

Examination of the Enfield Local Plan 2019-2041

Inspector: Steven Lee BA(Hons) MA MRTPI

Programme Officer: Annette Feeney

Tel: 07775 771026

Email: annette.feeney@enfield.gov.uk

Examination webpage: [Local plan examination \(enfield.gov.uk\)](https://www.enfield.gov.uk/local-plan-examination)

IN3: Inspector's Examination Guidance Note – Version 1 (20 November 2024)

Introduction

1. I am Steven Lee, the Inspector appointed by the Secretary of State to examine the soundness of the Enfield Local Plan 2019-2041 (the Plan). I shall be examining the Submission version of the Plan which was consulted between 28 March and 20 May 2024. The Plan was submitted to the Secretary of State on 6 August 2024.
2. This note provides initial guidance on the procedural and administrative arrangements for the examination. Further general information about the local plan examination process can be found in the Planning Inspectorate's publication Procedure Guide for Local Plan Examinations, which is available [here](#). There is also a [short guide](#) aimed particularly at those taking part in an examination for the first time.

Programme Officer

3. Annette Feeney is the Programme Officer ("PO") for the examination. The PO works under my direction and is independent of the Council. Contact details are given above.
4. The main tasks of the PO are to act as the channel of communication between myself, the Council and all the other participants; to liaise with all parties to ensure the smooth running of the examination; to organise the programme of hearing sessions; and to oversee the publication of documents and news updates on the examination website.
5. Any procedural questions or other queries about the examination should be directed to the PO.

Examination website

6. The examination webpages are all hosted by the Council, and their content is controlled by the Inspector and the PO. All documents for the examination, including the Plan, policies map, and the Council's supporting and submission

documents, are be available on the examination webpage located at www.enfield.gov.uk/services/planning/new-enfield-local-plan.

7. If any representor does not have access to the internet, they should contact the PO who will endeavour to make alternative arrangements.

Inspector's role

8. My task is to consider whether the submitted Plan complies with the relevant legislation and is sound. The National Planning Policy Framework (NPPF) (paragraph 35) makes it clear that to be found sound the Plan must be:
 - a) **positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **justified** – an appropriate strategy taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **effective** – deliverable over the plan period, and based on effective joint working on cross boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **consistent with national policy** – enabling the delivery of sustainable development in accordance with the NPPF's policies and other statements of national policy, where relevant.
9. There are three possible outcomes to the examination:
 - the submitted Plan is sound and legally compliant;
 - the submitted Plan is not sound and/or legally compliant but could be made so by changes (known as main modifications), if necessary following the preparation of additional evidence; or
 - the submitted Plan is not sound and could not be made sound by changes. If so, I would be likely to recommend that the Council withdraws the Plan. The same would apply if there is a failure of legal compliance which cannot be remedied.
10. At the end of the examination, I will prepare a report for the Council setting out my conclusions and recommendations. My report will deal with the main issues of soundness and legal compliance, having regard to the representations made. The report will not, however, respond to each and every representation made.

Changes to the Plan

11. The starting point for the examination is that the Council has submitted a Plan which it considers is ready for examination¹. Now that the Plan has been submitted there are only two means by which changes can be made to it:
 - as main modifications recommended by myself; or
 - as additional modifications made by the Council on adoption.

¹ Section 20(2) of the Planning and Compulsory Purchase Act 2004 (as amended).

12. I can only recommend main modifications if they are necessary to make the submitted Plan sound and/or legally compliant. Any potential main modifications will be subject to public consultation before I recommend them in my report and, in some cases, they may also require further sustainability appraisal and habitat regulations assessment.
13. Additional modifications (sometimes also referred to as “minor modifications”) are changes which do not materially affect the policies in the Plan. They may be made by the Council on adoption and do not fall within the scope of the examination.

Modifications proposed by the Council

14. The Council has stated its intention to propose main modifications. These are due to be received by 29 November 2024. I am likely to refer to these during the hearing sessions.
15. It is possible that further modifications may be proposed as the examination progresses and I will ask the Council to keep an up-to-date schedule of all main modifications suggested during the examination. This will be a ‘live’ document that will be updated as and when necessary, by the Council.

Matters, Issues and Questions (MIQs)

16. I have published the ‘Matters, Issues and Questions’ for stage 1 of the hearings alongside this guidance note (document IN3 – Appendix 1). These provide the focus for the examination. I will publish additional MIQs, with their own deadlines for written statements, in due course.

Written statements

17. When I publish my MIQs, I will ask the Council to provide written statements responding to all of the questions raised. Representors will also be able to submit written statements responding to questions relevant to the issues raised in their Regulation 20 representations. Deadlines will be set for the receipt of statements by the PO, and there will be different deadlines for different Matters. Late statements will not be accepted.
18. Further information about the format and content of written statements will be set out alongside the MIQs.

Statements of Common Ground

19. Some Statements of Common Ground (SoCG) have already been submitted by the Council and are in the examination library. I am content to accept SoCG between participants where they would assist in identifying matters in agreement, and therefore allowing the hearing sessions to concentrate on the matters in dispute.
20. SoCG should either be provided in response to a specific request from me (as, for example, has already occurred with the Council), or alongside hearing statements responding to MIQs.

Other written material

21. Other than what I specifically requested, no further representations, evidence or other written material should be submitted to the examination.

Artificial Intelligence

22. It is understood that Artificial Intelligence could be used to support the process. However, if Artificial Intelligence is to be used, such as in the writing of documents, or creation of plans and images, this should be declared when the information is submitted. Such a declaration should include what systems or tools you have used, the source of the information that the AI system has based its content on, and what information or material the AI has been used to create or alter. Further guidance can be found [here](#).

Examination hearings and participation

23. I will hold examination hearings to help determine if the Plan is legally compliant and sound and, if not, how it could be modified to ensure that it is. The hearing will allow me to focus on particular parts of the Plan and relevant evidence that I need to ask questions about.
24. The venue for the hearing will be:
D-Block, Civic Centre, Enfield Council, Silver Street, Enfield EN1 3XA
25. There will be some limited opportunity to observe in person on a first come, first served basis. The Council is also intending to host a 'live stream' of the hearing sessions, details of which will be published on the examination website.
26. As well as representatives for the Council, those individuals and organisations who have made representations under Regulation 20 seeking to change the Plan have a right to participate.
27. Prior to the hearings, the PO will ask representors if they wish to participate. All representors who do wish to participate must respond at that time, irrespective of what they indicated in their regulation 20 representations. If representors do not respond to the PO by the deadline set, it will be assumed that they do not wish to participate.
28. **Important:** One participant per representor will be permitted to sit at the hearing table. Exceptions to this will only be allowed, at my discretion, where legal or technical assistance is required and/or where there is sufficient space to accommodate the additional speakers. There will be opportunities for representors to 'hot seat' where different individuals from groups or organisations wish to speak about different matters.
29. Representors are reminded that written representations carry the same weight as oral evidence. I will have read the representations and any written statements before the relevant hearing session. Participation is therefore only likely to be necessary if a representor thinks that they will want to respond to the questions I have asked or to points that others may make during the hearing. Representors will normally only be able to take part in the hearing session that is relevant to issues they raised in their earlier regulation 20 representations.
30. Where several people or organisations wish to speak on the same issue, they should consider appointing a single spokesperson. Where large numbers of requests are made to attend sessions, I may ask the PO to contact groups to seek to arrange this to ensure numbers are manageable.

31. Where hearing sessions may become oversubscribed, I shall consider whether it is possible to split the issues and questions for the session between two separate hearing sessions or, as a last resort, arrange two hearing sessions to discuss the same issues and questions. Under this arrangement, representors scheduled for the second session would be encouraged to attend and observe the first one, and vice-versa. It would be open to representors to withdraw from the second session if, after observing the first session, they consider it is unnecessary for me to hear similar contributions again.
32. Representors who are not seeking changes to the Plan, including those who have made representations supporting it, do not have a right to take part in the hearing. However, I may invite additional participants if I think that would of assistance in determining the soundness or legal compliance of the Plan.
33. Dates of the hearing sessions, along with detailed information about how to observe, will be published on the examination website. This will include details of the live streaming of sessions.
34. Representors will be informed at least six weeks in advance of the date of the opening hearing session². Representors are, however, requested to keep in touch with the PO and/or the examination webpage regarding the programme, which may be subject to change at short notice.

Omission sites

35. Some representations are concerned with what are known as “omission sites”. These are sites which have not been allocated in the Plan for development. My role is to examine the soundness of the submitted Plan, rather than what is not in the Plan, such as omission sites. I am unlikely, therefore, to ask any written questions about omission sites or discuss any specifically at the hearing sessions.

Site Visits

36. Insofar as I consider it necessary to my assessment of the soundness of the Plan, I will visit sites and areas referred to in the representations before, during or after the hearing sessions. I shall do these on an unaccompanied basis unless I find that I need to go onto private land, in which case I will make the necessary arrangements via the PO.

Close of the Examination

37. The Examination will remain open until my Report has been submitted to the Council.

Further information

38. Published information about the preparation and examination of local plans is available as follows:

Relevant guidance – available from <https://www.gov.uk/guidance/local-plans>

- Procedure Guide for Local Plan Examinations
- Short guide to taking part in local plan examinations

² Regulation 24 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

- National Planning Policy Framework
- Planning Practice Guidance, including the section on Plan-making

Relevant legislation – available at <http://www.legislation.gov.uk/>

- Planning and Compulsory Purchase Act 2004 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

39. Any queries about this note should be taken up with the PO.

S J Lee

20 November 2024
