



The Enfield Society

conserving our heritage and environment

Enfield Local Plan Examination

Matter 1: Legal, procedural and other general matters

This hearing statement relates to the following 'duly made' representations at [01794-1-1](#) (hyperlink)

This statement has been prepared in consultation with Enfield Roadwatch, which has submitted its own separate statement for Matter 1. The Enfield Society and Enfield Roadwatch are in agreement regarding the legal and procedural breaches affecting the Enfield Local Plan.

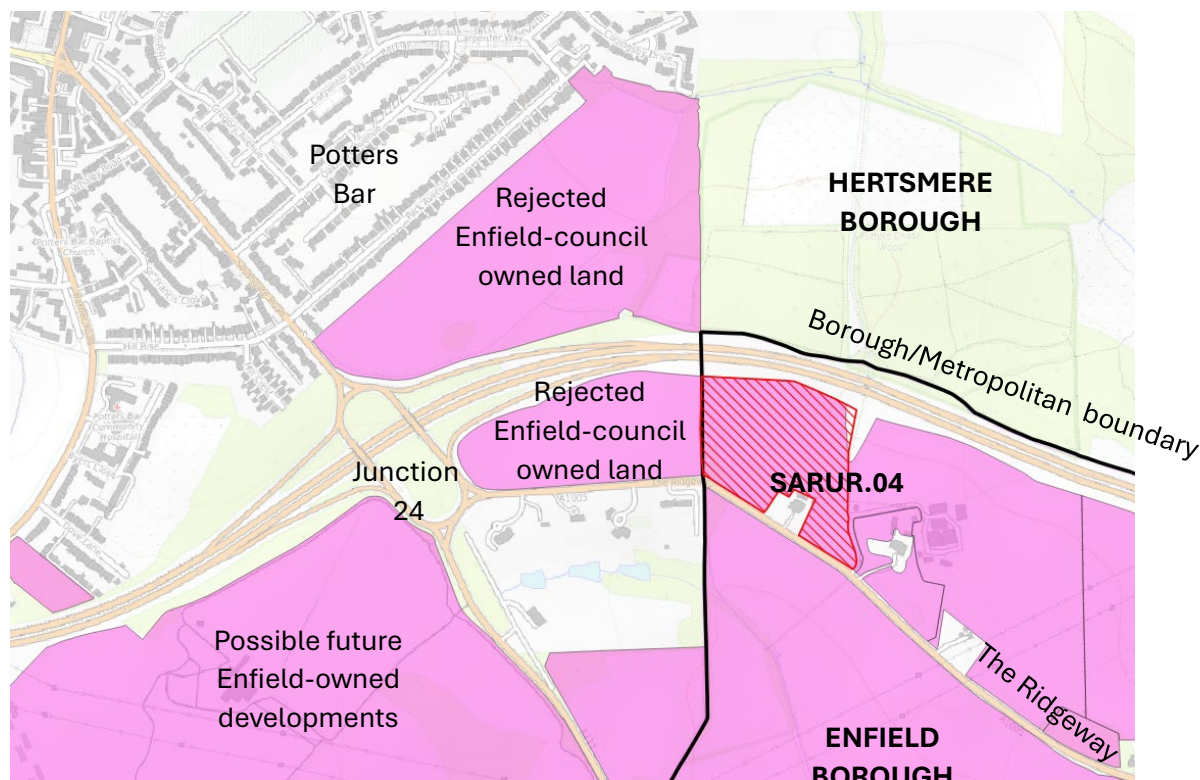
Issue 1.1: Duty to Co-Operate

Q1.1. Has the Council maximised the effectiveness of the Plan by engaging constructively, actively and on an ongoing basis with neighbouring authorities and the other prescribed bodies and the relevant strategic matters and what form has this engagement taken?

Please see our reps on SS2 para 3 p 19 and SARUR.04 p64-5 [01794-1-1](#) (hyperlink)

No. Enfield Council has not constructively engaged with the valid objections raised by Hertsmere Borough Council raised at Regulation 18 consultation (September 2021) and sustained at Regulation 19 (May 2024) and in the Statement of Common Ground. Hertsmere's concerns relate to the erosion of the Green Belt separation of London and Potters Bar caused by SARUR0.4: Land East of Junction 24. The site allocation would weaken the Green Belt function of the area, thereby opening the door to future development of Enfield Council-owned sites in Hertsmere. In light of these vested interests, it is not reasonable to accept meeting records as evidence of 'constructive' engagement. Fundamentally, the Council has not engaged with Hertsmere's legitimate concerns.

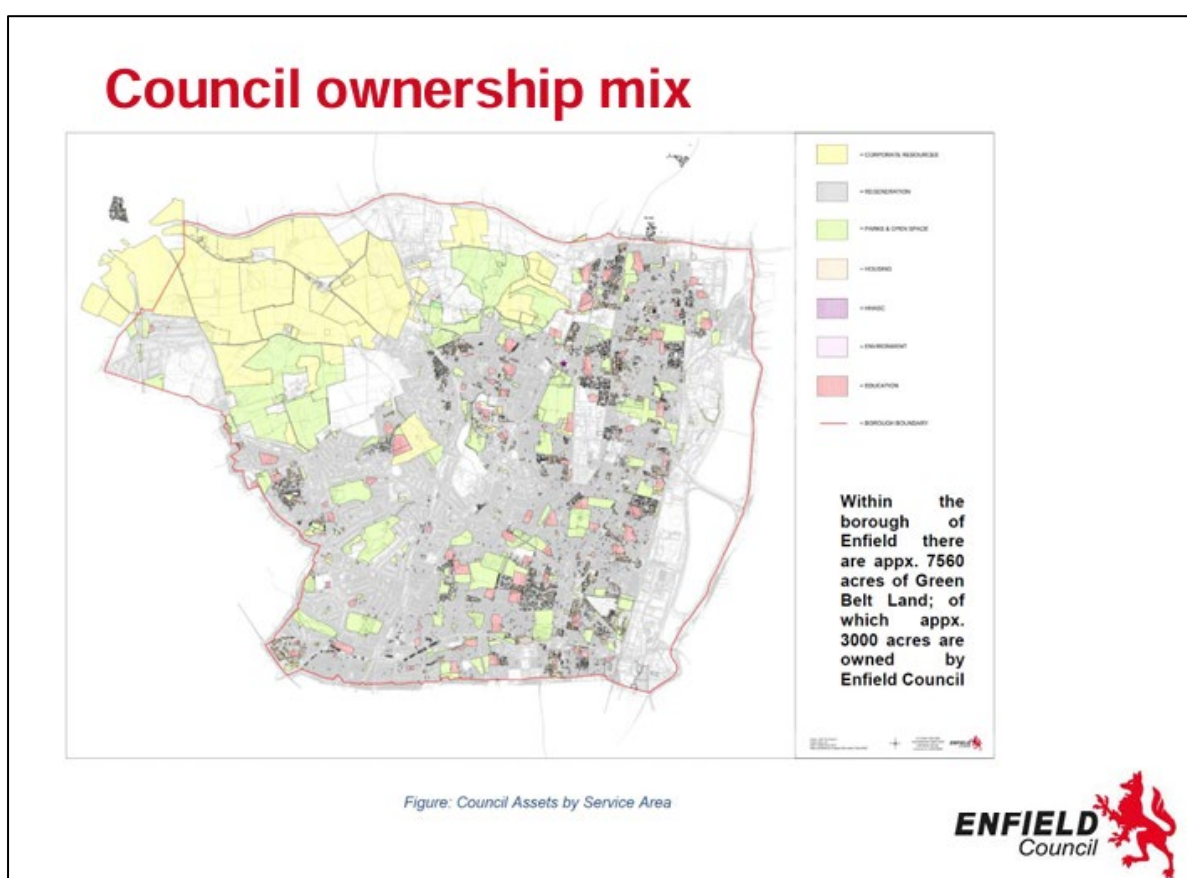
This can be seen in the map below, which shows Enfield Council-owned land in purple, sites which were rejected from the Hertsmere Local Plan on Green Belt grounds. The Enfield Society obtained GIS data showing Enfield Council's landownership through a Freedom of Information request submitted in March 2024¹.



¹ The data was finally supplied in July 2024 (three months later, well after the statutory 21 days) following a formal complaint.

The expansion aspirations are explicit in SARUR.04 land use requirements part I. Enfield Council has pursued this objection despite the harm to Hertsmere's Green Belt and despite its own evidence that the employment need to justify release from the Green Belt is based on the basis of *'the most optimistic view'* (see The Enfield Society Hearing Statement for Matter 4: Employment Need and Supply, ref [EMP1 Employment Land Review](#) paragraph 7.74).

SARUR.04 is an example of the use of the Enfield Local Plan as a vehicle for the Council's financial strategy to raise £800 million by selling Green Belt land, which we raised concerns about in our representations regarding [Policy SS2 paragraph 3 \(our representations page 19, rep ID 01794-1-1\)](#). Extracts from Item 5 *"Commercial Property Assets and Investment Performance"*, a presentation to the Finance and Scrutiny Committee January 2023 by the Head of Strategic Property Services at Enfield Council, are shown below.²



² <https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=832&MId=14261&Ver=4> . The title and the minutes show that this was not an opportunity to scrutinise or debate the principles but simply a 'briefing' that was not done in a context that permitted questioning the principle of use of Green Belt as a property asset for sale.

Optimising our assets to deliver better returns and outcomes

- We are revitalising our industrial estates to deliver quality employment opportunities and improved long-term income streams
- We are utilising our rural estate to create a new national forest and alternative sources of income
- We are working towards unlocking £800m of capital value by selling greenbelt land
- We are supporting parks usage via delivery of new cafes and toilets in major parks



In principle there is no objection to local authorities making efficient use of their landholdings in the public interest; however when this is done without explaining the financial interests at play and selecting and interpreting evidence in a way that supports those interests, it becomes legally problematic for Local Planning Authorities, who are under an obligation to prepare development plans with the objective of achieving sustainable development³, not of optimising their property assets. This affects all the Council landholdings within the Enfield Chase Green Belt and others including the Palace shopping centre in Enfield Town.

³ [Section 39\(2\) Of the Planning and Compulsory Purchase Act 2004](#)

Issue 1.2: General Conformity with the London Plan

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

Please see pages 4-8 of our representations regarding SS1 paras 1-3 [01794-1-1](#) (hyperlink)

No, as is clear from a comparison of the London Plan Key Diagram showing growth corridors and the Enfield Local Plan Key Diagram showing 'rural place-making areas'. Whereas the London Plan distributes growth to Opportunity Areas and urban areas, the Enfield Local Plan approach is to sidestep the London Plan and propose a different strategy of spreading growth across rural and urban areas. Given the statutory function of the London Plan, it is imperative that if a change to the overall spatial approach is to be pursued, an update to the London Plan should first provide the strategic framework and justification for this, rather than proceeding in an *ad hoc* fashion through individual Local Plans. Failure to do so could result in the best countryside being sacrificed when brownfield or 'grey belt' opportunities going unutilised.

Reasonable observers might identify an inherent conflict between the London Plan and large-scale development of Green Belt, of which Enfield Council happens to be the major landowner (see Q1.1 above). Perhaps this explains the failure to address London Plan compliance in the five submitted Topic Papers that sought to justify the spatial strategy (library ref TOP1-5).

PQ5 prompted the Council's belated attempt to address this basic flaw. The *Conformity Topic Paper* (E3.2) fails to address the critical elements of non-compliance that we raised in our Regulation 19 representations, notably around the London Plan Glossary definition of 'open space' to include private open land (policy GG2f), and the mutually supportive nature of this with the mayoral targets for non-car trips (TM1) and the focus on brownfield and other urban opportunities (Chapter 2 Spatial Patterns). It also fails to address London Plan Policy GG5 (part g) regarding the 'good economy' and the locational requirements for employment agglomerations.

Having failed to resolve these fundamental conflicts, E3.2 attempts to broaden the meaning of 'general conformity' by reference to a 2006 Court of Appeal judgement outside London of no relevance in this context; and a reference to PPG⁴ about the degree of conflict. It is clear that there is major conflict between the rural placemaking areas as well as the proposed industrial site east of Junction 24 of the M25, and potentially other Green Belt sites. As we demonstrated at Regulation 19 stage these proposals would result in harm to the historic landscape of Enfield Chase, for which there is clear evidence of its national, regional and local importance.

⁴ [074 Reference ID: 41-074-20140306](#)

Issue 1.3: Public Engagement

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

No. There are missing representations, and the regulation 18 representations were not taken into account.

a) Missing representations

464 representations, including those delivered to the Council on the final day of the regulation 19 consultation (see photograph, right) are still missing.

b) Perfunctory Council responses

Table B3 of SUB12.1 contains many responses that do not engage properly with the representations. For example, we observed that the delay of 1173 seconds shown in the transport modelling at Hadley Road was 'severe' in highways terms (p34 of our representations). The Council's response to this point (SUB12.1 p214 - third row), does not engage with this point we made at all, but addresses a number of unrelated points to do with employment. We have yet to see any evidence from WSP that addresses the issue. Given these issues with the modelling, it is hard to see how the Council can claim that it forms an appropriate basis for the allocation of Chase Park.

c) Missing Council responses to Regulation 18 representations

Whilst schedule B3 of the Consultation Statement SUB12.1 relates to Regulation 19 representations, we can find no similar schedule of Council responses to the issues raised at Regulation 18 stage, in either that document or the Regulation 18 Consultation Statement⁵, contrary to the 2012 Regulations⁶. This is a major problem because many serious concerns were raised at the Regulation 18 stage, including by the Enfield Society. It remains unclear how or indeed whether our detailed representations⁷ or indeed those by others were taken into account.

The ASC is described in paragraph 8.4.1 of the Core Strategy as an "important historical landscape" and the 2013 Review of the ASC that we submitted ([01794-9-1](#)) and explained in relation to Local Plan policy DE11 (page 53 of our representations [01794-1-1](#)) has not been properly taken into account in preparing the Local Plan. This is all the more remarkable since we made these points clearly in our Regulation 18 2021 representations in 2021 (rep ID 1120 [here](#), Executive Summary xi, Section 4 pages 44-47 and Appendix F pages 91+)



Members of the Society and Enfield RoadWatch with some of the printed local plan responses.

⁵ Document Library REG2. The cover date is December 2021 but the hyperlink suggests it was April 2023.

⁶ [Town and Country Planning \(Local Planning\)\(England\) Regulations 2012, section 22\(1\) \(c\)iv](#)

⁷ Document Library REG3, no, 1120

The image below shows the cover of our regulation 18 consultation. The photograph shows the Merryhills Way at Vicarage Farm, a major part of the ASC, and the document contained a survey of users that we resubmitted in 2024. The Council failed to respond to our representations about the ASC and its critical importance to the local area.



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?

Yes. An extract from pages 6 and 7 of the SCI⁸ is provided below, highlighting in yellow the key elements that were breached by the Council. Clear evidence of three related major breaches of these SCI commitments is provided.

- **Meaningful: an on-going process to provide a genuine opportunity for stakeholders to engage and influence decisions through a collaborative approach using digital tools and formal documents and responses.**
- **Openness: be open, transparent and responsive, allowing the opportunity for all to take part and showing how comments and views have been considered.**

We raised a number of concerns about both these aspects in a letter to the Executive Director of Place at Enfield Council on 15 July 2021, soon after the start of the Regulation 18 consultation on the draft Local Plan. This is contained at Appendix E to our Regulation 18 representations (evidence library REG3, representation ID 1120). For convenience we enclose a screenshot below.

Following our letter, the Council made some junior staff available for a number of drop in-sessions as set out in SUB12.1. It also issued a 'Regulation 18 summary leaflet' (see Matter 1 Q1.15 by Enfield RoadWatch), although similar to the similar Leaflet issued during the Regulation 19 consultation, it failed to explain what exactly the Local Plan proposed in terms of sites, locations for Green Belt release and tall buildings, and therefore failed to meet the requirements of the SCI.

In 2024 the Council then repeated the same basic errors in consultation process as we had warned against in 2021. Further detail about this is provided in the explanation of the four breaches below.

⁸ The 2020 version of the SCI contains the same wording on pages 10-11.

Representation ID 1120 (Appendix E) [link here](#)



The Enfield Society

**Jubilee Hall, 2 Parsonage Lane
Enfield EN2 0AJ**

020 8363 9495
info@enfieldsociety.org.uk

15 July 2021

██████████
Executive Director Place
London Borough of Enfield.

Dear ██████████,

PREPARATION OF THE LOCAL PLAN: CONCERNS REGARDING THE CONSULTATION PROCESS.

The Enfield Society is currently preparing its response to the Local Plan. It will not surprise you to hear that the development of Green Belt land for housing and commercial purposes is a major concern.

We have been approached by many of our Members also expressing concern about the consultation process. We share that concern in respect of the way that the Council has approached the public consultation in respect of the emerging Local Plan.

The Local Plan proposes to allow development of housing, warehousing and industry on areas of exceptionally fine open Green Belt countryside, as well as proposing tall buildings in a number of locations across the Borough.

In the Local Plan, it refers to the Statement of Community Involvement (SCI) that was approved in 2020, but this only appears to commit the Council to a minimum of consultation and engagement. Given the importance of the Local Plan and its wide-reaching proposals we believe that the limited opportunities for comment and public engagement need to be extended.

Our main concerns are that -

- a) The SCI was agreed in 2020 before the release of the Local Plan papers in June 2021, when it first became apparent what the implications of the SCI would be for the Green Belt.

Formerly the Enfield Preservation Society
Founded in 1936 to protect Enfield's historic heritage,
defend the green belt and
encourage good design in new developments.

Registered Charity No. 276451
Registered in England as a limited company No. 312134
Registered Office: Jubilee Hall, 2 Parsonage Lane, Enfield EN2 0AJ.
Web: enfieldsociety.org.uk

- b) The process only commits to publishing the consultation responses in summary form 'in due course', we are keen that the community can see the responses that are made before the closure of the consultation period.
- c) The Society believes that the consultation process runs the risk of discouraging community engagement, for example by –
- Publishing over 4,000 pages of complex technical studies alongside the 300-page Local Plan without an effective summary or an explanation of the implications and
 - Implying on the 'Let's Talk' website that, to respond to the consultation, it is necessary for the public to register online and complete a 72-question online survey, this will discourage many respondents.
- d) While the Council undertook a number of public consultation events for the 'issues and options' stage in 2018/2019, there seems to have been a failure to do any public engagement sessions at all during the regulation 18 stage when the proposed Green Belt developments were revealed.
- e) We question the suggestion in the FAQ section of the 'Let us Talk' website that if the draft Local Plan is not agreed, the government will impose the Local Plan on the Borough. That is not our understanding of the process.
- f) The Local Plan strategy appears to be that it is choice between "necessary affordable housing" and "nice to have fields". This seems to oversimplify the choices that are available.

We welcome the extension of the consultation period that was agreed by the Council. However, we have talked to many people and other amenity groups about the Plan and the process and there is general agreement that the process still gives the unfortunate impression of being designed to ensure that the Plan is approved no matter what damage is done to the historic and natural environment of Enfield, or to local communities.

At an absolute minimum, the Society would like to see the Council publish responses to the draft Local Plan consultation promptly and in full, rather than simply publishing a summary together with Council responses on the eve of the Regulation 19 consultation. We also hope that there will be greater publicity and community engagement opportunities set up before the consultation period closes.

The Enfield Society is preparing a full response to the Local Plan consultation and will be submitting that in due course.

With best wishes,

Yours sincerely,

Dave Cockle

Dave Cockle,
Chair, The Enfield Society

Breach number 1: failure to provide genuine opportunities to engage and influence decisions through a collaborative approach related to site selection during the critical period of plan preparation.

The ‘workshops’ (p94) and ‘drop-ins’ (p102) during consultation periods referred to in the Consultation Statement (SUB12.1) comprised junior staff handing out information rather than genuine opportunities to engage and influence decisions through a collaborative approach.

a) evidence base ‘dumping’

Publication of evidence base documents took place at the start of the Regulation 18 and 19 consultation periods in July 2021 and March 2024 respectively. The simultaneous release or ‘dumping’ of so many complex and lengthy technical studies meant that the time available for the community to read and digest all the relevant material was limited to the period of the statutory consultations, rather than an SCI-compliant approach to open review and scrutiny of emerging work through a relevant committee during the preparation of the Plan. This late release had severe implications for the ability of residents and community groups to understand the Local Plan, the basis for what is in it, and to respond to it effectively.

Furthermore, the Council failed to provide genuine opportunities to engage collaboratively around updates to the selection of important views, tall buildings modelling, ecology, or historic landscapes, nor were there any opportunities to collaborate around the review of evidence or the selection of sites⁹.

b) Bypassing the Local Plan

We submitted details of our complaint regarding the handling of the planning application for Arnold House (Local Plan allocation SA10.2, our reps [01794-8-1](#)) which was granted resolution to proceed by the planning committee just a few days before publication of the Regulation 19 consultation Local Plan. The Council as Local Planning Authority must have been aware of the inter-relationship between the planning application and the wider proposals for Chase Park, and yet they were not referred to in the application so that members of planning committee were fully aware. The appearance of all this is that the timing of the application for permission at Planning Committee was to bypass the Local Plan. We fear that the Council may also seek to approve applications at Sloeman’s Farm and Whitewebbs ahead of the conclusion of the Examination.

c) Failure of Governance

The first sentence of Paragraph 3.6 of the Consultation Statement states that a Local Plan Cabinet Sub-committee was formed to oversee the preparation of the Enfield Local Plan (ELP). However, in reality it was scrapped before work could begin.

⁹ The Enfield Society was invited to participate in work on the Enfield Chase Restoration Project, but the Council did not respond to our request for clarification around the links between the Restoration Project and the Local Plan.

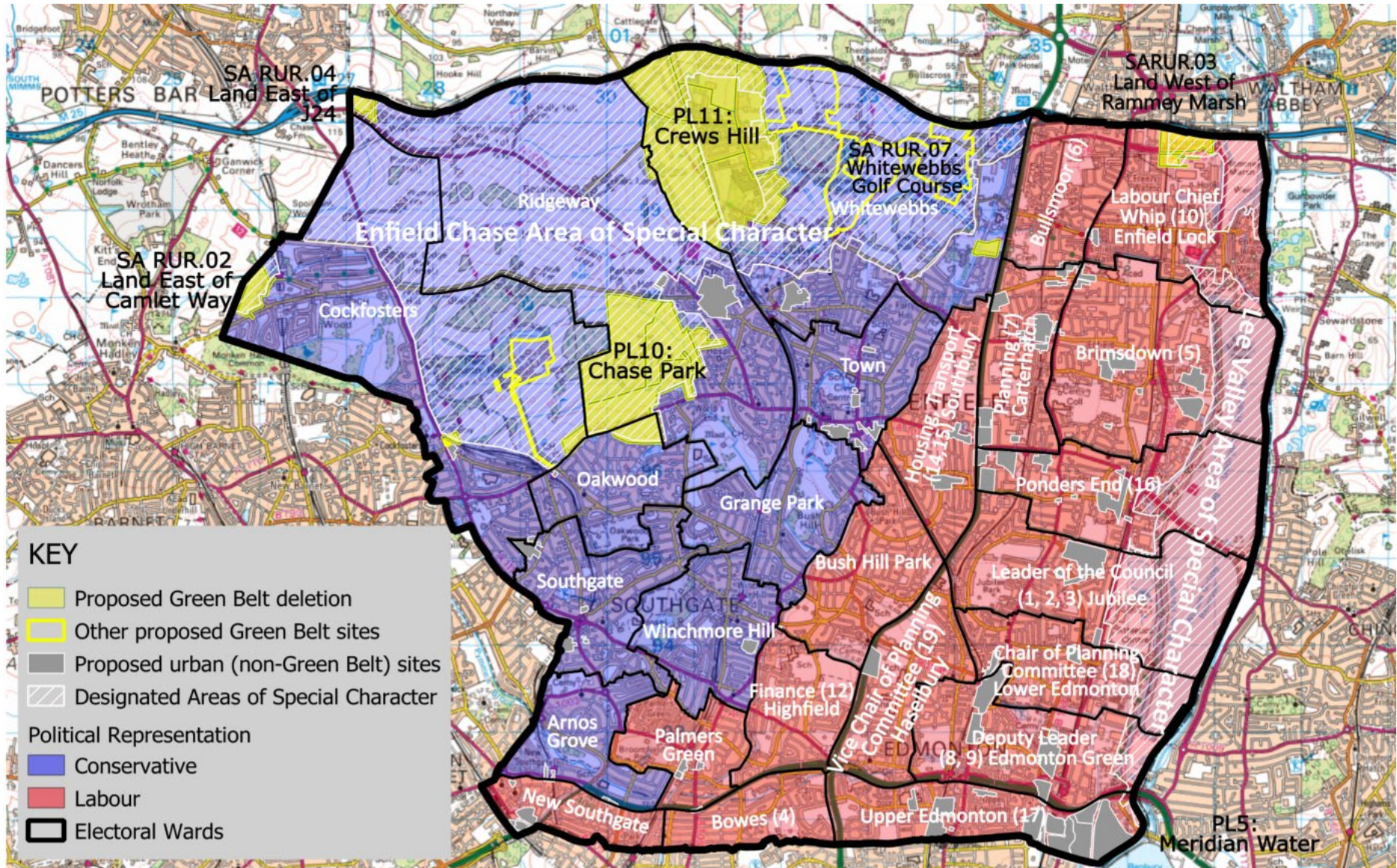
Instead, the governance procedure is set out in paragraph 5.5 of the Local Development Scheme ([SUB16](#), p 12) as reproduced below.

- 5.5 Political overview will be through regular meetings with the Portfolio Holder. For each Development Plan Document (DPD), approval of draft documents at the early consultation stage (regulations 18 and 19) and final versions of all DPDs will be approved by the Cabinet and Full Council. At these stages, reports may be called for further consideration through the Council's Scrutiny Committees.

The final version of the Regulation 19 and 19 stage consultations were not approved by the Cabinet, nor were they called for further discussion. This is a serious point because the only meetings about site selection were held in private between Officers and the Portfolio Holder. Full Council was not a debate, but a series of statements of party-based expressions of support and opposition.

The lack of a proper deliberative committee working on the Local Plan during the critical period 2019-2021 (or indeed thereafter) is a particularly serious failing given the highly political nature of Enfield, in which the selection of site allocations, tall buildings, and the Green Belt, all became highly contentious party-political matters and the location of the most controversial developments in areas that are not controlled by the ruling Labour Group raises concerns as shown in the map below.

Further explanation is set out in the Matter 1 statement by Friends of Trent Park et al.



Breach number 2: failure to properly communicate the proposed site allocations in the materials that were published and distributed to the community during the consultation periods.

None of the Regulation 19 notification materials as shown in Schedule B2 to the Consultation Statement explained that the Local Plan entailed the release of large areas of Green Belt for development. Summary leaflets of the Local Plan at Regulation 18 and Regulation 19 (see screenshots below), which according to the Consultation Statement¹⁰ were sent to 130,000 households, failed to mention the location or extent of the proposed Green Belt releases, and failed to include any maps¹¹. In order to find information, members of the public were required to trawl through nearly 600 pages of the formidably dense PDF of the Local Plan and appendices (which in contrast to the current Core Strategy lack hypertext linking to assist with navigability).



¹⁰ SUB12.1 page 123

¹¹ It would have been a simple matter to have included a version of the map on p360 figure 17.1 in the leaflet with some labels for the larger sites.

What is a Local Plan?

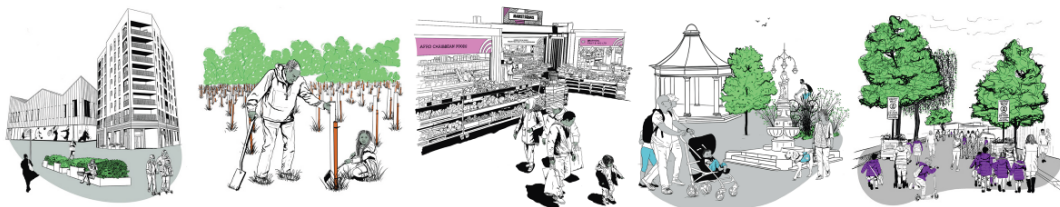
Our Local Plan sets out the vision for future development in Enfield.

Local Plans are used to help decide on planning applications and other planning-related decisions.

They shape infrastructure investments and determine the future development of our borough - from housing, to new schools and GP surgeries.

Every area in England and Wales is required to have an up-to-date Local Plan in place and review it at least every five years.

The consultation for this Local Plan will start soon. To find out more, visit www.enfield.gov.uk/enfieldlocalplan



Our Draft Local Plan

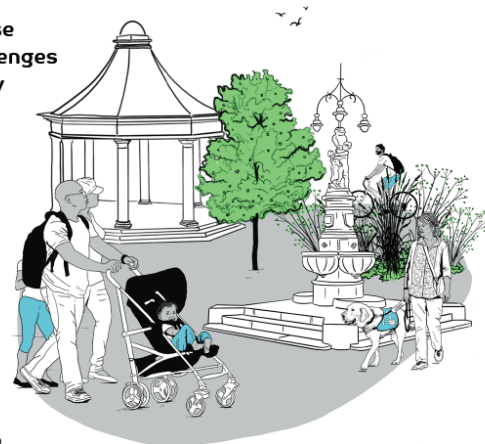
Enfield is a wonderful London borough, with vast green open spaces, vibrant town centres, diverse character and excellent transport links.

Our new Local Plan will enable us to protect and enhance these qualities whilst also allowing us to address the national challenges we face, including continuing housing shortages and a rapidly changing environment due to climate change.

Our new Local Plan will enable us to deliver our priorities for the borough:

- More and better homes
- Strong, healthy and safe communities
- Clean and green spaces
- Thriving children and young people
- An economy that works for everyone

Our Local Plan is central to delivering these goals, including more housing, new facilities, and new green infrastructure, to help support a better and more prosperous borough.



Investing in Enfield

We see Enfield's Local Plan as an opportunity to invest in Enfield.

Enfield Council is already investing £1 billion to provide 3,500 new Council-led homes in the next 10 years, as well as building thousands of homes at Meridian Water. But this is not enough to meet Enfield's rising housing need. Enfield has a statutory duty to ensure at least 1,246 new homes are provided each year. A new Local Plan will assist us to meet these requirements.

Our vision for growth

With a new Local Plan in place, the Council will gain greater control to enable growth in the borough, while protecting our town centres, our historic heritage and the majority of the Green Belt in Enfield.

Improvements to our green spaces and waterways will enhance biodiversity and create better air and water quality. Furthermore, the Local Plan aims to open up areas of the Green Belt that are not currently accessible.

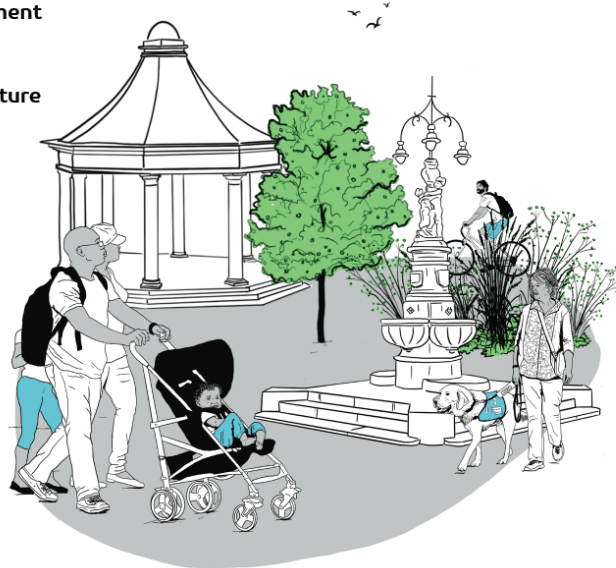
We have a borough rich in businesses, big and small. Our new Local Plan will enable us to create new workspaces in town centres and in existing and new industrial locations. We will harness our wonderful creative economy to enrich our town centres.



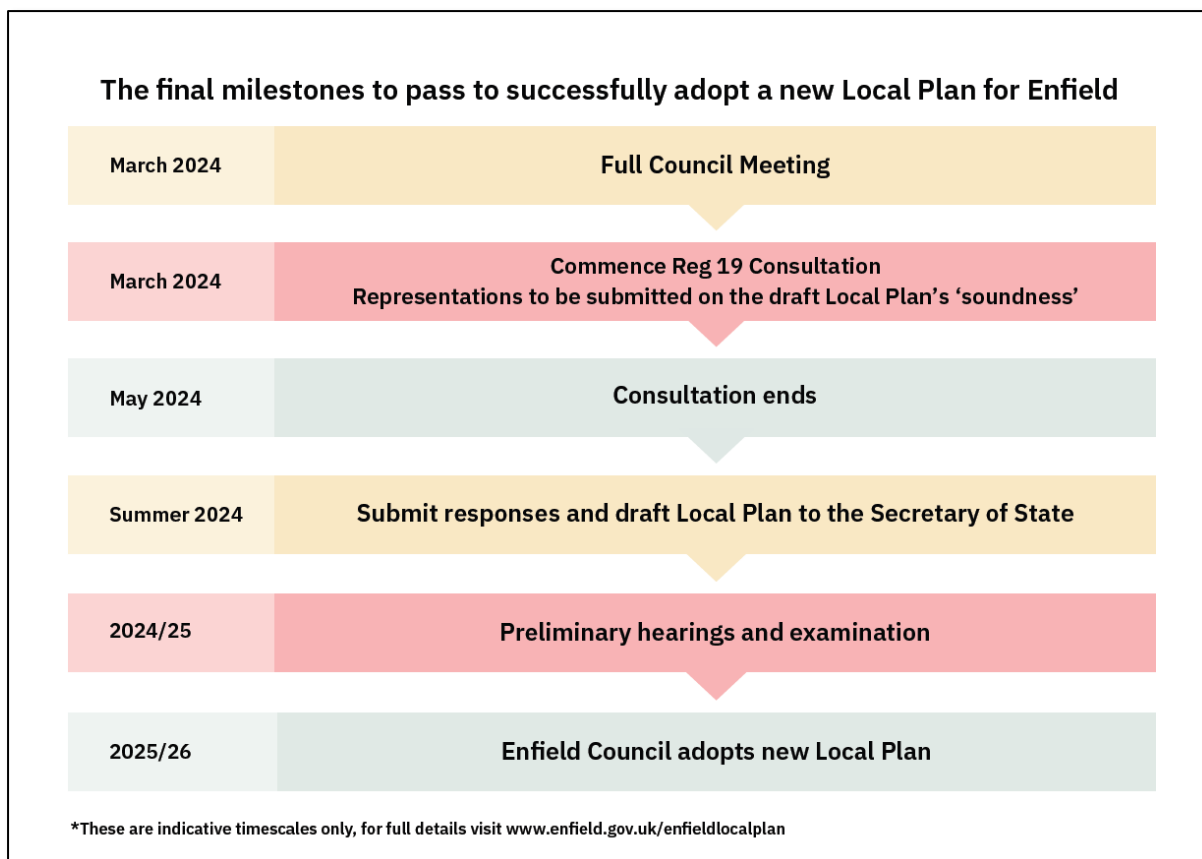
What our plan will support:

- Greater control over planning and development
- Approximately 34,000 homes
- New parks and enhanced green spaces
- Delivery of new GP surgeries and infrastructure
- Town centres
- Local economy and culture

All of these developments will make Enfield a vibrant, green and connected borough for all.



For more detail, you can read the draft plan at www.enfield.gov.uk/enfieldlocalplan



Breach number 3: Failure to make clear during the Preparation of the plan the sites in which the Council has a financial interest.

The map of Council assets we obtained through a Freedom of Information Request shows that the Council has a financial interest in site SA1.1: Palace Gardens. The Land Registry shows that Enfield Council is the freehold landowner and Deutsche Bank is the leaseholder, and that there is a restrictive covenant on upwards development. The restrictive covenant could provide Enfield Council with a financial incentive to charge a fee to the leaseholder to relax the restrictions. Given that the leaseholder promoted 26-storey (81m) tall buildings on the site in 2021¹², and the Council has confirmed that it is still in discussions with the leaseholder regarding tall buildings, there is a potential conflict between the Council's role as Local Planning Authority and as freeholder which has not been made public.

Breach Number 4: presentation failures

Presentation of the Local Plan fell well short of the SCI requirements. Examples of this are shown on the next page, compared with efforts made by The Enfield Society to make the information more accessible to the public on our website.

¹² <https://enfielddispatch.co.uk/enfield-town-redevelopment-includes-26-storey-tower/>

Plans of controversial proposals were neither provided nor signposted in the summary leaflets at Regulation 18 and 19 stages. Figures within the submitted Plan located on pages 92 and 565 respectively (see below) require tenacity to locate amongst the huge volume of documentation (mostly evidence studies published alongside at the same time). Our members expressed frustration at this lack of clarity.

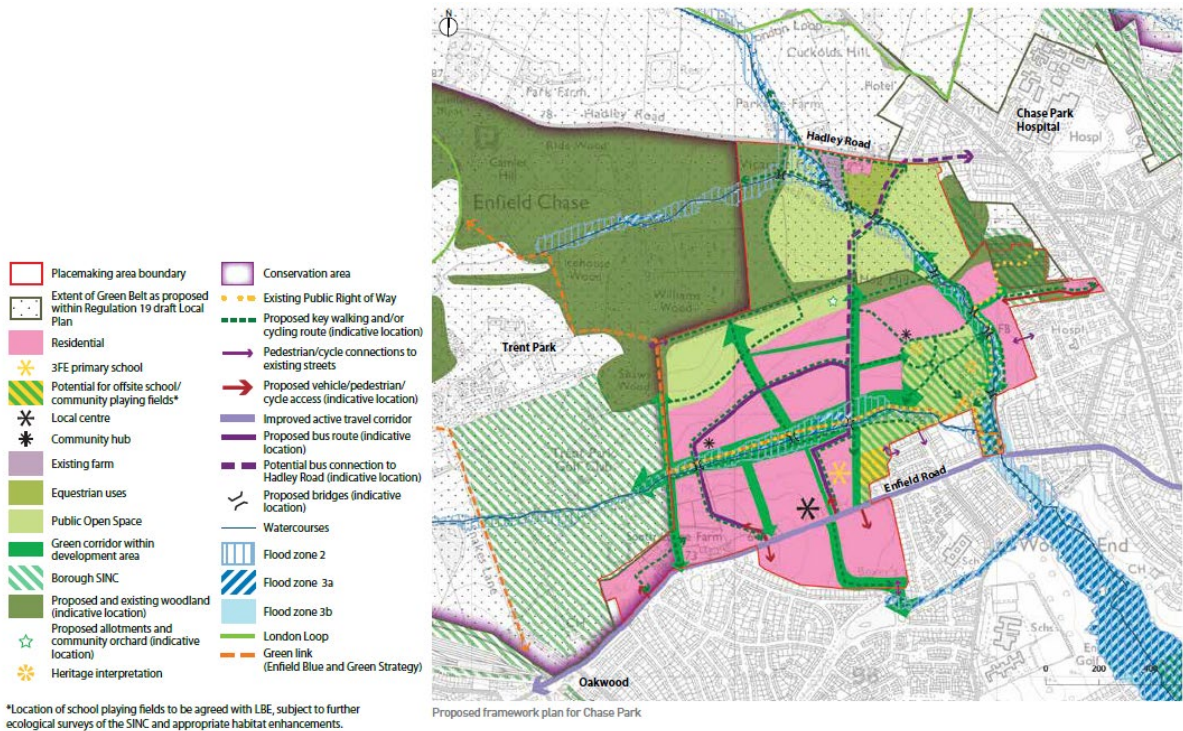


Figure 3.12: Chase Park placemaking area - illustrative framework plan

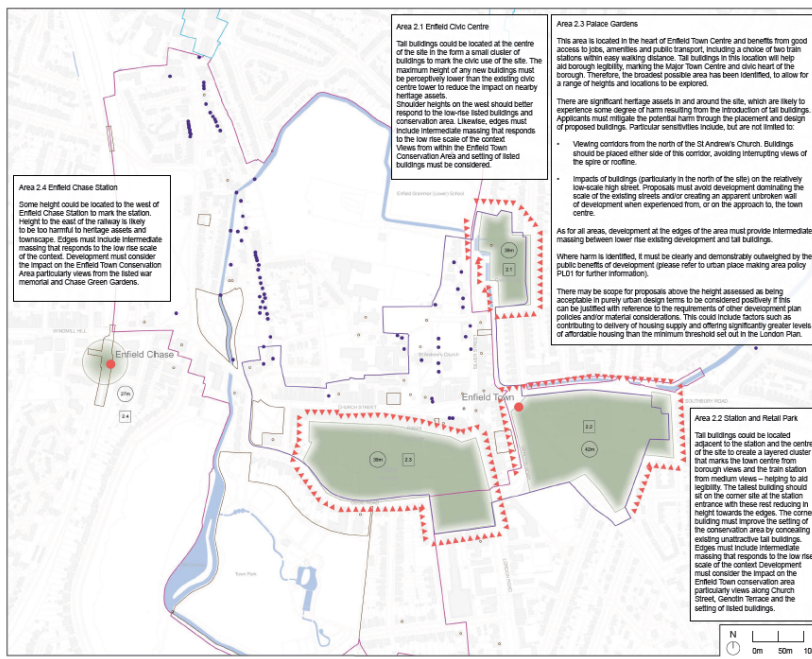
AREA 2
ENFIELD TOWN

Notes
This map has been produced in line with policy D9 of the London Plan (2021), which requires boroughs to identify 'locations where tall buildings may be an appropriate form of development'. It only describes where tall buildings are potentially appropriate. Areas not marked as potentially appropriate are not suitable for tall buildings. Please check the Tall Building Definition Map for what constitutes a Tall Building for the purposes of applying tall buildings policies.

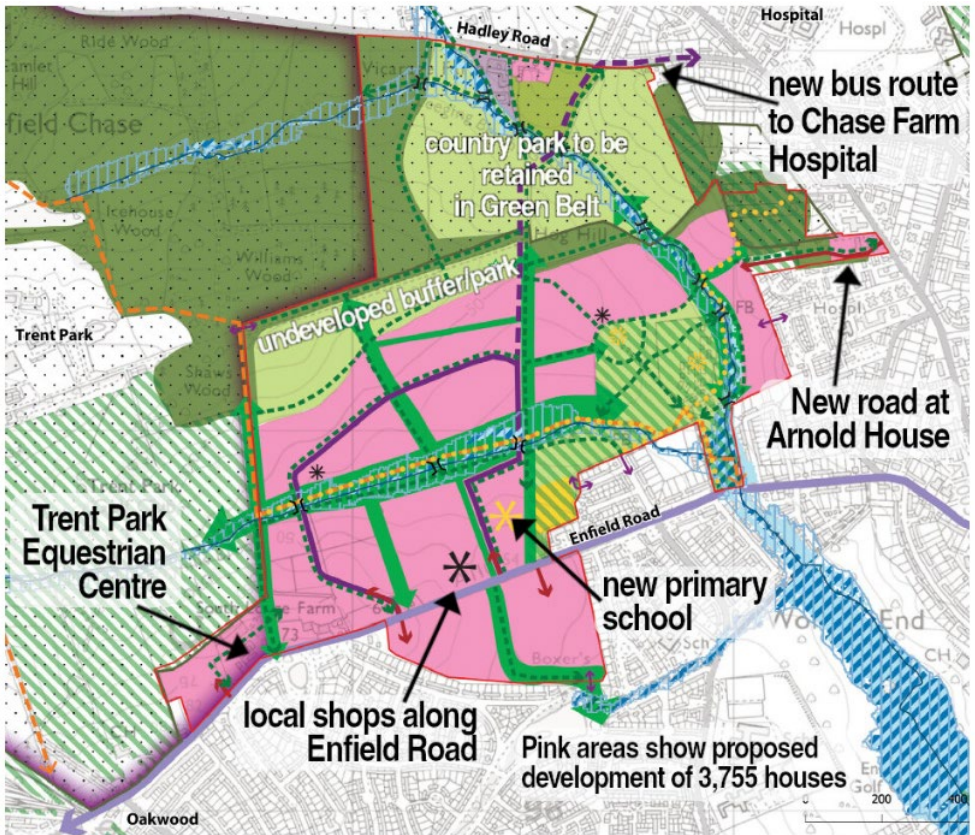
Please refer to Policy DC9: Tall Buildings, which contains important information on the interpretation of these maps and the criteria to be applied to all proposals for tall buildings. In addition, all proposals must address the requirements of London Plan (2021) Policy D9 (and its successors). Accordance with these requirements are not implied by these areas and must be assessed on a case by case basis.

These diagrams do not infer an acceptable proposal in terms of townscape or impact on heritage assets. A proposed-specific analysis must be undertaken in accordance with other policies in the development plan.

- Key**
- ▶ Height sensitive edge
 - Potentially appropriate location for tall buildings
 - Potentially appropriate for tall building to mark station
 - ▬ Linear area potentially appropriate for tall buildings to form major infrastructure
 - ▬ Potentially appropriate for tall buildings enabling income diversification only
 - ▬ Maximum height within area
 - Location reference number
 - Train / Underground Station
 - Major Centre
 - District Centre
 - Large Local Centre
 - Conservation Area
 - Registered Parks and Gardens
 - Listed Building
 - Local Heritage Asset (2018)
 - ▬ Borough boundary
 - ▬ Water
 - ▬ Green Belt



In response, we prepared annotated versions (such as the examples below) and clear explanation of the allocations were posted to <https://enfieldsociety.org.uk/localplan/>, enabling residents to understand the proposals without having to wade through the documentation. Given its SCI commitments, the Council should have done this.



Chase Park showing proposed housing, access and new school. Source: page 92



DE6 Area 2 (Enfield Town). Source: Local Plan Appendix D, page 565, annotated by The Enfield Society

Issue 1.4: Sustainability Appraisal

Q1.16: As part of the integrated impact assessment (IIA) has the formulation of the Plan been based on a sound process of sustainability appraisal?

No. We have significant concerns about the consistency of application of IIA objective 15 regarding the Historic Environment. Had documents PLA13 and PLA14 been done first, it could have informed these findings, rather than relying on the 'simplistic appraisal method' that was actually used. Even without that work, the appraisal for Green Belt areas should still have drawn on the Enfield Characterisation Study (DES43-44).

We agree with the assessment set out by Friends of Trent Country Park et al in their Hearing Statement regarding Q1.16.

READING THE PLAN 'AS A WHOLE'

We could find no suitable question addressing this matter, however like others we are concerned that in contrast for the NPPF requirement for 'succinct' plans (NPPF Paragraph 15), the Local Plan is so long and requires so many cross-references between different parts of the document that it is impossible for any decision-maker to understand 'read as a whole' and therefore it is likely that there will be misinterpretation. This is particularly worrying given the Council's financial interests in many sites.

TOTAL 2,976 WORDS [EXCLUDING INSPECTOR'S QUESTIONS AND SCREENSHOTS]