

13 September 2021

Dear Sirs

Enfield Local Plan Reg 18 Issues and Preferred Options - Consultation Response

1. We are instructed by Northaw and Cuffley Parish Council and set out our client's formal response to the Reg 18 consultation, which closes on 13 September 2021. The Parish Council objects to strategic policy PL9 (site allocation SA27), which identifies land of very high value in the Green Belt at Crews Hill as a strategic site for 3,000 dwellings plus associated infrastructure. The Parish Council's administrative boundary is close to the land comprising PL9 and therefore growth in this location has the risk of adverse impacts, including significantly reducing the gap between the settlements of Cuffley and Northaw, increased road traffic and exacerbating overcrowding on an already crowded commuter line. The growth will also adversely impact on other shared infrastructure. The Parish Council is also concerned that the Council's approach to allocating housing land supply on large Green Belt areas, which is contrary to the recently adopted London Plan (2021) which provides strong support for the protection of London's Green Belt.

Summary comments

Failure to test options through the Reg 18 process

2. The Parish Council understands that the purpose of a Reg 18 consultation is to seek views from stakeholders on what the emerging local plan ought to contain, and that a Reg 18 consultation is an early stage in the plan-making process where all reasonable options should be on the table and tested through the Sustainability Appraisal ("SA") process to identify the environmental effects (positive and negative) from the allocations (see Town and Country Planning (Local Planning) (England) Regulations 2012). The Council will be aware that the Planning Court will quash Green Belt allocations where the case for exceptional circumstances has not been made and alternatives to Green Belt allocations has not been justified without a rigorous assessment of reasonable options (Aireborough Neighbourhood Development Forum v Leeds City Council & Ors [2020] EWHC 1461 (Admin) (8 June 2020)) or where all reasonable alternatives have not been tested through the SEA process (see e.g., Save Historic Newmarket [2011] EWHC 606 (Admin); Heard v Broadlands District Council [2012] EWHC 344 (Admin)).

3. It is therefore surprising that this Reg 18 consultation is characterised as a “Main Issues and Preferred Approaches” consultation, while in other places the consultation documentation reads as a fledged draft local plan¹ reliant on substantial very high value land removed from the Green Belt. The justification is captured in various places in the consultation documents and can be gleaned *inter alia* at Table 2.3 of the Integrated Impact Assessment report prepared by LUC, dated June 2021, (“the IIA 2021”) which describes an overall hierarchy. In terms of an emerging spatial strategy, Priority 6 suggests it may be appropriate to allocate Green Belt/greenfield land in areas of high performing accessibility. As set out below at paras. 15-17 in a comprehensive response in February 2019 when the issue of Green Belt release at Crews Hills was first mooted, the Mayor for London told the Council that he considers Crews Hill to have a poor accessibility rating. Some 30 months later there is no updated transport assessment to show the capacity for betterment on the Network Rail line that would change the poor sustainability position of the settlement at Crews Hill. As such PL9/Crews Hill fails to meet to the high performing sustainability basis that formed the nascent justification releasing greenfield Green Belt land back in 2018-2019.
4. According to the IIA, which forms part of this Reg 18 consultation, the Council undertook two previous stages of consultation on the emerging Local Plan between December 2015 and 2016 and December 2018 and February 2019. At neither stage did the Council propose releasing a large parcel of very high value Green Belt land at Crews Hill for housing growth. On the contrary, the 2018 consultation very clearly spelled out that “the option of Green Belt review to support growth needs to be explored once all brownfield options have been exhausted”² There are genuine concerns this has not happened to justify the significant Green Belt release, principally parcel CH1.
5. The Parish Council notes that Crews Hill was mentioned in the 2018 Reg 18 consultation, but this was in the context of the expectation stated at 9.3.7 of the December 2018 consultation documents that the Council committed to undertaking a Green Belt assessment, and to do so before deciding to seek to release land from the Green Belt. We can find no record of any Green Belt assessment to accompany the 2018 Reg 18 consultation. Self-evidently, the purpose and function of the Green Belt assessment is to identify and classify Green Belt land before decisions are made. The present Green Belt assessment for Crews Hill shows the allocation includes numerous parcels, some of which have limited Green Belt function. However, and critically so, the largest parcel identified in the Green Belt assessment as parcel CH1, is acknowledged by the Council to be a visually sensitive sloping location, which makes a very high contribution to Green Belt purposes.³ The position of CH1 is such that, if built on the new settlement, it would extend the settlement boundary significantly into the Green Belt and fail to create a future defensible boundary contrary to the NPPF para 143 (e). It is therefore a startling suggestion that CH1 can be justified.
6. The Parish Council submits that plainly the Green Belt Assessment should inform any decision to release even some land from the Green Belt at Crews Hill. The 2018 Reg 18 consultation inappropriately and prematurely set the direction of travel for removal of Crews Hill from the Green Belt before any assessment of harm had been carried out, leaving the Council in the invidious position with the current consultation of seeking to retrofit a justification for release of parcel CH1. The Parish Council submits that the decision to release Green Belt parcel CH1, which is scored to have very high Green Belt function, demonstrates the PL9 allocation which emerged in 2018 has not been informed by the Green Belt assessment. Rather, and unfortunately so, the objective conclusions as to the very high contribution of parcel CH1 have

¹ See IIA section 2.29 which crystallises the Council’s thinking as a draft plan with medium growth options.

² Sec.11 Sustainable infrastructure and Environmental Impact

³ Green Belt and MOL Assessment Appendices Part2 LUC 2021

been comprehensively ignored whereas if the Green Belt assessment had been the start point, as it should have been, there would be little justification for release of parcel CH1.

7. What appears to have happened is that to enable the Council to overcome acknowledged problems of poor sustainability of any development at Crews Hill e.g., being remote from a service centre⁴, the large parcel of land (CH1) has effectively been “bolted on” to provide a critical mass to deliver a sustainable community. This purported fix (by taking even more Green Belt land of very high value) is contrary to the framework adopted by the Council to consider Green Belt release only in high performing sustainable locations. The Council cannot make a poor location sustainable by further encroachment into the Green Belt. The reasoning is circular and vulnerable to legal challenge.

Failure to assess Green Belt alternatives

8. The decision to allocate substantial development to Green Belt land and, in particular, Green Belt land of very high value, as with CH1, has not been demonstrated as being the only option as there has not been a thorough testing of brownfield capacity and alternatives. The Parish Council refers to a 2019 published study conducted jointly by CPRE, Enfield Road Watch and the Enfield Society, that noted significant non-Green Belt and brownfield capacity (“the CPRE Study”).⁵ The CPRE study has been updated with a note supplied to the Parish Council, which it is understood will be submitted during this consultation. The headline reason for the CPRE Study was to test the basis for Green Belt release, and the study concludes: *“Large areas of Enfield require regeneration: these areas provide a clear alternative and should be considered for development. We have surveyed the whole of Enfield, ward by ward, street by street, so that we can present clear evidence to underpin this statement.”* This finding is echoed in the London Plan 2021 in reference to more efficient use of land. In the CPRE update it is reported that Enfield has significant brownfield sites to deliver housing, leading to CPRE and others identifying what is euphemistically referred to “anomalies” that affect the reliability of the case for releasing Green Belt land.⁶ Similar concerns are identified in a separate report published May 2021: Enfield’s Green Belt is at Risk.
9. Further, the Parish Council considers that the failure to objectively assess brownfield capacity at this stage suggests that the SA/SEA assessment of alternatives to the release of parcel CH1 to be legally flawed and not to comply with the SEA duties to test all reasonable alternatives. SEA failures to consider alternatives is a sound basis to challenge a plan. See e.g. Save Historic Newmarket; Heard v Broadland DC.
10. The Parish Council appreciates that the SA report contains numerous references to the lack of brownfield sites because of the need to protect Strategic Industrial Land (“SILs”). What the SA report fails to do – and this failure is fatal to the reliability of the SEA - is to objectively test the value of the four SILs within Enfield. The Parish Council’s position is that the SIL at Brimsdown is low value industrial land, has poor road connections to main trunk roads and is not well-placed for employment. The Brimsdown site could be a candidate for redevelopment as a mixed-use housing allocation. Slavish adherence to and not testing this industrial site because that land is identified as a historic industrial site and therefore is a SIL has no place in an SA/SEA assessment at this stage when all options should be on the table. The Parish Council notes the CPRE update report also lists Brimsdown as a brownfield land suitable for redevelopment.

⁴ Appendix para C.28; pg C-11 (under heading 115 Services and Facilities)

⁵ CPRE, Enfield RoadWatch, the Enfield Society: Space to Build, Enfield January 2019

⁶ The update include reference to brownfield sites in Brimsdown and Meridian Water that could deliver around 9,000 homes which have been excluded because they are on SILs (see discussion at 10 above).

Crews Hill – poor sustainability despite proximity to a station

11. During the 2018 Reg 18 consultation, the only mention of development at Crews Hill is found at 2.12.2 and 9.3.8 where the Council records “*strong sustainability arguments in favour of developing on some Green Belt land, for example Crews Hill could provide a highly accessible hub for growth supported by necessary infrastructure.*” The sustainability reference is to the extant Network Rail station at Crews Hill. The location itself as a stand-alone community has been judged not to have the necessary sustainability criteria – a point made by the Mayor of London in a strongly worded letter dated February 2019. It is therefore surprising that some 2+ years later the Council continues to rely on the Crews Hill rail station to promote the site’s sustainability credentials, when the Council has not conducted a rigorous assessment of line capacity to ensure the station has capacity for the proposed growth. A station platform without train capacity is not a commuter line capable of growth. According to 2018 rail statistics published by the Department for Transport, the Moorgate line is already 12% over capacity and this does not account for additional development growth in the station’s catchment area.⁷
12. These concerns arise because the WSP Baseline Transport Review dated June 2021, which accompanies this consultation, is silent on the critical issue of line capacity, a significant omission given the link between road use, rail capacity and the ability to effect modal switch to non-car options for transport. Further, our instructions are had WSP bothered to check it would realise that the capacity for growth on the line is severely constrained by two factors. First, the London terminus for the line is Moorgate Station and a 2018 network report identified significant constraints to increasing train capacity. Second, the line safety requires 10-minute intervals, which means there is limited scope of more trains to deal with the increase of commuters. The Hertford Branch of the Crews Hill rail line joins the Welwyn Branch line at Alexander Palace, which both then terminate at Moorgate. To maintain a separation time of 5 minutes for trains arriving at Moorgate, a separate time of 10 minutes is required on both Welwyn and Hertford branches restraining capacity for more line capacity.
13. As a separate concern, the WSP report fails to fairly consider two critical factors affecting the reliance on the presence of a rail station at Crews Hill. First, there is no consideration of the planned, cumulative developments in Broxbourne BC, Herford that will further exacerbate capacity constraints. Second, WSP already acknowledges that the only access roads to Crews Hill station are already areas of concern but does not acknowledge the 37% growth that Hertfordshire County Council has calculated will impact on the B156 as a result of the Broxbourne BC development.
14. In short, the Parish Council considers that the proposed allocation PL9 for 3,000 dwellings and associated infrastructure is legally flawed for reasons (1) reasonable less environmental damaging options have not been tested; (2) the basis for the release of high value Green Belt land does not meet the legal test for exceptional circumstances according to inter alia the CPRE study referred to above at para 8 which considered the availability of non-Green Belt land and the availability of at least the Brimsdown SIL site; and (3) the allocation is dependent on a transport strategy and assumptions about line capacity that are not tested. The allocation is not justified and therefore fails the soundness test mandated by the NPPF 2021 para 35.

Failure to assessment brownfield sites

15. In February 2019 the Mayor of London provided a consultation response on the 2018 Reg 18 consultation and was highly critical of the proposals for Green Belt release for development at Crews Hill.

⁷ <https://maps.dft.gov.uk/rail-passengers-and-crowding/interactive-dashboard/index.html>

“Whilst the Mayor supports the majority of the draft Local Plan’s objectives he does not support the release of the Green Belt as set out in Draft New London Plan Policy G2.

...

Enfield has two Opportunity Areas, being the Lee Valley and New Southgate. The draft Local Plan identifies numerous potential redevelopment sites in Enfield Town (Figure 7.2).

Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. The Mayor, in his draft new London Plan has set out a strategy for London to meet its housing need within its boundaries without encroaching on the Green Belt or the loss of industrial capacity and therefore there are no exceptional circumstances to warrant a Green Belt review.

...”

16. The Mayor’s letter goes on with specific negative comments about using Green Belt land at Crews Hill.

“Paragraph 2.12.2 of the Draft Local Plan describes Crews Hill station as a sustainable location for growth. The settlement is highly constrained by Green Belt and is served by a train station with three trains an hour at peak time, giving the area public transport accessibility levels ranging between 0 and 1b. In addition, the nearest substantial town centre, Enfield Town, is not within reasonable walking distance and there are no bus services serving the area. On all three counts the Mayor, including Transport for London, does not consider Crews Hill to be a sustainable location for growth as stated in Enfield’s Draft Local Plan. Echoing Transport for London’s response (Annex 1), it is considered that with such a low level of public transport connectivity, either current or planned, the development of this area would be likely to be car dependent.”

17. The Mayor also reminded Enfield of the duty to support its plan with a robust evidence base.

“It is noted that this consultation of Enfield’s Draft Local Plan is not accompanied by any evidence base, a point that was similarly raised in our response to Enfield’s first stage of consultation on the Draft Local Plan three years ago. The more recent Inspector’s report for Edmonton Leaside Area Action Plan Examination in Public made it clear that Enfield needed to conduct borough-wide evidence-based work to support their strategic approach to planning in the area.”

18. Given this criticism it is therefore surprising and disappointing that there is an absence of evidence base in the transport assessment to justify pegging a large housing settlement on land near the Crews Hill line station without a robust line capacity study. A station does not make a site sustainable if the line capacity cannot absorb the increased user demand arising from significant housing growth.

19. As a final comment, the Parish Council notes that one of the justifications for releasing land at Crews Hill is the assumption there is a need for more rural housing, thereby dictating allocations in the West of the Borough where densities are lower. This assumption needs rigorous testing and, if relied on, will need careful reasoned justification to warrant releasing Green Belt land to provide rural housing (See Aireborough Neighbourhood Development Forum v Leeds City Council & Ors referred to above).

20. The Parish Council has conducted a limited assessment of the SA/SEA report for at this stage and finds numerous problems and flaws with the SA report. In summary, inherent in the consultation SA/SEA assessment is a significant degree of uncertainty in the SA scoring for PL9. This can be seen in the summary scoring found at Appendix E to the IIA 2021 (IIA findings

for the site options 2021)⁸. Similar uncertainty is noted for the other large Green Belt release at Chase Park. This uncertainty undermines the approach to consult on what is described as a preferred option before these significant and material uncertainties are resolved.

21. A related concern is the SA scoring criteria. The SA criteria is highly questionable insofar as it scores Green Belt land, as noted for example in relation to criteria IIA16 Efficient use of land and materials. The wording of this criteria used in the 2018 Reg 18 study suggests an inherent misunderstanding of the function of Green Belt land to suggest its use supports growth objectives.⁹ Plainly this is nonsense if the function and protections of the Green Belt were properly understood.

22. Finally in relation to the proposed Crews Hill placemaking area and questions asked in the consultation:

1. Does the vision for Crews Hill set out an appropriate vision for the future of this place? If not, what components do you think should be changed or are missing?

Response: For reasons set out above, a large housing allocation in the Green Belt is not justified and is the wrong vision for this place.

2. Will the proposed placemaking policy for Crews Hill help to adequately deliver the aspirations set out in the vision? If not, what proposed changes, omissions or additions are required in the policy to help deliver the vision?

Response: The Parish Council does not object to limited release of the lower scoring Green Belt parcels at Crews Hill but this would not deliver the critical mass the council expects to deliver a sustainable location.

⁸ Appendix E, page E-6.

⁹ IIA16 noted at Appendix C para C.12 pg C-5.