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## Examination of the Enfield Local Plan 2019-2041

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### IN7: Stage 1 Hearing sessions – Initial Actions

#### Introduction

The following identifies the actions agreed during ‘Stage 1’ hearing sessions. It also includes additional actions that I deem necessary having given further thought to some of the issues discussed.

If there are matters considered during Stage 1 that are not referred to here, it does not necessarily mean that I have concluded the Plan is sound or legally compliant in those respects. As I reflect further on what I have already heard, or on additional evidence resulting from this letter, I may write to the Council again with further questions or actions. There are also some matters which need further discussion before I can come to a conclusion. Once I have had the opportunity to consider any new information provided and/or discussed it at a further Hearing session, I shall decide what, if any, further actions will be needed.

Unless stated otherwise, I expect all the following actions to be completed by **31 March 2025**. Should there be any problems with this, then please contact the Programme Officer as a matter of urgency.

#### Duty to Cooperate

As discussed under Matter 1, I will not be able to confirm the continuation of the Examination until I have received, and considered, additional evidence relating to the Duty to Cooperate (DtC). As a minimum I am expecting to see:

- Copies of the letters sent out to relevant local authorities in 2021 asking whether they were able to assist in meeting housing and employment needs. Copies of the responses to those letters would also be helpful.
- Evidence of what was discussed at meetings with local authorities that took place at the same time those letters were sent, along with how these discussions informed the Plan preparation process.
- Evidence of on-going engagement relating to meeting housing and employment needs since 2021. This could include any agendas and minutes of relevant meetings and how the Council has participated in consultation exercises, along with how these discussions informed the Plan preparation process.

- Evidence of on-going engagement relating to meeting the needs of Gypsies and Travellers. While I acknowledge the Council's current intention to prepare a separate Traveller Local Plan, the overall pitch requirement is set out in *this* Plan. As it appears the Council is intending to meet at least some of this need in the Green Belt, then the overall requirement is, in my view, a strategic matter.

If the Council has other evidence that it considers would help demonstrate the duty has been met, then I would be happy to receive it alongside that set out above. The above should be provided as a single document, with appendices as necessary.

## **Engagement**

Significant issues remain with the representation database and the availability of representations to interested parties. These must be addressed before the Hearing can resume. It will be necessary to ensure that all representations have been submitted to me and are made available for inspection. It will also be necessary to ensure that the database is accurate in terms of linking the summaries of representations to the correct full representation.

Additional 'missing' representations have continued to be identified since the Plan was submitted and since initial corrective work was undertaken. If more 'new' representations are found during the Examination, then I should be informed immediately via the Programme Officer and no actions should be taken until I give my instructions.

The Regulation 22 Statement will need to be revised again to include the missing schedule from the last version. There may also be other updates to reflect the missing representations (including corrections to any statistics). I would also ask that the original version of SUB12 is put back into the Examination library to ensure there is a clear audit trail of updates.

There remain several representors who were not informed of the 'Stage 1' hearing sessions and/or not given an opportunity to provide written statements. The Programme Officer will contact those affected in due course to invite them to make such statements and ask if they wish to exercise their right to be heard. It may be that I will need to have a separate Hearing session to accommodate this.

## **Housing Requirement**

As discussed under Matter 2, the Council will need to produce a revised version of Table 2.2, setting out any changes proposed to the housing requirement and its components. This should be included in the updated Document E6 (Suggested Main Modifications Schedule). The Council should also set out any other consequential modifications that would result from this change including, for example, Figure 2.5 and other supporting text.

I am not able to come to any firm conclusions on the soundness of the housing requirement at this time. Further discussion will be necessary, including more detailed consideration of anticipated delivery of housing during the Plan period. Any suggested modifications you put forward shall also need to be considered further. I shall address this through forthcoming Matters, Issues and Questions (MIQs).

## **Local Housing Need Assessment**

The Local Housing Needs Assessment (LHNA) was published in 2020. I have some concerns about the age of this document and whether it can be considered fully up to date. However, given the evidence of Mr Bullock on behalf of the Council, I am not currently convinced that commissioning an entirely new LHNA would be necessary or proportionate. I am also mindful of issues relating to 'pragmatism', as set out in the Minister's letter to the Planning Inspectorate<sup>1</sup>, and the implications of potentially long delays to the Examination.

At the Hearing session, the Council confirmed that it would be possible to produce some form of 'sense check' that would illustrate the differences, if any, between datasets. On that basis, could the Council produce a brief note setting out any key differences between the data underpinning the 2020 assessment and what would now be used. It should also indicate whether there would be a significant effect on the LHNA's conclusions about housing type and size, affordable housing, student housing and housing for older people. This will help me determine whether any further work is needed.

## **Viability Evidence**

The Council stated at the Hearing that further viability evidence is being prepared to support the delivery of the Crews Hill and Chase Park sites and that this could be added to the Examination library when complete. Given what has already been discussed, I consider anything that would help to narrow the scope of debate and remove uncertainty would be helpful. As such, any additional viability evidence the Council can provide would be appreciated. I understand this can be published by the deadline given above.

## **Employment Land**

The requirement for industry and warehousing floorspace is based on trend data. The data used is up to 2020/21. It is reasonable to assume that more recent monitoring data is now available. As such, could the Council provide me with a brief note setting out the most recent completion figures available? This should also include updated projections for how this would translate into an overall requirement over the Plan period. The note should also set out the figures for each year, going back the same period as the Employment Land Review.

As discussed, the Examination library also needs to be updated to ensure the appendices to the Employment Land Review are available.

## **Site Selection**

The Council stated that 'new' sites submitted at the Regulation 19 stage had been assessed in the same way as all other alternatives. Appendix 4 of the Site Allocation Topic Paper lists the sites but provides no information on why they were not

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<sup>1</sup> [Local Plan examinations: letter to the Chief Executive of the Planning Inspectorate \(July 2024\) - GOV.UK](#)

considered suitable for inclusion in the Plan. In order to demonstrate that potential allocations have been assessed on a consistent basis, the Council should provide a note/schedule setting out the results of the assessment that took place.

Paragraph 6.11 of the Site Allocation Topic Paper refers to 'site assessment sheets'. At the Hearing the Council confirmed that these were used to help determine the suitability of allocations. As such, they may provide important background evidence that is not currently before me. While I do not currently anticipate spending Examination time going through this information in detail, particularly in terms of 'omission' sites, it should nevertheless provide me with a clearer picture of the Council's process and may help when we come to discuss individual allocations. I therefore ask for the 'site assessment sheets' to be added to the Examination library.

### **Sites RUR.06, RUR.07 and RUR.08**

The discussion under Issue 4.3 provided an opportunity to improve my understanding of what is being proposed under the above allocations, as well as some broader matters of principle.

It was put to me that, notwithstanding the potential for "significant built form", the Council had not assessed compliance with paragraph 154b of the National Planning Policy Framework (NPPF) and would not be able to do so until planning applications were submitted. On this basis, decision makers are not to assume that proposals would automatically be deemed 'not inappropriate' in the Green Belt, purely because of the allocation. It was also confirmed that there was no intention that an allocation would constitute any pre-determination of whether 'very special circumstances' exist.

I am not persuaded that the Plan reflects this or is clear as to how proposals within these allocations would be assessed. I acknowledge that Policy CL4 refers to "appropriate or inappropriate" development and there are cross-references to other Green Belt policies<sup>2</sup>. Nevertheless, criterion 2 of Policy CL4 is positive about the development of ancillary and related uses for sport and recreation, without reference to the caveat in paragraph 154b relating to preserving openness and not conflicting with the purposes of including land within the Green Belt. Criterion 2 of Policy CL4 also only refers to RUR.07. As far as I can tell, the site specific 'policies' in Appendix C make no mention of Green Belt policy or what would be expected in this regard. On this basis, I do not consider the Plan to be effective.

Clearly, I shall need to consider the allocations in more detail at a future session to determine whether they are soundly based. This will include the principle of including such proposals in the Green Belt and/or whether the Plan will be effective in dealing with them. To assist in this discussion, I invite the Council to draft possible Main Modifications to the Plan that would address the concerns set out above. Any modifications should be added to an updated Document E6 in due course.

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<sup>2</sup> While I will set these out in subsequent MIQs, it is worth noting that I have concerns about some of the Plan's Green Belt policies, particularly in terms of whether they properly reflect national policy and internal consistency.

## Schedule of Ongoing Work

In written and oral evidence, the Council has referred variously to ongoing engagement with various groups, including TfL and site promoters. This may involve the production of new or updated evidence. I acknowledge that not all of this will have any bearing on the Plan. However, for clarity I would appreciate a schedule setting out any work the Council is currently doing, or intending to do, on its own volition which *may* have some effect on the Plan. This should include some indication as to why the evidence is considered necessary at this stage in the Examination and a timetable for completion.

Once this has been received, I may have some views on whether I consider what is proposed is necessary and/or the effect it may have on the Examination programme. I would appreciate this schedule by **28 February 2025**.

## Other Actions

Several other actions were agreed during the sessions. For the avoidance of doubt, these are listed below.

- Revised and updated version of Document E6 (Main Modifications Schedule) added to the Examination library. This should include all Main Modifications suggested by the Council in their hearing statements and any resulting from the actions set out in this letter.
- An erratum should be produced setting out any corrections to the Integrated Impact Assessment.
- A revised Habitats Regulation Assessment will need to be produced to include the findings of the “Shadow” Appropriate Assessment (and updated evidence as appropriate) and conclusions relating to the recreation impacts. However, this can probably wait until the Main Modifications consultation so any further changes to the Plan can be taken into account.
- A note outlining how open space requirements have been calculated within the Recreation Mitigation Strategy. This should help narrow discussion when relevant policies are discussed.

## Pragmatism

As you are aware, my work programme means that I may not be available to carry out further Hearing sessions until later in the year. However, this does not mean that the Government’s approach to pragmatism is not relevant.

The need to address the on-going deficiencies with the representation database would have been necessary irrespective of my availability. This would be likely to have caused some delay in the Examination programme. Similarly, the need to provide additional evidence to demonstrate compliance with the DtC may also have resulted in a pause to proceedings. I will have regard to this should there be a need for any further delays or pauses later in the process.

## **Next Steps**

I have asked the Programme Officer to publish this letter in the Examination library. Should the Council have any queries about anything set out above, then please let the Programme Officer know as soon as possible.

As set out above, I will consider any additional actions once I have had the opportunity to consider the outcomes of this letter. Representors are not being asked to respond to any of the matters raised nor will I accept any unsolicited contributions at this stage.

Yours sincerely

*Steven Lee*

12 February 2025

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