



Matter 1 - EnCaf Land Use Working Group (ELUWG)

This Written Statement refers to the following ELUWG objections:

Table 1 - ELUWG Duly made objections.

Representation Number and Title	Hyperlink
01676-3-1, ENCAF REG 19 RESPONSE: PART B	https://www.enfield.gov.uk/file/PDFs/email/01676-3-1.pdf
01676-1-1, Response to Policy BG3: Protecting Epping Forest Special Area Of Conservation, of the Enfield Local Plan	https://www.enfield.gov.uk/file/PDFs/email/01676-1-1.pdf
01676-10-1, BANBURY RESERVOIR PARK - PRINCIPLES AND PROPOSALS	https://www.enfield.gov.uk/file/PDFs/email/01676-10-1.pdf
01676-1-2, Map	https://www.enfield.gov.uk/file/PDFs/email/01676-1-2.pdf
01676-1-4, Call for sites submission form	https://www.enfield.gov.uk/file/PDFs/email-16-12/01676-1-4.pdf

This statement also refers to post-submission issues.

Issue:	1.3: Public Engagement
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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?

- No. Section 22(1)(c)(iv) of the TCPA 2012 requires submission documents include a statement setting out ‘*how any representations made pursuant to regulation 18 have been taken into account*’, however, the submitted statement (**SUB12.1**) does not do this. The submitted Regulation 18 Consultation report (**REG2**) includes a summary of responses but not how the large majority were taken into account.
- This omission reflects the wide-ranging issues community groups and residents have experienced getting their views considered during plan-making. These issues are discussed further in our responses to Q1.13-Q1.15.

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

3. No. The number of documents published simultaneously just ahead of the Regulation 19 consultation, alongside their length and technical nature, was overwhelming and effectively served to limit opportunities for even committed participants to comment on relevant documents. Insufficient time was available to review and comment on these documents, accordingly we did not have a genuine opportunity to respond to all the issues we would have done had more time been available and/or the evidence been published more considerately.
4. Guidance (**ID: 61-035-20190723**) encourages authorities to publish Evidence Base documents as they are completed rather than waiting until a local plan is published, to keep communities informed and involved. Despite this, most Evidence Base documents were not published until March 2024. A considerable number could have been published far earlier, and we question why the Council did not follow guidance, especially considering the Council's support Action for Enfield's Future's campaign (see below).
5. Similar issues occurred at Regulation 18, prompting local community groups to form an alliance called 'Action for Enfield's Future', to campaign for greater transparency, including more time being made available to read and digest plan-making documents. The petition was signed by over 4,000 residents and the Council unanimously supported the petition at a Full Council meeting.

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

6. No. A statement showing how Regulation 18 representations were taken into account has not been submitted.
7. It is clear from the responses to our Regulation 19 representations that they have not been adequately and positively considered e.g. see points 19, 21, 22, 24-25 below.

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?

8. The public consultation carried out during plan-making failed to comply with the Council's SCI (**SUB17**).

9. **Point 1.13** of the SCI says it is important to ensure alignment with the **government’s Consultation Principles: Guidance (2018)**. These principles state that *‘consultation exercises should not generally be launched during local or national election periods’*, however, the Regulation 19 consultation was launched during the London Mayor and Assembly elections, creating issues for local groups and residents in liaising with Assembly members, councillors, and officers and about the Plan.
10. The SCI sets out consultation principles to involve people in a meaningful way (**SUB17, point 1.14**), however, the consultation carried out during plan-making failed to comply with these principles.
- i. The SCI principle of **‘Openness’** commits the Council to showing how comments and views were considered, however, as noted above, the Council has not shown how Regulation 18 representations were considered.
 - ii. The principle of **‘Openness’** also commits the Council to being *‘open, transparent and responsive’* however, since 2020 the Council has shut down opportunities for openness and scrutiny e.g. by cancelling the Local Plan Sub-Committee and recently removing all minutes and documents for this committee from its website.
 - iii. The principle **‘Proportionate scale’** commits the Council to ensuring the length of consultations will be appropriate to the type and status of the planning document and the impact of the proposal. Roughly 7-weeks was allowed for the Regulation 19 consultation, to review the Plan and over 300 Evidence Base documents. By comparison, 12-weeks was allowed at Regulation 18, when the Plan was considerably shorter and there were 65 supporting documents. We note the government’s recent consultation on NPPF amendments (a single document) was 8-weeks. We therefore do not see how the Council can reasonably conclude that 7-weeks for Regulation 19 is ‘proportionate’ especially given the extent and nature of the documents published more or less simultaneously, the status of the Plan, and the fact that the Mayor and London Assembly elections were taking place, as well as an Easter break.
 - iv. The principle of **‘Coordination and collaboration’** says that *‘When preparing planning documents, we will publish a consultation statement when consultation ends, which summarises the process and feedback from the consultation and explains how the responses have fed into our decision-making on planning matters’*. The government’s Consultation Principles: Guidance (2018), which the Council commits to following, says *‘responses to consultations should be published in a timely fashion’* and commits to publishing responses within 12 weeks of the consultation or provide an explanation why this is not possible. The Council’s response to Regulation 18 consultation responses was first published in June 2023

(dated April 2023), 90-weeks after the consultation ended. This document (**REG2**) has been submitted to the Examination with the incorrect date of December 2021, which is inaccurate and misleading.

- v. Government consultation principles say it is important to ensure it is clear when the authority has responded to the consultation. However, subscribers to the Local Plan mailing list were not emailed when the Council published its Regulation 18 response.
 - vi. The principle of ‘**Coordination and collaboration**’ also commits the Council to keeping accurate records of responses. We think the issues identified with the Regulation 22 Statement and database, including hundreds of missing representations, representations not coded to the correct policy, links which link to the wrong representation, representations attributed to the wrong person/community group, demonstrates that the Council has not invested sufficient resource in ensuring representations were recorded accurately. Repeated correspondence was required to get links to representations we provided. This has been time consuming and a frustrating distraction from the task at hand.
 - vii. The SCI principle of ‘**Meaningful**’ commits to providing a genuine opportunity for stakeholders to engage and influence decisions through a collaborative approach. We would suggest collaboration with community groups and residents has been non-existent, and there is a lack of clear evidence showing how local people have influenced decisions during plan-making.
 - viii. The principle of ‘**Monitoring**’ says the Council will monitor and review effectiveness of all consultation activities, including seeking feedback from participants to help ensure they can consult more effectively in the future. This has never happened regarding the Local Plan. Furthermore, ‘Action for Enfield’s Future’s’ petition, and speech at Full Council, detailed many issues, which the Council committed to addressing and then largely failed to do.
 - ix. The principle or ‘**Privacy**’ commits the Council to ensuring consultation data is in line with the General Data Protection Regulations (GDPR) to ensure personal information is protected. This did not happen, and as a result all representations had to be removed from the examination webpage for several months creating significant issues for community groups who needed to dedicate resource to reviewing the responses for accuracy and to prepare for hearings.
11. Outside of the Principles, **point 1.16** commits the Council to ‘*Consulting – asking for your thoughts and opinions, listening to and acknowledging your concerns and aspirations, and providing feedback on how your input has influenced our decisions*’, as noted above this feedback was not provided.

12. Contextually, it is important to note the SCI commits the Council to ‘*Going beyond legislative requirements*’ e.g. **point 2.15** says ‘*We recognise that our statutory obligations to consult will not be enough to really understand and address the issues ...*’

13. In summary, there is clear evidence that the public consultation carried out during plan-making failed to comply with the SCI. As a local community group, we have been on the receiving end of this and consider that the Council has treated the opinions of communities carelessly and not engaged positively. The effort deployed by the Council to consultations and in responding, is below the reasonable minimum level, despite commitments to exceed minimum statutory requirements. As testament to this, we note the Council having spent millions of pounds developing the Plan did not then invest the small sum in software that would help ensure Regulation 19 responses were properly recorded, summarised and accessible. Instead, they relied on Word, PDF and Excel which were unsurprisingly inadequate for the task and generated multiple continued and unresolved issues with the accurate recording of representations, as well as additional work for Community Groups. Further engagement issues are noted in our response to Q1.19 points 19, 21, 22, 24-25 below.

Issue:	1.4: Sustainability Appraisal
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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?

14. No, please see our response to Matter 5, points 19-30.

Issue:	1.5: Habitats Regulations Assessment
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Q1.17: Have any concerns been raised about the HRA and, if so, what is the Council’s response to these? Have Natural England been involved in the HRA process and what is their current position?

15. Our representation raised concerns about the HRA (**SUB11**) - see **01676-3-1, ENCAF REG 19 RESPONSE: PART B, pages 1-3.**

16. The HRA was based on inaccurate data regarding the scale of planned housing delivery at PL5 Meridian Water, meaning it has not adequately assessed the impact and adverse effects of the planned development.

17. In response, the Council said, ‘*The Council commits to updating the Habitats Regulations Assessment with current data, ensuring sufficient open space in PL5, and refining mitigation measures, including enhancements at Kenninghall Open Space*’ (**SUB12.1, Regulation 22 Consultation Statement, page 190, response to 01676**). However, we note the HRA has not been updated. The existing HRA is not fit-for-purpose.

Q1.18: What are the implications for the Plan of the HRA not being able to rule out adverse effects on the integrity of sites, as set out above and in Chapter 5 of the HRA? How are any uncertainties to be addressed?

18. The implications are that there is a need to plan differently to rule out and mitigate adverse effects e.g., further mitigation measures are likely to be needed once the scale of PL5 is properly considered, including additional Suitable Alternative Natural Greenspaces (SANGs) - the impact on viability of deploying these additional measures will need to be assessed.

Q1.19: Have the necessary mitigation measures to avoid adverse effects on the integrity of designated sites been incorporated into the Plan’s policies?

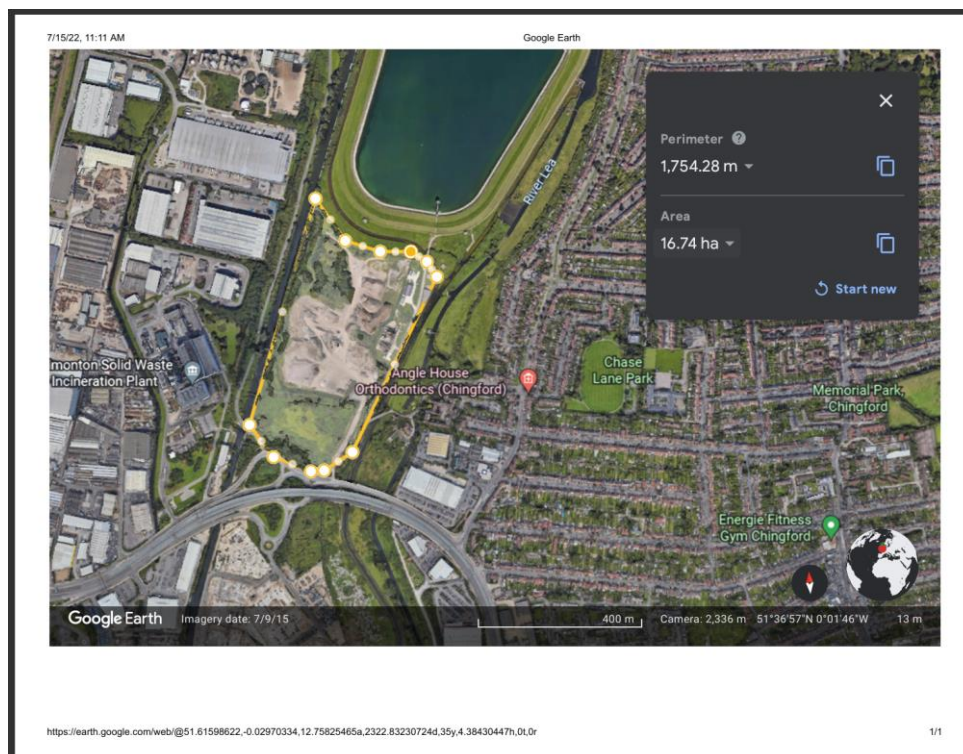
19. No. Firstly the adverse effects are not properly understood (**see our response to Q1.17**), so it is impossible to know if the necessary mitigation measures are incorporated.

20. Secondly, as we state in our representations, the mitigation measures set out in the ‘*Enfield Epping Forest SAC Recreation Mitigation Strategy 2023*’ (**INF1**), are inadequate due to the scale of development and change envisaged by PL5 Meridian Water, coupled with existing issues regarding green space in the area (**01676-1-1, Response to Policy BG3: Protecting Epping Forest Special Area Of Conservation, of the Enfield Local Plan, pages 1-7**). In response, the Council re-committed to updating the HRA and referred us to the Recreational Mitigation Strategy for more detail i.e. the same document our representation was raising concerns about (**SUB12.1, Regulation 22 Consultation Statement, page 265, response to 01676**). Referring us back to the same document we were challenging reduces confidence and trust in the LPA’s responses and suggests our representations were not positively engaged with.

21. Our representations suggested mitigation measures to help avoid adverse effects designated sites, most notably in the form of proposals for a new park referred to as ‘Banbury Park Reservoir’ (**01676-10-1, BANBURY RESERVOIR PARK - PRINCIPLES AND PROPOSALS**). Our representations included

documents previously discussed with LBE and LB Waltham Forest (LBWF) and the red line boundary of the unused and fenced-off green belt land within LBE that would need to be allocated as part of the SANG strategy to assist the delivery of the necessary mitigation and enable the new park.

22. Our submission included the map below, to show the location. Until late December, summaries of our representations (**01676-1-2** and **01676-1-3**) referred to the map, but the hyperlink linked to a different representation, not the map. It required repeated emails to get this map, and other documents added to the database.



23. In their response, the Council suggested we speak to LBWF as they implied the land in question is in Waltham Forest (**SUB12.1, Regulation 22 Consultation Statement, page 490, response to 01676**). This is incorrect - 100% of the land submitted is within Enfield (the proposed park crosses into London Borough of Waltham Forest, and the reservoir itself is in LBWF, but the land in question is within Enfield). This response suggests our representations were not positively considered.

24. The response also suggested we consult with LBWF about including the park in their local plan. This is a concerning response. LBE officers are aware that EnCaf have already had meetings with LBWF, who in turn have already allocated the land needed within their boundary in their now adopted Local Plan as part of their SANG strategy. That the Council appear unaware that this land has been allocated adjacent to their own flagship development further reduces our confidence in their

understanding of land within the Borough, or their understanding of their own ongoing work with LBWF about the future needs for this area, and accordingly the soundness of the plan.

25. We submitted 'land north of Lower Hill Lane Walkpath (N18) and south of William Girling Reservoir' as a site for new publicly accessible greenspace, to assist with mitigation of PL5. The Council response was '*Comment noted. This change is not considered to be necessary to make the policy sound.*' (**SUB12.1, Regulation 22 Consultation Statement, page 490, response to 01676**). However, on November 29th the Council, in response to representations from the Lee Valley Regional Park Authority (the LVRPA), and to ensure compliance with Section 14 of the Lee Valley Regional Park Act 1966 (the Park Act), proposed adding a new paragraph (**6.39**), which notes '*Partnership working is also highlighted as a key mechanism for habitat and public access improvements, particularly in relation to land either side of the North Circular and the large areas of water in this area; the reservoirs, Lee Navigation and at Ponders End Waterfront.*' (**E6. Proposed Modifications, Page 30**). This change is welcome, as it closely reflects our proposals (and indeed our proposals mirror the LVRPA's adopted Area 4 proposals, which the Council are required under the provisions of section 14(2) of the Park Act to include in the Plan). However, we question why our representations were dismissed by the Council, without any offer of collaboration, whilst the same proposal by LVRPA resulted in proposed modifications to the Plan. We think this shows that the Council has not engaged collaboratively and positively with community groups.
26. CPRE also made a submission regarding the new park to address the existing and future lack of open green space in the area surrounding Upper Edmonton and Meridian Water. CPRE made specific reference to the land south of the William Girling Reservoir. In its response to CPRE the Council said it had considered the site and said the land '*was not included due to constraints and feasibility issues*' (**SUB12.1, Regulation 22 Consultation Statement, page 487, response to 01726**). The Council's response is highly misleading as the land in question (land south of William Girling Reservoir) was not assessed for the reason submitted i.e. it was not considered as a park but assessed by the Council as land for housing (**TOP2, Site Allocation Topic Paper, Table 08. Summary of sites not selected for allocation and justification (Housing and residential-led mixed-use sites), page 79, reference CFS252**). This can also be seen in the HELAA spreadsheet as the site assessment appears in the tab called '*Assessed Sites (Housing + mix)*' and is assessed as '*Achievable*' to deliver 2,800 homes, but is not assessed in the '*Assessed Sites (other uses)*' tab, which it would be if it had been assessed for park/recreational/nature use (**HOU10, HELAA 2023 Appendix**). We find the response from the Council to CPRE troubling as it is inaccurate and misleading and suggest a lack of genuine engagement.

27. In short, the HRA is not based on accurate data as it is based on substantially fewer homes being delivered at PL5 than are planned, casting doubt over its validity. The promised HRA update has not been provided. Proposed mitigation measures are inadequate given the genuine scale of development proposed and we find the Council's responses to our representations (and CPRE's) cast considerable doubt over their understanding of the area in question, or their genuine and positive consideration of our representations.

28. The Council owns 70% of the developable land at Meridian Water and is the master developer for the scheme. Given this we are concerned that the Council may have acted in its own best commercial interests by seeking to reduce mitigation needed and limiting the opportunities to address the shortfall of open green space.

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