authority will inform preparation of the North East Enfield Area Action Plan and Central Leaside Area Action Plan. Core Policy 11 refers to identifying the priority mix of recreation and leisure facilities at Pickett's Lock, a major development site in the Green Belt. The Area Action Plans (AAPs) are progressing, with the Examination of the North East Enfield AAP expected to start in October 2014, and Central Leaside AAP in April 2015. Both emerging plans [EBD-35 & EBD-36] include references to improving sustainable access to Lee Valley Regional Park, to enhancing the waterways and developing corridors of recreation, leisure and new habitat. There are policies for Ponder's End and Enfield Lock, among other places.
47. The emerging Central Leaside AAP provides an outline approach for development at Pickett's Lock. The criteria in Policy DMD74 are not in my view so restrictive that they would stifle the ambition to develop Pickett's Lock for multiple sport and recreation purposes. In view of progress on the AAPs, there is scant evidence that progress on development of the Regional Park is being held back. There is insufficient justification for a site-specific policy with a detailed appendix for Lee Valley Regional Park in this DMD. More generally, there is insufficient justification to relax Policy DMD74 and allow for the loss of sports' pitches or playing fields where "special circumstances apply".

48. Regarding Policy DMD75, the London Plan states that new mooring facilities should normally be off line from main navigation routes ie. in basins or docks. However, the London Plan clearly supports a diversity of uses on the waterways and Enfield's plans have to achieve a satisfactory balance between them. **MM57** would clarify that permanent residential or commercial moorings will be supported providing, among other things, there would be no adverse impact on freight or leisure uses. The requirement that leisure and recreation uses must not be adversely affected should provide adequate safeguards for Lee Valley Regional Park Authority and planning decision-makers.
49. Concern was raised about retaining or introducing public access to the waterfront beside industrial/commercial development, especially in SILs. The potential for anti-social behaviour which could be harmful for industrial users was referenced. However, the Council indicated that regeneration schemes had achieved the desired outcome opening up the waterfront in some places. The policy includes the phrase "where possible" to providing an attractive and accessible façade, which should allow flexibility in its application. In response to concern that the requirement for on-site ecological enhancements could render some development unviable or unfeasible, **MM58** was put forward by the Council, which I support. I conclude that Chapter 10 of the Plan will be consistent with conserving and enhancing the natural environment including waterways and biodiversity, and with protecting and improving open space provision, providing the above main modifications are made.

**Issue 6b – Whether Chapter 11 protects the Green Belt in line with the NPPF.**

50. Chapter 11 of the DMD is consistent with Core Policy 33 and with national policy for Green Belts, even though the Core Policy pre-dates the NPPF. The two major development sites and Areas of Special Character are taken forward in a consistent way in the DMD. Proposed modifications **MM62 & 63** to Policy DMD89 and the supporting text should eliminate any uncertainty about the approach to redevelopment of previously developed sites in the Green Belt with an added reference to Core Policy 33. Changes to wording where Green Belt is mentioned in Policy DMD74, to the second sentence of DMD82 and to Policy DMD89 regarding previously developed sites, are needed to ensure consistency with national policy for Green Belts (**MM56, 59 & 62**). Even though the Crew's Hill Area may be the largest horticultural retail trading area in Europe and of notable economic significance, Policy DMD90 should not be changed. As the Local Plan indicates, the impact of garden centres in the Green Belt needs to be carefully managed.
51. Although the areas of countryside around the built-up area of Enfield are almost synonymous with the Borough's Green Belt land, care needs to be exercised to ensure that Policy DMD83 is not extending restrictive Green Belt policy beyond the defined boundaries. A demand for openness in adjoining areas, it was claimed, could prevent much-needed development. On the other hand, the Enfield Characterisation Study [EBD-19] identifies the farmland ridges and valleys in the Borough as high quality open landscape with a special character. All of this character area is protected as Green Belt and much is in productive agricultural use. The rural part of Enfield also includes historic

parklands. The NPPF expects Green Belts, among other things, to assist in safeguarding the countryside from encroachment. Landscapes, visual amenity and biodiversity should be enhanced. **MMS60 & 61** assist in clarifying how Policy DMD83 will be applied on land adjacent to the Green Belt, consistently with national policy and the local evidence base. I see no need for Edmonton EcoPark to be an explicit exception to Policy DMD83, and conclude that Chapter 11 will be sound as long as all the above-mentioned modifications are made.

## Assessment of Legal Compliance

52. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Development Plan Document is identified within the approved Revised LDS (2013-16) [EBD-03] which sets out an expected adoption date of September 2014. The Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2006 [EBD-02]. Consultation, including consultation on the post-submission proposed 'main modifications' has been compliant with the key principles therein, and with the Regulations.
Sustainability Appraisal (SA)	SA has been carried out and is adequate [DMD-03].
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report, 2009, assessed the combined effect of implementing the Core Strategy and London Plan on Enfield. A review for the current Plan in May 2013 [DMD-06] found that this baseline remains relevant and appropriate. Natural England has confirmed that the Council's approach is justified and a full AA is not required.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy	Satisfactory regard has been paid to the Sustainable Strategy for Enfield as revised in 2009 [EBD-20].
Public Sector Equality Duty	The Plan was the subject of Predictive Equality Impact Assessment – Equality Analysis, 2013 [SD-02], and complies with the Duty for public bodies to consider how different people will be affected by their policies and services, and secure inclusiveness.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

**53. The Plan has a number of deficiencies in relation to soundness for the reasons set out above. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that, with the recommended main modifications set out in the Appendix, the Development Management Document – Part of Enfield's Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Jill Kingaby*

Inspector

**This report is accompanied by the Appendix containing the Main Modifications**