



**STATEMENT OF (UN) COMMON GROUND**

**Between**

**ENFIELD COUNCIL**

**AND**

**ENGLISH HERITAGE**

In respect of Enfield Council's Development Management Document

This Statement of Common Ground has been prepared to identify areas of agreement and disagreement between Enfield Council and English Heritage on matters relating to the Council's Submission Development Management Document (2014).

<b>In Respect of Issue (Document Order)</b>	<b>Representation Ref. No</b>
DMD 38 – Design Process	DMD38/09/002
DMD 43 – Tall Buildings	DMD43/09/003
DMD 44 – Preserving and Enhancing Heritage Assets	DMD44/09/004
DMD 49 and DMD 50 Sustainable Design and Construction Statements and Environmental Assessment Methods	DMD49&50/09/005

**Notes on agreed amendments:**

1. Underlined text indicates an addition to the DMD text
2. ~~Strikethrough text indicates a deletion to the DMD text~~

**Areas of Agreement:**

Policy DMD 38 – Design Process	DMD38/09/002
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Both parties agree to the below amendment (set out in Focussed Change 8 of the Addendum of Focussed Changes):

*Paragraph 6.1.8 to be amended as follows:*

“...Applicants are strongly advised to take advantage of the pre-application advice service offered by the Council. Where appropriate, early discussions with relevant statutory consultees, such as English Heritage on major heritage issues, is also encouraged...”

DMD 44 – Preserving and Enhancing Heritage Assets	DMD44/09/004
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Both parties agree that the policy should be amended as below:

1) *DMD 44 to be amended as follows:*

Delete the word “normally” from part 1 of the policy. Part 1 of the policy to read:

“...Applications for development which fail to conserve and enhance the special interest, significance or setting of a heritage asset will ~~normally~~ be refused...”

2) *DMD 44 and Appendix 6 to be amended as follows:*

All instances of Preserving/Preserve/Preserved to be replaced with Conserving/Conserve/Conserved respectively. Instances occur within the policy title; paragraphs 6.5.2, 6.5.4 and 6.5.5; and in Appendix 6, (part 4).

DMD 49 and DMD 50 Sustainable Design and Construction Statements and Environmental Assessment Methods	DMD49&50/09/005
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Both parties agree to the below amendment (as set out in Focussed Change 23 of the Addendum of Focussed Changes):

*DMD50 to be amended as follows:*

Final sentence of DMD 50 to include reference to policy Core Strategy 31 to read:

“...This Policy should be read in conjunction with Core Strategy policies 4, 20, 21, 22, 28, 31, 32 & 36...”

### Areas of Disagreement

In Respect of Issue (Document Order)	Representation Ref. No
DMD 43 – Tall Buildings	DMD43/09/003

#### 1) *Interpretation of the NPPF:*

English Heritage cite paragraphs 154, and 157 (bullet point 7) of the NPPF, and Draft National Planning Guidance (2013) (NPG) paragraph ID12-010- 130729 as supporting the need for mapping areas “appropriate”, “sensitive” and “inappropriate” for tall buildings. Enfield Council disagree with this interpretation in the following ways:

a) Paragraph 154 of the NPPF states that “*Local Plans should set out the opportunities for development and clear policies on what will or will not be permitted and where. Only policies that provide a clear indication of how a decision-maker should react to a development proposal should be included in the plan.*” Enfield Council does not agree that this paragraph requires that the spatial extents of all policies are mapped. Criteria-based policies are a common feature of development plans and are frequently and effectively applied by planning authorities.

b) The 7<sup>th</sup> bullet point of paragraph 157 of the NPPF states that local plans should “identify land where development would be inappropriate, for instance because of its environmental or historic significance”. The Council believe this has been achieved through the criteria-based policy. As set out in the Council’s Statement in response to Matter 4 of the “Inspector’s Matters, Issues and Questions”, the extent of the area where tall buildings will be appropriate will depend on the specific nature of the proposal and its context, and should not be arbitrarily defined.

c) Draft National Planning Guidance (2013) (NPG) paragraph ID12-010- 130729 (the equivalent paragraph in the published guidance is ID: 12-010-20140306) states that “where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the ‘what, where, when and how’ questions)”. While the policy does not specifically “allocate” land for tall buildings, the Council believes that the criteria-based policy provides sufficient detail about the appropriateness of various locations while avoiding false precision and oversimplifying what is an inherently complex issue.

## *2) Spatial Expression of Policy:*

Both parties confirm that the principle remaining area of disagreement is whether the spatial extent of areas “inappropriate”, “sensitive” and “appropriate” for tall buildings, (as defined in DMD 43), can and should be mapped. The parties’ positions are set out in their statements in response to Matter 4 of the “Inspector’s Matters, Issues and Questions”.

The Council and English Heritage met on 13<sup>th</sup> March 2014 in order to discuss the above issue. While the principle difference of opinion remains, a number of suggested amendments were agreed in order to increase the spatial element of the policy by referring to the existing evidence base and to future work.

### *DMD paragraph 6.4.4 to be amended as follows:*

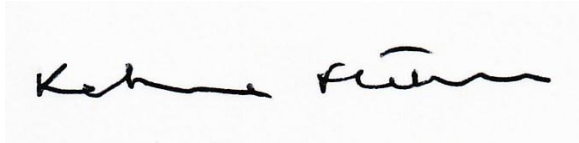
~~“The borough contains a number of~~ This latter document maps the location of the borough’s existing tall buildings, many of which do not meet the requirements of this policy and have a negative impact on the quality of the surrounding environment...

### *An additional paragraph to be inserted after paragraph 6.4.4 as follows:*

“The Council are committed to producing (and updating where necessary) a number of Area Action Plans and Supplementary Planning Documents. These cover the geographic areas most likely to contain sites (and/or sub areas) appropriate for tall buildings by way of the presence of one or more of the “appropriate”

criteria listed in the above policy, (The areas include North East Enfield, Central Leaside/Meridian Water, Enfield Town and Edmonton Green). The more focussed nature of these documents will allow more detailed urban design studies to take place and the application of the “sensitive” and “inappropriate” criteria to test whether any such sites/sub areas exist”. The Council has already begun this process, for example through the development of the New Southgate and Meridian Water Masterplans and Ponders End Central Planning Brief.

**Signed on behalf of English Heritage**

A handwritten signature in black ink, appearing to read 'Katharine Fletcher', written on a light-colored background.

Katharine Fletcher  
Historic Environment Planning Advisor  
English Heritage

Date: 26/03/2014

**Signed on behalf of Enfield Council**

A handwritten signature in black ink, appearing to read 'Joanne Woodward', written on a light-colored background.

Joanne Woodward BA (Hons) MRTPI  
Head of Strategic Planning and Design  
Regeneration, Leisure and Culture

Date: 26/03/2014