

Submission

Development Management Document

Statement on the Duty to Co-operate

(January 2014)

SUBMISSION
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STATEMENT ON THE DUTY TO CO-OPERATE

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1. Introduction

- 1.1 This statement demonstrates how the preparation of the Development Management Document (DMD) meets the statutory duty to co-operate inserted by Section 110 of the Localism Act 2011.

2. Background

Localism Act 2011

- 2.1 The "duty to co-operate" is a statutory duty. Section 110 of the Localism Act 2011 inserts Section 33A and a Section 20(5)(c) into the Planning and Compulsory Purchase Act 2004.
- 2.2 Section 33A imposes a duty on a local planning authority to co-operate with other local planning authorities, county councils and bodies or other persons as prescribed (being those identified in regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012). Under Section 20(5)(c), a Planning Inspector can consider whether this duty has been complied with as part of the examination of planning documents. This statement is provided as evidence to demonstrate that the duty has been complied with in the preparation of the DMD.
- 2.3 The duty to co-operate requires a local planning authority to engage constructively, actively and on an on-going basis whilst particular activities are being undertaken. Those activities include the preparation of development plan or other local development documents; and activities which prepare for, and support, this in so far as they relate to a strategic matter.
- 2.4 A strategic matter is defined as sustainable development or use of land that has or would have a significant impact on at least two planning areas. This includes (in particular) sustainable development or use of land for, or in connection with, infrastructure that is strategic and has or would have a significant impact on at least two planning areas.
- 2.5 Section 33A came into force on 15 November 2011 and applies to all plans submitted for examination after that date even if their preparation started before the commencement of the duty. There are no transitional provisions.

The National Planning Policy Framework

- 2.6 The National Planning Policy Framework (NPPF) states that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities (para 178).
- 2.7 The NPPF provides some guidance on what could be considered as a "strategic matter". It outlines that local planning authorities should set out the strategic priorities for the area in the Local Plan (para 156). This should include strategic policies to deliver:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

2.8 Paragraph 181 of the NPPF states that 'Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their local plans are submitted for examination'.

3. Development Management Document

3.1 The Development Management Document (DMD) forms part of Enfield's Local Plan - the set of documents that collectively form the strategy for the future growth and development in Enfield. The Local Plan will set out the policies the Council, as the Local Planning Authority, will use when making decisions on planning applications.

3.2 The DMD includes detailed criteria and standard based policies. It is a borough wide document and will apply to all planning applications from home extensions to large scale applications for residential, commercial and mixed use development.

3.3 Chapters in the DMD cover the following topic areas:

- Housing
- Community Facilities
- Enfield's Economy
- Town Centres and Shopping
- Design and Heritage
- Transport and Parking
- Tackling Climate Change
- Environmental Protection
- Green Infrastructure
- Green Belt

4. Duty to Co-operate

4.1 The Council takes a collaborative approach to plan-making that considers a range of issues, including the following strategic matters:

- Housing and employment growth.
- The protection of existing and the location of new employment and retail provision.
- The provision of physical infrastructure for transport, waste management and energy.
- The provision of social infrastructure such as schools and health.

4.2 The policies dealing directly with these strategic matters are contained within the adopted Core Strategy (2010), and are emerging through other high level Local Plan

documents, such as the Area Action Plans. 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.

- 4.3 The proposed DMD policies are in accordance with the Core Strategy. The DMD does not alter the focus of these existing strategic policies; instead, it provides more detail/guidance on how to implement them through decisions and negotiations on individual planning applications. It also focuses on managing the impacts of development types anticipated/directed through strategic policies.
- 4.4 This relationship between the documents means that elements of the consultation, co-operation and joint working on the other parts of Enfield's Local Plan (and other related strategies and evidence underpinning these plans) have shaped the preparation of the DMD. The DMD has also been developed through dedicated stages of consultation and on-going discussions with stakeholders. This has included two stages of formal consultation:
- Draft DMD Stage in August 2012 (8th May – 3rd August 2012);
 - Proposed Submission DMD in March 2013 (10th July – 27th September 2013).
- 4.5 As a direct response to the duty, Enfield Council wrote all organisations to which the duty applies on the 17th August 2012, to:
- Provide the opportunity to update respondents on Enfield's programme of work;
 - Invite stakeholders to identify and comment on strategic issues; and
 - Ask for views on how organisations want to be involved.
- 4.6 The Plan has taken into account the comments received by a number of the prescribed bodies (see below). A separately submitted Consultation Statement (Regulation 22) sets out how these other authorities and bodies have been involved and consulted and how their views have been taken into account.
- 4.7 In light of the above, Enfield Council considers that the DMD would not result in significant strategic or cross-border impacts.

"Duty to Co-operate" bodies

- 4.8 Set out below is a list of 'duty to co-operate' bodies:
- other local planning authorities;
 - County Councils; and
 - prescribed bodies or persons, specifically:
 - the Environment Agency;
 - the Historic Buildings and Monuments Commission for England (known as English Heritage);
 - Natural England;
 - the Mayor of London (GLA);
 - the Civil Aviation Authority;

- the Homes and Communities Agency;
- each Primary Care Trust / Health bodies;
- the Office of Rail Regulation;
- Transport for London;
- each Integrated Transport Authority;
- each highway authority and the Marine Management Organisation;
- each local enterprise partnership;
- Highways Agency; and
- Thames Water.

Other relevant organisations to the Enfield also include:

- North London Waste Authority
- Network Rail

4.9 The Council's Local Plan team regularly holds meetings with adjoining local authority planners to keep each other informed and engaged on a range of local plan developments. The summary below sets out how the Council have engaged with the statutory bodies and, where relevant, how this has influenced the policy approach advocated in the DMD.

Six Authorities Forum

4.10 Throughout the preparation of the Development Management Document (DMD) the Council has consulted with the Six Authorities forum, made up of key elected councillors from each authority and officers. The forum includes the neighbouring boroughs of: Broxbourne Council; Epping Forest District Council (includes City of London); Hertfordshire County Council; Essex County Council and the Lee Valley Regional Park Authority. The forum meets every 3 months to discuss cross border strategic planning and highways and transportation matters.

Barnet Council

4.11 Enfield Council has effectively co-operated with Barnet Council, who have been invited to make representations at each plan preparation stage. A meeting was held between Enfield and Barnet officers in October 2012, which included a discussion on DMD issues. To date, no formal representations had been submitted by Barnet Council.

Haringey Council

4.12 Enfield Council has effectively co-operated with Haringey Council. Haringey Council have been invited to participate in each stage of the Plan's preparation. A specific meeting was held with Haringey Council officers of Haringey during the preparation of the Proposed Submission document in February 2013. A formal representation was received during the Draft DMD consultation stage in 2012, this expressed support for the emerging policy approaches. No representations were received at the Proposed Submission stage.

Waltham Forest Council

- 4.13 Enfield Council has effectively co-operated with Waltham Forest Council who have also been invited to participate in each stage of the Plan's preparation. A specific meeting was held with fellow planning Council officers of Waltham Forest during the preparation of the Proposed Submission document in April 2013. No formal representations had been submitted by Waltham Forest Council.

The Environment Agency

- 4.14 The Environment Agency (EA) has submitted representations at each stage of consultation. The representations mainly focus on sustainable design and construction, flooding and environmental protection issues and have been generally supportive at both consultation stages. The issues comments made relate mainly to suggested changes to the text and additional referencing. In response to EA comments, the Council has incorporated changes to the DMD as set out in the submitted addendum of focused changes.

English Heritage

- 4.15 English Heritage (EH) has submitted representations at each stage of consultation. The representations have commented on the following policy areas: design process; tall buildings; sustainable design and construction; the protection and enhancement of heritage assets. EH have also commented on spatial mapping/representation issues. In response to EH comments, the Council has incorporated some additional cross-referencing as suggested by EH (see addendum of focused changes), however the following point is not agreed:

- Tall buildings policy could be improved by spatially translating the policy criteria of "inappropriate", "sensitive" and "appropriate" onto a map of the Borough.

- 4.16 Enfield Council has effectively co-operated with EH. Officers met with EH in January 2013 specifically to discuss the DMD and evidence base on tall buildings. Officers explained that it is not considered possible to spatially map all of the criteria within the policy and therefore composite maps would not provide the precision that a criteria-based policy allows.

Natural England

- 4.17 Enfield Council has effectively co-operated with Natural England (NE). NE has submitted representations at each plan preparation stage. At the Proposed Submission Stage, NE welcomed the fact that their comments had been incorporated into the Sustainability Appraisal (SA) and had no further comments.

Mayor of London (GLA)

- 4.18 The Mayor of London was consulted at the Draft DMD stage and a request for an opinion on general conformity of the Proposed Submission DMD was sent in July 2013. Comments have been received at both stages. The GLA raised the following outstanding matters at the Proposed Submission stage:

- The Proposed submission DMD is not in conformity with the London Plan in respect of affordable housing
- DMD 67 does not fully comply with London Plan Policy 5.22 on Hazardous Substances and Installations.
- DMD 45: Parking Standards and Layout is not consistent with London Plan Policy 6.13.

4.19 Enfield Council has effectively co-operated with the GLA. Council officers have met, and maintained an on-going dialogue with the GLA throughout the preparation of the DMD, and specifically to discuss Enfield's approach towards affordable housing. Some changes were incorporated into the Proposed Submission DMD and put forward in the addendum of focused changes. However, the position on affordable housing is not agreed. The local affordability issues for Enfield residents were discussed with the GLA prior to Proposed Submission. The Council continues to work with the GLA in setting out Enfield's local affordability evidence and will work with the GLA to establish areas of (un) common ground.

Transport for London

4.20 Transport for London submitted representations on the DMD at each stage and these have been taken on board where appropriate as set out in the addendum of focused changes.

Highways Agency

4.21 The Highways Agency responded at each stage of the plan process. However, as the plan does not directly impact on the Strategic Road Network (SRN) they did not have any specific comments to make.

Thames Water

4.22 Thames Water submitted representations at both the Draft and Proposed Submission stage. Their comments focus on the following policy areas: sustainable design and construction; flooding; environmental protection; design; and green belt. Suggested changes have been incorporated where appropriate as set out in the addendum of focused changes.

5. General Co-operation

- 5.6 This section outlines other examples of joint-working and co-operation that have had an influence on the preparation of the policies in this Plan.
- 5.7 As a minimum where other bodies have made representations, the Council has endeavoured to co-operate in all cases on the issues raised.

6. Conclusion

- 6.6 Enfield Council considers that the DMD would not result in significant strategic or cross-border impacts.
- 6.7 It is considered that Enfield Council has demonstrated effective co-operation through constructive, active and on-going engagement with relevant authorities and bodies that have an interest in the Plan. Enfield Council considers that the plan reflects the views of the relevant bodies and the outcomes of these different processes and activities. The Council has not received any objections to the DMD concerning the duty to co-operate, and the Council's view is that the duty has been fulfilled.
- 6.8 A great deal of co-operation and engagement has also been undertaken in the preparation of other plans which has influenced and formed a basis for the DMD.
- 6.9 The process of co-operation will not end once the DMD has been adopted. The effectiveness of the Plan in delivering the visions and objectives it contains and helping to deliver Core Strategy will be subject to on-going monitoring and review.