

Public Examination of Enfield's Development Management Document (DMD)

Enfield Council's Response to MIQs raised by the Inspector

MATTER 1 THE DUTY TO CO-OPERATE AND LEGAL REQUIREMENTS

Question 1: Has the duty to co-operate been met? Is there any doubt that Enfield Council engaged constructively, actively and on an on-going basis with neighbouring local planning authorities and the prescribed bodies in preparing the Development Management Document (the Plan)?

LBE Response

- 1.1 The DMD has been prepared in accordance with relevant legal requirements, including the 'Duty to Co-operate' required by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) and it has been prepared in accordance with the plan-making advice in the National Planning Policy Framework
- 1.2 The Statement on the Duty to Co-operate [\[DMD-05\]](#) forms part of the Council's "submission" and details how the Plan has been prepared in accordance with the statutory Duty to Co-operate and sets out how the Council has engaged constructively, actively and on an on-going basis with other bodies in the preparation of the document. While the preparation of the Plan commenced prior to the Duty to Co-operate coming into force in November 2011, the Council has and continues to undertake a collaborative approach to plan-making that considers a range of issues, including any strategic matters
- 1.3 The Council considers that the DMD raises no significant strategic or cross-border issues. The policy framework within the DMD focuses on the detailed policy criteria for assessing planning applications within Enfield which are relevant to sustainable growth and assist with delivery of the adopted Core Strategy objectives.

Question 2: Do the timescale and content of the Development Management Document reflect the Council's Local Development Scheme?

LBE Response

- 2.1 The Plan has been prepared in accordance with the Council's agreed project plan for preparing Enfield's Local Plan. The latest publication is the [Revised Local Development Scheme \(2013 – 2016\)](#).

Question 3: Did the plan-making and consultation processes meet the requirements of the Regulations and adopted Statement of Community Involvement?

LBE Response

- 3.1 The Council adopted its [Statement of Community Involvement](#) in 2006 and therefore specific elements of the document related to local plan regulations are out of date. The preparation of the DMD has however remained consistent with the key principles of this document, and the Town & Country Planning Regulations (2012). The Regulation 22 Consultation Statement (January 2014) [\[DMD-04\]](#) that accompanies the Submitted Plan provides the detail of how the Council consulted organisations, residents, businesses and the community and voluntary sectors as part of the preparation of the DMD.
- 3.2 Specific and general consultation bodies were invited to make representations at each stage of plan preparation. The Draft DMD was published for consultation for twelve weeks in 2012, from 8th May 2012 to 3rd August 2012. The consultation took place in accordance Regulation 18(1) and (2)(a) (b) and NPPF paragraphs NPPF paras 159 – 173. The Proposed Submission DMD was published for an eleven week public consultation period between the 10th July and 27th September 2013. Both consultation stages were extended beyond the statutory 6 weeks to account for the summer holiday period.
- 3.3 As an obligation of the Council's adopted Statement of Community Involvement, press notices were also published in the Enfield Independent at each statutory consultation, publication and submission stage.
- 3.4 The Draft DMD (2012) and Proposed Submission DMD (2013) were made available online, and paper copies were available at all Council libraries and at the Civic Centre.
- 3.5 The document was published on the Council's website (www.enfield.gov.uk/dmd) as a pdf document and via online consultation web pages powered by Objective software (<http://consult.enfield.gov.uk/portal>)
- 3.6 Emails and letters were sent out to all of the specific, general and other consultees on the Local Plan database informing them of the scope of the document, with a link to a copy of the document online and the deadline by which comments had to be submitted. Approximately 1500 consultees were informed of ways of submitting comments which included using the Objective online consultation software.

Question 4: Has adequate sustainability appraisal been carried out?

- 4.1 The Sustainability Appraisal has been an on-going process and has been updated to take into account representations received. See Regulation 22 Consultation Statement and final Sustainability Appraisal Report [\[DMD-03\]](#). A Sustainability Appraisal was carried out on the adopted Core Strategy, and since the DMD is in conformity with the Core Strategy, the DMD as a whole is considered to promote sustainability.
- 4.2 The purpose of the DMD SA approach is to assess individual policies against SA Objectives and to recommend changes that make policies more robust in sustainability terms. The Sustainability Appraisal draws together the findings from the Draft DMD (2012), and changes made to policies along with an overall assessment of the impact of the submission DMD policies on each of the SA Objectives within the SA Framework.

Question 5: Has appropriate assessment under the Habitats Regulations been undertaken?

- 5.1 The 2009 Appropriate Assessment (AA) screening for the Core Strategy assessed the in-combination effects of implementing the Core Strategy in conjunction with the London Plan. It also assessed individual policies in the Core Strategy and their cumulative impact, including Core Policies or strategic growth areas, housing growth and sustainable waste management.
- 5.2 As set out in the Council's Statement on Appropriate Assessment Screening for Enfield's Local Plan [\[DMD-06\]](#), a review of the 2009 AA has found that this baseline is still relevant and appropriate. The DMD is a subsidiary document to the Core Strategy, and therefore, does not introduce any significant changes to the Core Strategy policies. The Council has liaised closely with Natural England to confirm that stages 2 and 3 requiring a full Appropriate Assessment are not required. Natural England has confirmed the Council's approach.

Question 6: Is the Plan in general conformity with the sustainable community strategy for the Borough

- 6.1 The Sustainable Strategy for Enfield 2009 -2017 [EBD-20] was revised by the Enfield Strategic Partnership in 2009. The adopted Core Strategy reflects the long term commitment to making the whole of Enfield a place of choice where people choose to live, work, learn and do business now and in the future. The Council's Local Plan will collectively provide the long-term spatial vision, policies and implementation programmes to deliver this commitment over the next 20 years.

Question 7: Is the Plan consistent with national planning policy, as set out in the National Planning Policy Framework (NPPF)?

- 7.1 The Plan is consistent with national policy in the National Planning Policy Framework (NPPF), with the 2004 Act (as amended) and 2012 Regulations. The DMD has been positively prepared using up to date and relevant evidence and is consistent with the objectives set out within the NPPF.
- 7.2 The PAS Self-Assessment Soundness Check List (incorporating NPPF compliance checklist) [\[SD-01\]](#) January 2014 provides confirmation.

Question 8: Is the Plan in general conformity with the London Plan?

- 8.1 The Mayor of London formally wrote to the Council on the 2nd October 2013 and confirmed that the Council has responded to a number of matters raised as part of DMD preparation process, including comments related to transport, green belt and hazardous installations. However, the proposed submission DMD is not considered to be in conformity with the London Plan in respect of affordable housing, in particular in relation to paragraphs 2.1.3 and 2.1.4. The Council's position is detailed in Matter 2, in response to the Inspector's Question 1.

Question 9: Does the Plan comply with the 2004 Act and Regulations in other respects?

- 9.1 It is considered that the Plan is consistent with national policy in the National Planning Policy Framework (NPPF), with the 2004 Act (as amended) and 2012 Regulations.