

Enfield Council's response to Inspector's IN1 Document

This statement sets out the Council's response to the Inspector's Preliminary Questions [IN1] addressing PQ 2-4, PQ20, PQ10-19, PQ47 and PQ61a. Responses to the remaining questions will be provided from 1 November 2024.

Council's introduction

The Inspector's questions are shown below in ***bold italics*** with a border, following any preamble to the question in italics. The Council's responses are shown in normal typeface below the Inspector's questions.

Main modifications arising from the Inspector's questions (where proposed) are set out in grey tint boxes.

The Council further notes that the 'main modifications' suggested in response to the Inspectors' questions below are not the only ones that the Council has suggested to date. The schedule of suggested main modifications [DMOD1] is a live document.

Responses to the Inspector's questions

Submission Plan

PQ2: For the avoidance of doubt, can the Council confirm that documents SUB1-SUB6 are the documents which were consulted on between 28 March 2024 and 20 May 2024 and have not been amended in any way since, including in terms of the changes set out in SUB10?

Council response:

Yes, the Council can confirm that SUB1-SUB6 are the documents that were consulted on between 28 March 2024 and 20 May 2024, and they have not been amended in any way since, including the changes set out in SUB10.

PQ3: Is the Council content that they have met the requirements of Regulation 8(5)?

Council response:

The Council is content that paragraph 1.15 of the ELP meets the requirements of Regulation 8(5).

ELP paragraph 1.15, as proposed to be modified, is clear that all of the policies and site allocations within the Core Strategy (2010), Development Management Document (2014), Edmonton Leaside Area Action Plan (2020), North East Enfield Area Action Plan

(2016) and North Circular Area Action Plan (2014), will be superseded once the ELP is adopted.

For ease of reference paragraph 1.15 of the ELP, as proposed to be modified, will state:

~~“Once The adopted the new ELP will fully replaces and consolidates all of the policies and site allocations in the previously adopted Local Plan within a single new Local Plan. The development plan documents to be replaced upon adoption of the new ELP, are the Core Strategy (2010), Development Management Document (2014), Edmonton Leaside Area Action Plan (2020), North East Enfield Area Action Plan (2016) and North Circular Area Action Plan (2014). Once adopted the new ELP will replace in entirety the following development plan and supplementary planning documents: Core Strategy (2010), Development Management Document (2014), Edmonton Leaside Area Action Plan (2020), North East Enfield Area Action Plan (2016) and North Circular Area Action Plan (2014).”~~

The Wandsworth Local Plan (adopted July 2023) takes the same approach to meeting the requirements of Regulation 8(5), where it states at paragraph 1.9:

“The Local Plan fully replaces and consolidates the policies and site allocations in the previously adopted Local Plan within a single new Local Plan Document. It had consisted of the: Core Strategy (2016), Development Management Policies Document (2016), Site Specific Allocations Document (2016), and Local Plan Employment and Industry Document (2018).”

PQ4: Could the Council confirm what elements of the development plan would not be superseded by the Plan?

Council response:

The elements of the development plan for Enfield that would not be superseded upon adoption of the new Enfield Local Plan are:

- The London Plan (2021)
- The North London Waste Plan (2022)
- The Hadley Wood Neighbourhood Plan (2023)

Gypsy and Traveller Needs

Paragraph 63 of the NPPF states that planning policies should reflect the needs of different groups in the community, including Travellers. Policy H10 states that there is a need of 21 pitches over the plan period, which will be accommodated through a separate Traveller Local Plan. The need is stated to have been identified by the Gypsy and Traveller's Accommodation Needs Assessment (GTAA) produced in 2020.

In the Council's response to Hertsmere Borough Council's comments (page 412 of SUB12) there is reference to the Council commissioning an updated needs assessment and contributing to the GLA's Gypsy and Traveller Accommodation Needs Assessment.

PQ10: Could the Council confirm that its intention is for this Plan to identify the scale of need, and overall requirement, for Gypsy and Traveller pitches?

Council response:

The Council can confirm that the Enfield Local Plan (ELP) will identify the scale of need, and overall requirement, for Gypsy and Traveller Pitches.

The Regulation 19 ELP includes Policy H10: Traveller Accommodation, that confirmed the overall pitch requirement over the Plan period, based upon the Gypsy and Traveller's Accommodation Assessment (GTAA) 2020 [HNE4].

An update of the GTAA was published in May 2024, but this update was too late to inform the Regulation 19 ELP. Consequently, the Council would like to propose a modification to Policy H10, paragraph 1, to ensure that the Policy reflects the latest available evidence and aligns with the emerging Traveller Local Plan. The proposed modification is as follows:

ELP Policy H10: Traveller Accommodation

1. The Council **will prepare a Traveller Local Plan to address** ~~will meet the identified need of~~ **for** at least 24 **30** pitches **and 1 transit site (to accommodate a minimum of 15 caravans)** over the plan period.

This modification is set out within a forthcoming schedule (due to be submitted in response to PQ23), as well as within Appendix D of the Traveller Local Plan (TLP), which is currently out for consultation (now referred to as the Draft Plan). The Draft Plan can be viewed here:

https://www.enfield.gov.uk/_data/assets/pdf_file/0027/64467/Traveller-local-plan-reg-18-part-2-draft-plan-Sept-2024-Planning.pdf

PQ11: If so, is the requirement for pitches based on an up-to-date assessment of need? Further to this, does the Court of Appeal judgement in Smith v SSLUHC & Ors [2022] EWCA Civ 1391, have implications in terms of the need identified in the GTAA and/or Policy H10?

Council response:

As noted within [IN1] an update to the existing GTAA (2020) [HNE4] was commissioned, resulting in the GTAA (2024).

This updated assessment includes 2021 Census data and removes reference to the 2015 Planning Policy for Traveller Sites 'nomadic habit of life' definition, in light of the Government's reversion to the 2012 definition following the Smith v SSLUHC & Ors [2022] EWCA Civ 1391 Court of Appeal judgement. As such, this assessment of need is considered to be up to date and fit for purpose.

The assessment of need was updated for two reasons; to ensure that the change in definition (and subsequent need quantum) were recognised and captured as part of the TLP, but also to extend the period the GTANA covers. By deciding the TLP period should extend to 2041, to align with the ELP, it became necessary to extend the need forecasting within the existing Gypsy and Traveller Accommodation Needs Assessment (GTANA) by an additional two years. Importantly, extending the TLP period and associated evidence to 2041 means that the Plan will look forward at least 15-years from the date of adoption, as required by paragraph 22 of the National Planning Policy Framework (NPPF).

In summary, the GTAA (2020) found a need for 21 pitches (using the NPPF definition) or 23 pitches (as per the Cultural definition), plus 1 transit site. The GTAA (2024) found a need for 30 pitches (as per the updated 2023 definition) and 1 transit site. There was, and still is, no identified need for Travelling Showpeople.

PQ12: Could the Council explain and confirm the position with regard to any additional evidence that is being prepared in relation to the assessment of need for Gypsies and Travellers? If additional work is being prepared, then please include the relevant information in the schedule requested under PQ22.

Council response:

As set out in response to PQ11, an updated GTAA was completed in May 2024. As such it was not in time to be published alongside the other ELP evidence when consulting on the Regulation 19 pre-submission ELP (between 28th March and 20th May 2024) and constitutes additional work.

The GTAA (2024) has now been published as a supporting document for the TLP Regulation 18 consultation.

The Council considers that the GTAA (2024) provides a robust and up to date assessment of need for Gypsies and Travellers. The Council can confirm that they have not commissioned any further assessments of need, and there is no intention to commission any further work in this regard, to inform either the ELP or TLP.

The Council would like the opportunity to update the schedule prepared in response to PQ22, adding the GTAA (2024) as an evidence base document to inform an update to the Traveller accommodation needs set out within ELP Policy H10.

PQ13: What is the Council's justification for preparing a separate 'Traveller Local Plan'? Is such an approach consistent with national policy or any other statutory requirements (for example, the Public Sector Equality Duty)?

Council response:

Planning Practice Guidance describes the flexibility afforded to local planning authorities when considering the most appropriate way to plan for the needs of their area (paragraph: 004 Reference ID: 61-004-20190315). There is no prescription that all plan policies must be contained within one document.

The Council is committed to meeting the accommodation needs of Travellers and is actively progressing a Traveller Local Plan ("TLP"). A Regulation 18 Issues and Options consultation was held in Autumn 2023, and a Regulation 18 Draft Plan consultation in Autumn 2024. The Draft TLP consultation document identifies sites to fully meet the accommodation needs set out in ELP Policy H10 (as proposed to be modified to reflect the findings of the GTAA 2024).

Whilst it may have been preferable to progress a single Local Plan, the Council made a decision a number of years ago to progress two separate plans. The Council is clearly committed to progressing both the ELP and TLP through to adoption, to realise the significant public benefits associated with delivery of the proposed site allocations.

PQ14: Could the Council confirm the scope and anticipated timescales for the preparation and adoption of the 'Traveller Local Plan'?

Council response:

The purpose of the TLP is set out within the TLP Issues and Options document (September 2023). In short, the TLP will set out local planning policies specifically relating to Gypsies, Travellers and Travelling Showpeople. Once adopted it will set out how the London Borough of Enfield will meet the future accommodation needs of the Traveller communities.

There are three main types of Traveller sites which this TLP will address:

- Permanent residential sites – these can be public, social rented sites or privately owned sites. Sites are normally made up of individual caravan pitches, with amenity blocks and essential services; Travelling Showpeople plots (also known as yards) which are normally mixed use and incorporate space for the storage and repair of equipment.
- Transit sites (or stop over sites) – these are permanent sites used to provide only temporary accommodation to their residents.
- Temporary (negotiated) stopping places – these are pieces of land in temporary use as authorised short-term stopping places.

The Draft TLP proposes site allocations to meet the identified accommodation needs. In addition, the TLP will include a policy addressing the design considerations for Traveller sites, covering access and parking as well as environmental and other considerations such as boundary treatments and SUDs.

The anticipated timescale for delivering and adopting the TLP is set out within the adopted LDS (July 2024) [SUB16]. In short, publication of proposed submission plan (Regulation 19) is anticipated to take place in Spring 2025, with submission and examination anticipated to be in Summer 2025, and adoption in 2025 /2026.

PQ15: Is the Council seeking to establish the exceptional circumstances needed for potential Gypsy and Traveller sites in the Green Belt through this Plan? If so, where is this set out in the evidence base?

Council response:

No. The exceptional circumstances case for any amending the Green Belt boundary to meet Traveller accommodation needs will be set out in the pre submission Draft TLP (and related supporting material).

The Draft TLP acknowledges the need for exceptional circumstances to be demonstrated for any site allocations in the Green Belt at paragraph 8.4. The Council will give further consideration to the necessary exceptional circumstances for amending the Green Belt boundary to meet the permanent pitch needs, but the key components of the exceptional circumstances case are likely to include:

- The need for sites to meet Traveller accommodation needs;
- The lack of available alternative (non-Green Belt sites); and
- The limited contribution the sites make to Green Belt purposes, and the limited impact on the overall function of the Green Belt in these areas.

The case will be made that despite several calls for sites, no privately owned land has been promoted for Traveller provision. Consequently, the Council has proactively identified several sites within its own ownership that may be suitable for Traveller pitch provision. Further, the Council are undertaking another call for sites as part of the current TLP consultation, in the hope that other suitable sites options can be identified and assessed, which could potentially reduce (or remove) the need to promote sites for Traveller pitch provision within the Green Belt.

PQ16: Would the requirement to 'explore' the provision of Gypsy and Traveller pitches within the Green Belt areas be consistent with the PPTS?

Council response:

Yes. Whilst Policy E paragraph 16 of the PPTS states that:

'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances', paragraph 17 goes on to state that "Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only".

The Draft TLP sets out that several call for sites exercises have been undertaken with no privately owned sites being submitted. In addition, no offer of assistance for meeting Enfield's need has yet been received under the Duty to Cooperate. The only practical option to deliver sites was to consider Council owned land which were potentially suitable for this type of use.

The Draft TLP considered a total of 11 sites (set out in table 3 of the Draft Plan), however 6 of these were discounted during the assessment process due to them having insurmountable constraints (i.e., within Sites of Important Nature Conservation) or other justified reasons.

The Council considers that the requirement to 'explore' the provision of Gypsy and Traveller pitches within the Green Belt areas to be consistent with the PPTS.

PQ17: If known at this stage, does the 'Traveller Local Plan' seek allocate land for pitches in the Green Belt, either within the PL10 or PL11 areas, or elsewhere?

Council response:

Yes. In terms of permanent pitch need, the Draft Plan proposes two site allocations, both of which are in the Green Belt:

- TLP_01: Bulls Cross Nursery (8–10 pitches)
- TLP_03: Land Adjacent to Ridgeway (up to 22 pitches)

These sites are proposed to meet the current shortfall and short-term need for permanent pitches. Both sites are owned by the Council.

To ensure the longer-term need (2030/31–2040/41) for permanent pitch provision is met, the Draft TLP proposes allocating a pitch requirement to the broad areas of TLP_10 (Chase Park) and/ or TLP_11 (Crews Hill). Both Chase Park and most of Crews Hill are currently in the Green Belt, but the ELP proposes that much of the land within these two place-making areas is removed from the Green Belt. The masterplanning processes for Crews Hill and Chase Park are expected to be capable of identifying suitable land for permanent pitch provision, although importantly, these

pitches will only need to be delivered if alternative provision has not been secured in the meantime.

ELP Policies PL10: Chase Park and PL11: Crews Hill, both state that the “*provision of Gypsy and Traveller pitches must be explored subject to the policies and proposals to be set out in the Enfield Traveller Local Plan*” (PL10, paragraph 7, and PL11, paragraph 7).

One site has been selected to potentially accommodate transit pitch provision:

- TLP_9: Land at A10

This site comprises previously developed land, is not within the Green Belt, and has space to accommodate a minimum of 15 caravans.

PQ18: Has this issue been addressed through the duty to cooperate? If so, could the Council point me to where this is set out in the evidence base?

Council response:

The issue of addressing need, has and continues to be addressed through the Duty to Co-operate.

As part of the TLP Issues and Options consultation, the council contacted adjoining planning authorities under the Duty to Cooperate, asking whether they could assist LBE in meeting the identified needs for Traveller accommodation. Only 2 responses (from Redbridge and Newham) were received who confirmed that they were not in a position to meet any of Enfield's identified need.

Evidence of this is set out within the TLP Consultation Statement here: https://www.enfield.gov.uk/_data/assets/pdf_file/0022/63940/Traveller-local-plan-Issues-and-options-consultation-statement-Planning.pdf Please note that this has not been formally submitted as part of the ELP evidence base.

London Borough of Redbridge indicated that it cannot assist due to its own limited capacity and a potential deficit in Traveller accommodation going forward.

London Borough of Newham also stated its inability to help, citing challenges in meeting their housing targets and pitch needs outlined in their Regulation 18 Local Plan.

Through the Draft TLP, Local Planning Authorities have once again been asked if they are in a position to assist Enfield in meeting the identified need. Authorities have until 4th November 2024 to respond to this request.

It is also pertinent to note that through the Duty to Co-operate discussions on the ELP, none of the adjoining planning authorities stated an ability to meet any of Enfield's unmet development needs (including housing needs).

PQ19: Has the Council sought to meet some of the need identified in other authority areas and/or is the Council intending to accommodate need from any other local authority area?

Council response:

As per the response to PQ18, the Council have and are continuing to seek clarification as to whether need (in full or in part) can be met within other Local authority areas. The Council is not in a position to accommodate need from any other Local Authority area given the lack of available sites.

Other groups in the community

As well as the needs of Gypsies and Travellers, paragraph 63 of the NPPF refers to other groups, including but not limited to older people and students.

PQ20: Is the most recent assessment of need for other community groups' needs to be found in the Local Housing Need Assessment dated November 2020? If so, does this constitute an up-to-date assessment of need?

Council response:

The Council can confirm that the most recent assessment of need for other community groups' needs is in the Local Housing Need Assessment (November 2020)¹.

This is considered to constitute an up-to-date assessment of need, providing proportionate and adequate evidence to inform preparation of the ELP.

Policy H5: Supported and Specialist Housing, provides a supportive policy framework for the provision of housing to meet the needs of older people. Policy H9: Student Accommodation, provides a supportive policy framework for the provision of new student accommodation. The Local Housing Need Assessment provides a sufficiently up to date evidence base to inform the approach set out in these policies, which do not present a numerical target for future delivery.

¹ Document HNE2

Transport

A number of outstanding matters are identified in the SoCG with Transport for London (TfL). Paragraph 4.3 of this states that the Council will actively seek to address these concerns as the plan progresses through the examination. It is not clear to me how the Council is intending to address these matters and thus some clarity on this is sought. As part of this, it would also be helpful if the Council could also provide a summary of the findings of the transport evidence base.

I note that, at submission, there was no SoCG with National Highways. Both for matters of the Duty to Cooperate and consideration of soundness, it would be helpful if one could be produced.

PQ47: Could the Council produce a SoCG with National Highways or, if not, explain why this is not possible or necessary?

Council response:

The Council can confirm that a SoCG has been produced and signed with National Highways. This SoCG can be viewed in [SUB14a]. The original copy of the SoCG failed to copy over prior to submission, however this has now been rectified via the Programme Officer. For the avoidance of doubt, the SoCG with Historic England was also missing, however this too has now been added. Both SoCGs were signed prior to submission.

Policy interpretation

A substantial number of policies refer to applicants having to “demonstrate how” their developments will achieve certain outcomes. Several policies also contain references to examples in brackets. Given the prevalence of these references, it would be useful to understand their purpose now, to aid discussions later.

Various policies in the Plan refer to other documents, including but not limited to supplementary planning documents, that are not part of the development plan. Such documents may be material considerations that it would be appropriate to have regard to when determining planning applications. However, it is unlikely that a policy, or associated reasoned justification, requiring proposals to comply, accord, or align with such documents, would be justified.

PQ61: For the avoidance of doubt, and to assist in discussions at a later date:

- a) Could the Council confirm how the requirement to “demonstrate how” would be interpreted? For example, would it require additional assessments or documentation over and above what would normally be expected?**

Council response:

A number of policies in the Enfield Local Plan use the term “demonstrate how”. In full, the policies that use this phrase are:

- SS2: Making Good Places
- PL1: Enfield Town
- PL2: Southbury
- PL3: Edmonton Green
- PL4: Angel Edmonton
- PL5: Meridian Water
- PL7: New Southgate
- PL10: Chase Park
- PL11: Crews Hill
- SE6: Climate Change Adaptation and Managing Heat Risk
- SE9: Sustainable Drainage Systems
- BG10: Urban Greening and Biophilic Principles
- BG12: Burial and Cremation Spaces
- BG13: Blue and Green Infrastructure Plans
- DE3: Inclusive Design
- DE6: Tall Buildings
- H3: Housing Mix and Type
- H4: Small Sites and Smaller Housing Development
- RE3: Supporting the Rural Economy

The phrase is used in a number of different ways in the Enfield Local Plan. In several cases it is used to impose an explicit requirement on the applicant to demonstrate that they have had proper regard to the local context and are putting forward a form of development that contributes towards the vision for the area. It is of course good practice for applicants to do this, but the explicit policy references should help ensure that all relevant applications contribute to the wider vision for an area. The Council would expect applicants to provide commentary on how their scheme fulfills the requirement in the Design and Access Statement (or Planning Statement). See for example Policy SS2: Making Good Places, paragraph 2.a, and Policy PL2: Southbury, paragraph 1.

In a similar vein, Policy PL10: Chase Park, requires planning applications to demonstrate how they will contribute to the ultimate delivery of comprehensive and joined up development across the Placemaking Area. To address this Policy requirement, the Council will be looking for evidence as part of the application to demonstrate, for example, that the applicant has thought about footpath connections with adjoining land, made appropriate contributions to wider infrastructure needs, and has not (through the proposed layout of development) prejudiced the delivery of necessary strategic infrastructure.

In other cases, the “demonstrate how” phrase requires applicants to outline how various aspects of their scheme address a particular cross cutting theme. So, for example, in relation to the theme of creating healthy places, how have the building design, outdoor spaces, cycle storage, provision for pedestrians, air quality, opportunities for local food production etc. all been considered/ incorporated into the scheme to contribute towards the important objective of creating healthy places. Again, the Council would expect applicants to provide commentary on how their scheme fulfils this requirement in their Design and Access Statement (or Planning Statement). See for example, Policy PL7: New Southgate, paragraph 3.

The term “demonstrate how” is also used where the Council requires evidence of an applicant’s approach to preparing a scheme. In Policy SE6: Climate Change Adaptation and Managing Heat Risk for example, there is a requirement (paragraph 1.a) for applicants to demonstrate how passive measures have been optimised from the outset to reduce overheating risk. Matters such as this should normally be covered in a Design and Access Statement, but having a clear policy reference requiring such consideration, early in the design process, will assist the Council in resisting schemes that have not given due regard to such matters.

Whilst many of the “demonstrate how” policy requirements can be addressed in the assessments and documents that would normally be expected to accompany a planning application, there are a few instances where the Policies are explicit about specific material that must be provided. For example, Policy BG13: Blue and Green Infrastructure Plans, requires an integrated blue-green infrastructure plan to be included in Design and Access Statements, to demonstrate how the development will address various matters.

Overall, the Council considers the term “demonstrate how” will be understood by applicants and will assist the development management process.

Finally, the Council has reviewed a number of adopted London Borough Local Plans, and the term “demonstrate how” is a commonly used phrase. Some examples include:

- Wandsworth Local Plan (2023) – Policy PM2 Wandsworth Town, development proposals “*should demonstrate how the opportunities provided by the Wandsworth Gyrotory proposals have been maximised, in terms of enhancing connectivity, including between the River Thames and the town centre*”.
- Waltham Forest Local Plan (2024) – Policy 87: Sustainable Design and Construction, states that development proposals “*should clearly demonstrate how they integrate sustainable design standards.*”
- Islington Local Plan (2023) – Policy B2: New Business Floorspace, states that “*applicants must clearly demonstrate how the design of proposals individually and cumulatively contribute to providing the range of spaces required to support the primary function/sector of the particular area in which it is located*”.