

Written Statement
Matter 1 – Better Homes Enfield

Introduction.

Thank you for the opportunity to provide a response to the Inspector's questions. We hope our response assists the Examination.

Our representations raised multiple objections pertinent to Matter 1. We note some legal and procedural issues have arisen post-submission.

Issue 1.2: General Conformity with the London Plan

Q1.7: In overall terms, is the Plan in general conformity with the London Plan?

1. Our representations explain the Plan is not in general conformity with the London Plan in terms of:
 - a. Setting a housing requirement [01708-1-1, **Response to Enfield Local Plan Housing Topic Paper, points 1-45 and 71**].
 - b. Small sites/windfall targets [01708-4-1, **Policy H1: Housing Development Sites, points 11-20**] and [01708-7-1, **Policy H4: Small Sites and Smaller Housing Development, points 11-13**].
 - c. Setting optimised and design-led site capacities, e.g. at Meridian Water [01708-24-1, **PL5 Meridian Water, points 4-7**] and Palace Gardens [01708-8-1, **SA1.1: Palace Gardens Shopping Centre, pages 1-2**], amongst others.
 - d. Making best use of land e.g. 01708-27-1, **PL1: Enfield Town, pages 1-6** and 01708-24-1, **PL5 Meridian Water, points 4-9**.
 - e. Ensuring best use of stock [01708-6-1, **Policy H3: Housing Mix, point 4**].

- f. Meeting needs of older households, students and concealed households [01708-6-1, Policy H3: Housing Mix, points 4-6 and 24] and [01708-1-1, Response to Enfield Local Plan Housing Topic Paper, points 72-94].
- g. Taking account of the role of HMOs [01708-6-1, Policy H3: Housing Mix, page 4, points 11-19].
- h. The provision of accessible housing [01708-6-1, Policy H3: Housing Mix, point 9].
- i. Planning for office space [01708-25-1, Policy: E4 Supporting Offices, pages 1-3].

Issue 1.3 Public Engagement

Q1.12: Has the Plan been prepared in accordance with the statutory requirements of the Planning and Compulsory Purchase Act 2004 and the associated Regulations, including in respect of the publication and availability of documents, advertisements and notifications?

- 2. No, the Plan has not been prepared in accordance with the statutory requirements of the Planning and Compulsory Purchase Act 2004 (*the PCPA*).
- 3. Section 20(2) of the PCPA says councils should not submit the plan for examination until they have complied with all relevant requirements and until it is ready for independent examination. This Section of the PCPA is referenced in the '**Procedure Guide for Local Plan Examinations**';
 - (a) **Section 1.2** reminds LPAs to follow Section 20(2) of the PCPA i.e. to not submit a plan until ready for examination having considered Regulation 19 responses.
 - (b) **Section 1.17** reminds LPAs that Regulation 22(c)(iv) of the Town and Country Planning (Local Development) (England) Regulations 2012 (*the TCPA*) prescribes that a statement setting out how Regulation 18 representations were taken into account must be submitted with the plan.
 - (c) **Section 1.19** sets out guidance regarding the 'vital importance' of submitting representations complete and in good order with individual representations accessible in a database by both policy and representor number.
 - (d) Similar guidance is set out in **ID: 61-052-20190315**.

4. The LPA has not complied with these Regulations or Guidance:
- (a) A separate statement setting out how Regulation 18 representations were taken into account was not submitted. **SUB14a, Duty to Cooperate Statement, pages 9-24**, broadly addresses Regulation 18 representations for some statutory consultees, but the large majority of representations and main issues are unaddressed [**Please also see response to Q1.15**].
 - (b) Contrary to guidance [**ID: 61-052-20190315**], Regulation 18 consultation documents [**REG2 and REG3**] were not published at Regulation 19 stage. A different version of **REG2** was published at Regulation 19 (the documents appear similar but are materially different after page 29). **REG3** was not included in the Regulation 19 Evidence.
 - (c) The LPA submitted the Plan before properly considering Regulation 19 representations. This is evidenced by the Council's reissued Regulation 22 statement. The reissued statement [**SUB 12.1**] updated summaries of issues and the Council's responses, and both were materially different from the original version e.g. summaries of issues raised by Better Homes Enfield were notably different, as were the responses, to the extent that the '*Potential to change the plan*' for many representations shifted from 'No' to 'Yes'. Whilst these corrections are welcome, the need to update the statement, and the extent of changes, demonstrates Regulation 19 representations were not properly considered before the Plan was submitted - accordingly the Plan was not ready for examination.
 - (d) Individual representations were not submitted in good order; links needed to be removed from the Examination webpage for several months. Links were reissued in November, but many linked to blank pages. The database has since been reissued multiple times – the most recent version (30/12/24), over 5-months after the Plan was submitted.
 - (e) A large number of links which appear to function, connect to representations that do not match the summary e.g. we found most summaries referring to DtC issues link to representations that do not raise these. This may be because the Council used automated coding; it is important to understand this, as if AI/coding software was used, then it raises further doubts about whether the LPA 'considered' Regulation 19 responses prior to submission, as opposed to automatically generating unconsidered responses.
 - (f) There are numerous examples of documents which are referred to as submitted in representation but then do not appear in the database (NB: One of these was added 30/12/24).

(g) There are still multiple database issues e.g. responses missing from some policies (meaning responses to specific policies do not show up under these policies in the database), as well as issues arising from the Council recoding responses to other policies [**Please see Q1.15 for more detail**].

(h) There are still over 400 representations missing from the database and the Section 22 report has not been updated to include the 475 representations added since November 1st, therefore there is no evidence the LPA has considered the amended and additional representations.

5. These issues lead us to conclude the Council has not complied with Section 20(2) of the PCPA or Regulations 18(3) or 22(c)(iv) of the TCPA, or sufficiently followed guidance.
6. Dealing with these issues has been time consuming and frustrating and has impacted our capacity to review representations and hearing preparation. Several of our Regulation 19 representations still do not appear under the correct policy, despite the Council being aware of these errors for several months, and there is a lack of clear evidence to demonstrate the Council genuinely considered our Regulation 18 representations, meaning we are disenfranchised.
7. Furthermore, Section 19(3) of the PCPA requires the Council to comply with the Statement of Community Involvement (*'the SCI'*), however, the Council has not done so [**Please see response to Q1.15**].

Q1.13: Were adequate opportunities made available for participants to access and make comments on the Plan and other relevant documents?

8. No. In March 2024 the Council published 7,500+ pages of evidence and documents across 300+ documents, giving responders 7-weeks to download, read, digest, discuss, and respond. The time to complete this overwhelming task was insufficient and unreasonable, particularly as the London Mayor and Assembly elections were taking place.
9. The number of documents published was far higher than other boroughs e.g. Tower Hamlets published 122 documents at Regulation 19, Hounslow 56, Newham 94, Ealing 61, Barking & Dagenham, 95 and Barnet 40. We question why the number of documents published by LBE was so much higher.
10. Most information was not previously published but could have been published earlier – holding back evidence in this manner does not reflect guidance [**ID: 61-035-20190723, paragraph 4**].

11. Some documents appeared the same as previous reports, but close inspection revealed they were amended (e.g. the Council's response to Regulation 18). This meant even previously published reports had to be re-assessed, which was time consuming. Many reports used technical language, adding to the time needed to digest them.
12. Some documents published at Regulation 19 were not submitted to examination; we question why not [ID: 61-052-20190315 indicates they should have been], or, if this evidence is unnecessary, then why was it included in the Regulation 19 evidence?
13. We formally wrote to the LPA in June 2021 to express our concern about them simultaneous publishing 65 documents at the Regulation 18 stage and included this letter in our [representation](#). In response to our complaint, the LPA said, '*The level of detail provided is not unusual but we do recognise that it is a lot of material for people to try and digest, understand and provide feedback on.*' Despite this, in March 2024 they published 300+ documents and reduced the response time.
14. We question how the volume of technical evidence published simultaneously met guidance for providing conscience evidence, written in plain English, to help local communities engage with the plan-making process [ID: 61-035-20190723].
15. Practically speaking, we were forced to disengage with aspects of the Plan and evidence due to the overwhelming amount of technical information. Therefore, we did not have an adequate opportunity to make comments on the Plan and other documents, due to the volume and type of evidence published simultaneously, which was unnecessary and unreasonable. As a result, we were unable to engage and respond to all parts of the Plan we had hoped too e.g. Employment Land issues.
16. Furthermore, we requested the Council publish background information referenced as evidence in the Housing Topic Paper via a FOI request made on 27 April 2024, and requested it be provided prior to the consultation finishing [Top 3, Enfield Housing Topic Paper, point 6.9, Research carried out by Jones Lang LaSalle]. However, the Council did not respond until 25 July 2024, long after the consultation finished and 3x the maximum length of time lawfully allowed for authorities to respond. The Council only responded once councillors intervened. The Council refused to provide the information, despite it being referred to as evidence in the Evidence Base. We requested an Internal Review, which the Council ignored; the matter is now with the ICO.

Q1.14: Have representations been adequately taken into account?

17. As explained in our response to **Q1.12**, Regulation 18 and 19 representations have not been adequately taken into account. Our response to **Q1.15** provides further information.
18. The representations database has been updated multiple times since November, however, the Regulation 22 statement has not been updated since 1st November to include the additional representations, therefore representations have not been adequately taken into account.

Q1.15: Is there any clear evidence that the public consultation carried out during the plan-making process failed to comply with the Council's SCI or any other legal requirements?

19. The Council has failed to comply with legal requirements.
20. The SCI commits the Council to going beyond legislative requirements [**SUB17, Statement of Community Involvement 2023, page 11, point 2.15**]. Despite this, the Council is not in accordance with legal requirements of the TCPA (Clause 22) (1)(c)(iv) and (3)(a)(ii), because it has not set out how representations made pursuant to Regulation 18 were taken into account when it submitted the Plan and therefore not made this information available for inspection or review.
21. This issue relates to the Council's failure to comply with its SCI.
22. The first 266-page Regulation 18 consultation statement was published in June 2023, two years after the consultation (it should have been published within 12-weeks according to government guidance which the SCI commits to). This statement did not explain '*how the responses have fed into our decision-making on planning matters*' or '*how comments and views have been considered*', further contradicting the SCI [**SUB17, Statement of Community Involvement 2023, point 1.14**].
23. An amended 340-page statement was published in March 2024 [**not submitted to Examination**]. This version included a table with a column '*How have representations been taken into account?*', and provided responses to a selection of issues, but significantly no responses to representations regarding specific sites [**pages 263-339**]. Consequently, for a large number of our (and others) Regulation 18 representations/issues, the Council has never explained how these were considered or fed into their decision-making, contrary to their SCI.

24. Confusingly, the Regulation 18 Consultation Statement submitted [REG2], is the June 2023 version, not the Regulation 19 version, and misleadingly, the publication date is listed incorrectly in the Document Library as December 2021.
25. The SCI commits to alignment with government Consultation Principles [SUB17, **Statement of Community Involvement 2023, point 1.13**]. Section K states '*Consultation exercises should not generally be launched during local or national election periods*', except in exceptional circumstances e.g. safeguarding public health. The 'Publication of notice of election' for the London Mayor and Assembly elections was issued 19th March 2024 and Polling Day was 02nd May. The Regulation 19 consultation was launched on 28th March; therefore, the government's Consultation Principles were not followed, accordingly the Council did not comply with its SCI. These events running concurrently added to pressures in responding e.g. councillors, assembly members and GLA officers were distracted and in a more political mindset, or unable to meet us, or talk openly due to the election. This had a particular impact given the Mayor and GLA officers' role in responding to Regulation 19 consultations.
26. The SCI '**Coordination and collaboration**' principle says '*we will keep **accurate records of responses to consultations***'. The Council has not complied with this:
- (a) There are still 400+ representations missing from the database, which the Council was made aware of months ago. Updates made since mid-November are not reflected in the Regulation 22 statement.
 - (b) The Council inaccurately attributed representations to policies. They have said some were errors, whilst others were purposefully recoded to other policies and not to the policy responded to (concerningly an action the LPA took without notifying responders, removing agency). The Council has had details of inaccuracies for months but not corrected them. Issues raised in October remain unaddressed e.g. our representation 01708-4-1 regarding Policy H1 is not coded as a response to Policy H1. We alerted council officers to this and other similar errors, but they refused to correct them, saying they will address this in the Examination.
 - (c) There are a large number of avoidable database inaccuracies, making it unnecessarily cumbersome to use e.g. there are 12 responses listed for Ikea Property Services, links to 11 do not reflect the comment i.e. they open the proforma of responder details. Up to late December, only 1 of the 12 actually linked to the relevant representation. There are numerous other examples.

- (d) Documents are missing; some representations refer to other documents submitted with the representation, yet these are not included in the database which is neither accurate nor transparent e.g. Areli Developments Ltd and Rockwell London. We made a specific request to the Council for the Areli document which was made available on 30/12/24, although we only discovered this accidentally as the Council did not inform us of the change.
- (e) The database submitted does not reflect **Section 1.19 of the Procedure Guide for Local Plan Examinations**, due to problems with links to individual representations, inability to accurately filter representations by policy response (as the representations do not match the policy), and does not clearly identify those who have made a request to be heard by the Inspector.
- (f) We recognise the challenge of dealing with a large number of representations, however we have also repeatedly provided detailed information and examples to help identify inaccuracies, but inaccuracies remain which has impacted the drafting of Written Statements and engagement with plan-making.
- (g) Some Council responses to representations are inaccurate e.g. response to TfL regarding Southgate misattributed to SA5.6 [**SUB12.1, Reg 22, bottom of Page 390**].

27. The Council has not met the SCI principle of **'Openness'** which commits the Council to being **'transparent'**.

- a. We made two FOI requests pertinent to the examination. On 20/12/24, Judge Buckley of the First-tier Tribunal ruled regarding one request (information about the Council's Meridian Water masterplan), and ordered the Council provide the information by the end of January 2025 [**Case Reference: EA-2023-0547**]. The second FOI request, relating to claims made in the Housing Topic Paper regarding family-sized housing, is being investigated by the ICO. We question how the Council's handling of these requests can be considered 'transparent' and going beyond legislative requirements, as the SCI claims. Dealing with this is time consuming and frustrating.
- b. The Council did not follow guidance underpinning NPPF Paragraph 27 [**ID: 61-020-20190315**] relating to transparency i.e. SoCG should be published throughout plan-making and certainly by the time the plan is published, yet no SoCG were available by the time the Plan was published raising doubts regarding 'transparency'.

- c. We note the Council’s Regulation 22 statement commits to entering into multiple SoCG with developers and landowners, yet none are published.
 - d. The Council published an overwhelming amount of evidence simultaneously; this is not a transparent approach to evidence sharing - guidance encourages authorities to publish documents as they are completed in an accessible format, rather than waiting until a local plan is published for representations, to keep communities informed and involved [ID: 61-035-20190723].
28. The ‘**Monitoring**’ principle commits to reviewing the effectiveness of consultations. The Council has not complied with this e.g. we provided feedback about the Regulation 18 consultation highlighting issues with the simultaneous publishing of overwhelming volumes of evidence, which the Council acknowledged but then subsequently ignored (in fact, they exacerbated this issue at Regulation 19).
29. None of the commitments made in Point 1.16 of the SCI have been met e.g. the SCI commits to collaborating with the community [SUB17, SCI 2023, point 1.16]; our Regulation 18 response offered to work with the Council regarding the delivery of family-sized apartments in urban settings, but this offer was ignored, and the simultaneous publishing of vast amounts of evidence does not reflect a collaborative approach.
30. The Council has failed to meet its SCI requirements, resulting in a Plan that won’t deliver the sustainable homes Enfield needs. This failure has led to a less effective, unsound Plan, with decisions made without adequate public input. This undermines trust in the Plan and damages the relationship between the council and the community.

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