

## **Examination of Enfield's Development Management Document – Part of Enfield's Local Plan – March 2013**

### **Inspector's Matters, Issues and Questions**

The matters, issues and questions are based on the Proposed Submission Development Management Document [DMD-01] and the Addendum of Focused Changes, January 2014 [DMD-07]. The questions also take into account the Schedule of Representations from the consultation exercise conducted 10<sup>th</sup> July to 27<sup>th</sup> September 2013, and the Council's response.

If you made representations objecting to parts of the Plan, please answer only the questions which relate directly to your original representations, as succinctly as possible. If you have no additional information to give, that is fine. When responding, in your statement please make clear what parts of the Plan, in your opinion, are unsound or not compliant with relevant legal requirements. Then, if possible, please state how precisely the Plan could be amended to make it sound.

It is helpful if the Council would also respond in writing to the questions. All written responses from all parties will be made available on the examination website before the hearings take place.

### **Matter 1: The Duty to Co-operate and Legal Requirements**

**Issues:** Whether 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.

#### **Questions:**

1. Has the duty to co-operate been met? Is there any doubt that Enfield Council engaged constructively, actively and on an ongoing basis with neighbouring local planning authorities and the prescribed bodies in preparing the Development Management Document (the Plan)?
2. Do the timescale and content of the Development Management Document reflect the Council's Local Development Scheme?
3. Did the plan-making and consultation processes meet the requirements of the Regulations and adopted Statement of Community Involvement?
4. Has adequate sustainability appraisal been carried out?
5. Has appropriate assessment under the Habitats Regulations been undertaken?
6. Is the Plan in general conformity with the sustainable community strategy for the Borough?
7. Is the Plan consistent with national planning policy, as set out in the National Planning Policy Framework (NPPF)?
8. Is the Plan in general conformity with the London Plan?
9. Does the Plan comply with the 2004 Act and Regulations in other respects?

## **Matter 2: Housing and Community Facilities**

**Issues:** 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.

Whether policies in Chapter 3 provide for people's needs for community facilities consistently with the Core Strategy and are deliverable.

### **Questions**

1. Do Policy DMD1, and the justification in paragraphs 2.1.3 & 2.1.4, require modification to secure general conformity with the London Plan and Revised Early Minor Alterations (REMA)? Is Enfield's approach to affordable rented housing justified?
2. Should Policy DMD1 (and/or DMD2) be amended to emphasise the need to take account of development viability, or secure design which is 'tenure blind' and well integrated?
3. Policy DMD5(b) states that the number of residential conversions along any road must not exceed 20%. Is this too restrictive and contrary to the London Plan SPG, or justified by local evidence?
4. Is it sufficiently clear how Policy DMD6 will be implemented, given its repeated use of 'appropriate'?
5. Is there any substantive evidence that the standards for new housing in Policy DMD8 are set so high that deliverability could be adversely affected? (I note that Core Policy 4 of the Core Strategy expects all new homes to be built to Lifetime Homes standards).
6. Does focused change No 1 to Policy DMD overcome concerns about new flats, amenity space and overlooking?
7. Does focused change No 2 to Policy DMD 16 overcome concerns about the policy's application to Strategic Growth Areas?
8. Having regard for the Council's response in DMD08, is there any outstanding evidence that Policies DMD16 & 17 might inhibit police and emergency service activities?

### **Matter 3: Enfield's Economy, Town Centres and Shopping**

**Issue:** Whether the policies in Chapters 4-6 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 of town centres.

#### **Questions:**

1. Having regard for the Council's Employment Land Review 2012 [EBD-09], is there substantive evidence that Policy DMD19 is too restrictive and protective of traditional employment uses, and contrary to the NPPF, paragraphs 18-22?
2. Does focused change No 3 [DMD07] to paragraph 4.2.1 address concerns over flexibility and achieve an effective policy?
3. Is the figure of 10% in Policy DMD21 for direct sales or trade counters element justified and realistic? If not, is there evidential support for an alternative amount?
4. Is there substantive evidence that Policy DMD22 related to employment land outside designated areas and the justification in paragraph 4.5.3 should be amended, possibly to reflect paragraph 22 of the NPPF more closely?
5. Should new industrial development within SIL and LSIS have to satisfy criterion 1a of Policy DMD23 given that these are already designated sites? Or is this too onerous?
6. Do focused changes Nos 4 & 5 overcome the objections to criterion 1b of Policy DMD23? And is Policy DMD24 too protective/supportive of small businesses?
7. Is Policy DMD25 of the DMD justified and consistent with Core Policies 17 & 18 of the Core Strategy? With focused change No 6, would the policy be consistent with the NPPF and ensuring the vitality of town centres?
8. With focused change No 7 in place, would objections that Policy DMD32 is too restrictive towards food and drink uses be overcome?

## **Matter 4: Design and Heritage**

**Issues:** 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.

### **Questions:**

1. Is Policy DMD38 too onerous in its expectations for design and access statements, having regard for paragraphs 56 onwards in the NPPF and the guidance detailed in paragraph 6.1.9 of the Plan?
2. Is the focused change No 9 sufficient to introduce flexibility into Policy DMD39 and make it less burdensome?
3. Would the focused change No 10 to Policy DMD41 lead to consistency with the Control of Advertisements Regulations 2007?
4. Is Policy DMD43 inconsistent with Policy 30 of the Core Strategy which states that areas appropriate, inappropriate and insensitive to tall buildings will be mapped? Even if precise boundaries cannot be mapped, why could not broad areas be identified?
5. In the absence of more local information, does the policy add anything to the London Plan and Mayor's SPG or CABE/English Heritage Guidance on Tall Buildings? Does the policy give developers, local communities and others sufficient information to be justified and effective?
6. Focused change No 11 to Policy DMD44 proposes "preserves the asset in a manner appropriate to its significance" whereas English Heritage proposed the word "conserves". Is this significant?
7. Should the plan differentiate between the various types of heritage asset (eg. conservation areas, listed buildings, registered parks and gardens, locally listed buildings and archaeology), to ensure that development proposals take account of the proper management frameworks?

## **Matter 5: Transport and Parking**

**Issue:** 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.

### **Questions:**

1. Do the focused changes Nos 12-17 overcome the concerns of the Greater London Authority that Policy DMD45 set a tone which encouraged car parking provision in all developments regardless of their location, nature and scale, contrary to the London Plan?
2. Is the approach to limited parking or car free housing development consistent with reducing the need to travel by private car whilst avoiding increased on-street car parking in unsuitable locations?
3. Do focused changes No 18 & 19 ensure that Policy DMD47 should secure a safe environment for pedestrians and children when new roads, access and servicing are provided?
4. Are focused changes Nos 20 & 21 justified, and necessary to explain the role of transport assessments and travel plans in line with the NPPF?

## **Matter 6: Climate Change and Environmental Protection**

**Issues:** 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 pollution, deterioration in air quality, and other contamination.

### **Questions:**

1. Do focused changes 22 & 23 result in policies (DMD49 & 50) for sustainable design and construction statements and environmental assessment which would be sound, ensuring that viability and the need to conserve heritage assets would be fully considered?
2. Should paragraph 8.1.5 be made more flexible regarding "post construction assessment", bearing in mind the time needed to achieve accreditation?
3. Is Policy DMD54: Allowable Solutions sound in the context of the Government's Housing Standards Review?
4. Whether the concerns of Thames Water about the provision of new water and wastewater infrastructure, as foreseen in Core Strategy Policy 21 and the London Plan, are overcome by focused changes Nos 25-27 & 29?
5. Whether the Environment Agency's concerns about Policies DMD59, DMD61, DMD62, DMD63 and paragraph 9.2.4 related to water conservation, flood risk and remediation for land contamination are adequately addressed by focused changes Nos 28, 30, 31, 32, 33, 35 & 36?
6. Whether Policy DMD68 is too restrictive, given the likelihood of industrial, leisure and other uses being closely located in this urban Borough? Whether focused change 38 is clearly set out in DMD-07, and whether it would achieve an effective policy?

## **Matter 7: Green Infrastructure and Green Belt**

**Issues:** 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.

Whether Chapter 11 protects the Green Belt in line with the NPPF.

### **Questions:**

1. Should Policy DMD74 be more supportive of artificial playing pitches with flood lighting in the Metropolitan Open Land and/or Green Belt having regard for paragraphs 73 and 89 of the NPPF ?
2. Does Policy DMD75 with focused change No 41 achieve a satisfactory balance between the diverse range of uses and functions, including industrial estates, which waterways serve?
3. Should the policy be more restrictive of residential moorings in the Lee Valley Regional Park?
4. Should the policy acknowledge that waterways have significance for ecology as well as for human access?
5. Is Chapter 11 of the Plan consistent with Core Policy 33 of the Core Strategy and with Chapter 9 of the NPPF? If not, what are the essential differences?
6. Is Policy DMD83 justified and consistent with national policy, or does it extend Green Belt protection inappropriately to adjoining areas, emphasising visual impact rather than openness?
7. Is the inclusion of land at Enfield Road in the Green Belt justified having regard for the Council's Detailed Green Belt boundary Review [EBD-18]?
8. And is the land's inclusion in the Merryhills Brook Valley Special Character Area justified?
9. Do focused changes Nos 44 and 45 overcome concerns about Policy DMD89 relating to its 'two tier approach' for previously developed sites in the Green Belt?

Jill Kingaby (Inspector)

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