

Enfield Local Plan 2019 - 2041 Examination

Our ref 60325/01/MS/LCh
Date 7 January 2025
From Lichfields obo Berkeley Homes (North East London) Ltd

Subject Matter 4: Green Belt

This Hearing Statement has been submitted by Berkeley Homes (North East London) Ltd. ('Berkeley'); promoting land interests in the Crews Hill area (Policy PL11) including the Owls Hall Estate immediately west of Crews Hill station (Policy SA11.1) as well as the Enfield Garden Centre (Policy SA11.4) on Cattlegate Road. The Crews Hill area is a proposed allocation for approximately 5,500 homes.

1.0 **Issue 4.1 – Whether all reasonable options for meeting the identified need for housing and employment development on land that is not in the Green Belt fully examined.**

Q4.1: What is the identified capacity to meet a) housing and b) employment needs within the Plan area without requiring any alteration to Green Belt boundaries?

- 1.1 This is primarily a matter for the Council to answer, but the Housing Topic Paper (TOP3) at Table 12 (page 33) indicates an identified 'urban sites' capacity of 30,695 homes within the plan period 2019-2041 (excluding allowances for lapses). This is drawn from the Council's HELAA (HOU1) which also was informed by an earlier Enfield Urban Capacity Study (2020). The NPPF (para 69) and accompanying guidance (e.g. PPG ID:68-020) indicates that considering urban capacity to meet housing needs is not a purely theoretical exercise; it is must be based on what is deliverable and developable within the plan period, including that there is a reasonable prospect that this identified urban capacity could come forward. This is what the HELAA process seeks to demonstrate.

Q4.2: Were all reasonable opportunities assessed for meeting the need for (a) housing and (b) employment related development outside the Green Belt, including through making as much use as possible of suitable brownfield sites and underutilised land and optimising the density of development?

- 1.2 Yes. This is set out at paragraphs 4.10-4.22 of the Council's Exceptional Circumstances Topic Paper (TOP5), including considering the availability of land via the HELAA and testing density assumptions against local character and the specific housing needs that existing; for example the need to deliver more family housing and the natural difficulties in

planning for that specific need through significantly higher densities in the existing urban area (TOP5 para 4.7).

Q4.3: Is there any substantive evidence to indicate that relevant neighbouring local planning authorities outside the Plan area could accommodate some of the housing or employment development proposed?

- 1.3 No. Neighbouring London Boroughs face the same issues as Enfield - very high housing needs and restricted opportunities to meet them - whilst areas beyond Greater London face the same Green Belt constraints, though often in materially less sustainable locations than are available within LB Enfield, with Green Belt release within Enfield, particularly that around and existing train station - being the most sustainable pattern of development.

2.0 Issue 4.2 – Whether removing land from the Green Belt as proposed in the Plan is necessary to ensure that the identified need for housing and employment development can be met in a way that promotes sustainable patterns of development.

Sustainable patterns of development

Q4.6: Is there a quantitative need to remove land from the Green Belt in the Plan area to ensure the provision of at least 33,280 homes in the period by 2041?

- 2.1 Logically yes, because the figure of 33,280 homes in the period to 2041 is a capacity-derived figure within which Green Belt release is an intrinsic and fundamental component.
- 2.2 To put it another way, the figure of 33,280 is wholly predicated on removing land from the Green Belt, with that having been locally-identified as providing capacity for a quantity of homes to 2041 in a manner that follows the approach set out by London Plan (LP2021) para 4.1.11.
- 2.3 As we explained in our Matter 2 statement, this requirement still falls some significant way short of meeting housing needs in the Plan area (see also TOP3 para 3.5). The Council has found that exceptional circumstances exist at both a strategic and local level, concluding that the revision of Green Belt boundaries to allocate these housing sites is appropriate local supply which should be counted against the eventual housing requirement.
- 2.4 Hypothetically, were 33,280 homes able to be delivered without removing land from the Green Belt, this would simply serve to demonstrate that the housing requirement is in fact too low; and should be increased in view of the evidenced ability to release sustainable sites from the Green Belt to address need. Given the Council’s conclusion that exceptional circumstances exist for releasing Green Belt in the face of the exceptional housing need that London and LB Enfield faces, any additional urban capacity identified within Enfield would only negate the Council’s strategic decision to review and release Green Belt if it were of such a scale to meet the Borough’s housing needs in full in the period beyond 2029 and up to 2041.

Q4.7: Is there a quantitative need to remove land from the Green Belt to ensure that the identified need for additional industrial and warehousing floorspace can be met by 2041?

2.5 No comment.

Q4.8: Overall, are there exceptional circumstances in principle to justify altering Green Belt boundaries for a) housing and b) employment development?

2.6 Yes. We consider there are clear and demonstrable exceptional circumstances to justify altering the Green Belt boundaries for housing, in accordance with the NPPF (2023) paras 145-146, and following the legal framework for how one might approach the question of ‘exceptional circumstances’ in the Calverton¹ and Guildford² high court judgements. This is set out within the Council topic paper (TOP3), but from Berkeley’s perspective:

- 1 The test of ‘exceptional circumstances’ is a matter of planning judgement. The Guildford judgment in particular finds that ‘exceptional circumstances’ is a deliberately broad and undefined concept, which is a less demanding test than that of ‘very special circumstances’ and does not require more than one individual circumstance, but can equally be an accumulation or combination of factors (with general planning needs, such as housing needs, not precluded from that scope);
- 2 There is unmet housing need, including specifically for family and affordable homes, which cannot be addressed so readily (if at all) via schemes within the urban area where the preponderance (and necessity if optimising densities) is for smaller flatted developments (see TOP3 para 4.7 bullet 2 – 70% of new urban housing has been 1 and 2-bed flats) and where viability is more challenging on such brownfield typologies meaning they will deliver fewer affordable homes (see VIA1 conclusions at para 12.108-12.110);
- 3 The December 2023 NPPF makes clear at para 145 that a review and alteration of Green Belt is not a mandatory requirement for local plans but equally it confirms that authorities may choose to do so where exceptional circumstances are fully evidenced and justified. It also states (para 146) that a plan making authority should be able to show it has examined all other reasonable options for meeting its identified need for development. In our view, this is something that the Council has done, as shown in its topic paper (TOP3).
- 4 There is a policy imperative for the Local Plan to arrive at its own housing requirement figure for the period after 2029 (in the absence of a set requirement from the LP2021), and this must be done consistent with, and cognisant of, NPPF para 11 which seeks to ensure plan-makers meet development needs. Development needs – including those identified by the standard method, or other indicators of housing need – are a

¹ Calverton Parish Council v Nottingham City Council & Ors [2015] EWHC 1078 (Admin) (21 April 2015) - <https://www.bailii.org/ew/cases/EWHC/Admin/2015/1078.html>

² Compton Parish Council & Ors v Guildford Borough Council & Anor [2019] EWHC 3242 (Admin) (4 December 2019) - <https://www.bailii.org/ew/cases/EWHC/Admin/2019/3242.html>

fundamental and necessary input to the consideration of whether exceptional circumstances exist (and nothing set out in the LP2021 seeks to curtail this);

- 5 Green Belt release provides an opportunity to support provision of new community infrastructure and accessible open space alongside housing development;
- 6 There are areas of Green Belt within the district which – in principle, following Green Belt review undertaken by the Council – do not provide a strong reason (per NPPF para 11) to restrict overall development; and
- 7 In the case of Crews Hill specifically, there are underlying factors that support the role of Crews Hill in the spatial strategy, including the “*unique opportunity to deliver a strategic scale new settlement served by new and improved sustainable transport connections and [to] provide for a significant proportion of the Borough’s housing needs, both within this Plan period and beyond.*” (TOP2 – Appendix 2, page 51).

2.7 The Council’s approach is justified against the NPPF requirements, and furthermore is an approach that is entirely consistent with how Policy G2 of the LP2021 requires London Boroughs to approach Green Belt.

2.8 We observe that the GLA in its SoCG with the Council (E3.1 dated 1 November 2024) has suggested that the Local Plan was not consistent with the emerging policy agenda in the (then) draft NPPF on Green Belt (e.g. on Grey Belt at E3.1 para 3.12), subsequently published December 2024. Respectfully to the GLA, this is an entirely moot point due to the transition arrangements contained in both draft and final versions of the current NPPF; the soundness of Enfield Local Plan is subject to the provisions of the December 2023 version of the NPPF (see December 2024 NPPF para 234).

2.9 Furthermore, the GLA’s concerns about general conformity of the Local Plan with LP2021 Policy G2 (and supporting text para 8.2.1) appear misplaced. Policy G2 and the supporting text of the LP2021 does no more or less than restate and defer to national policy on exceptional circumstances³; the LP2021 does not overlay any specific additional policy tests that Borough’s must meet to demonstrate exceptional circumstances for release of Green Belt, other than to address the requirements of the relevant NPPF.

³ Policy G2 of the LP2021 on Green Belt states that: “*Exceptional circumstances are required to justify either the extension or dedesignation of the Green Belt through the preparation or review of a Local Plan*”. The supporting text (para 8.2.1) then refers to the NPPF which it says “*sets out the processes and considerations for defining Green Belt boundaries*”.

Compensatory Improvements

Q4.9: Is the Plan consistent with paragraph 147 of the NPPF with regard to the provision of compensatory improvements to the environmental quality and accessibility of land in the Green Belt? Are the measures identified in criterion 13 of the Policy SS1 meant to deliver this objective? If so, are they viable and deliverable?

- 2.10 Yes. In addition to Policy SS1 Criterion 13, Strategic Policy BG7 seeks to more widely guide the enhancement of remaining Green Belt Land, including directly through compensatory improvements, which Green Belt release sites would be expected to secure/contribute to. The whole plan viability study (VIA1) includes allowances for developer contributions from the Green Belt release sites which would contribute towards delivery of those schemes listed within BG7 (amongst other section 106 requirements) – for example see commentary at VIA1 10.34-10.37 which reference developer contributions of £50,000-£75,000 per unit in total, a proportion of which would be specifically for BG7. We anticipate such schemes will be included in any future updates to the Infrastructure Delivery Plan (IDP).

Policies Map

Q4.10: Is the submitted Policies Map accurate with regard to the boundaries of the Green Belt?

- 2.11 No comments.

Q4.11: Are the inset maps associated with Green Belt allocations in Appendix C consistent with what appears on the Policies Map?

- 2.12 No comments.

3.0 Issue 4.3: Whether other proposals in the Green Belt are justified, consistent with national policy and in general conformity with the London Plan

Q4.12 – 4.15

- 3.1 No comments.

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