



London Borough of Enfield

Report Title	The 'making' of Hadley Wood Neighbourhood Plan
Report to	Council
Date of Meeting	22 November 2023
Cabinet Member	Cllr N. Caliskan
Executive Director / Director	Simon Pollock, interim Executive Director of Environment and Communities Brett Leahy, Director of Planning and Growth
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Ward(s) affected	Cockfosters
Key Decision Number	Non-key
Classification	Part 1 Public

Purpose of Report

1. This report seeks approval to formally 'make' the Hadley Wood Neighbourhood Plan: Final 'made' document (as set out in Appendix 1), pursuant to Section 38A(4) of the Planning and Compulsory Purchase Act 2004. Once 'made', the plan will form part of the Council's Statutory Development Plan. It will be used alongside already adopted policies to assess and determine planning applications within the Hadley Wood Neighbourhood area.

Agree to formally 'make' the Hadley Wood Neighbourhood Plan: Final 'made' document, incorporating it as part of the Statutory Development Plan for Enfield. This decision follows the referendum held on Thursday 2 November 2023, where the majority of those who voted were in favour of using the plan to help to decide planning applications in the neighbourhood area.

Recommendations

Background and Options

2. The proposal meets the requirements outlined in the Town and Country Planning Act 1990 (as amended), the Planning and Compulsory Purchase Act 2004, the Localism Act 2011, the Neighbourhood Planning Act 2017, and the Neighbourhood Planning (General) Regulations 2012 (as amended).
3. The declared positive result from the Referendum held on Thursday 2 November 2023, means that the Neighbourhood Plan now carries full material weight and should be used to determine planning applications. The 'making' of the Plan at this stage is considered a procedural formality.
4. It is considered that the Neighbourhood Plan is in compliance with and does not breach any retained EU obligations or any of the Convention Rights (within the meaning of the Human Rights Act 1998). Additional information regarding the recent Referendum can be found in paragraphs 12-16 below.

Relevance to Council Plans and Strategies

5. The Neighbourhood Plan is aligned with and contributes to the delivery of key priorities outlined in the Enfield Council Plan (2023 – 2026):
 - a. **'Clean and green places'**: There are multiple policies and aspirations within the Neighbourhood Plan that will enhance biodiversity and promote the protection of parks, open spaces, woodlands, watercourses, wetlands, trees and shrubs. The plan also places a significant emphasis on sustainable travel enhancements and the impact of vehicles on the local environment.
 - b. **Strong, healthy and safe communities**: Policy HW-2 specifically emphasises the safety of pedestrians and road users, drawing inspiration from Police Crime Prevention Initiatives, March 2019 – Secured By Design. The Vision itself recognises provisions to encourage healthier and more active lifestyles.
 - c. **'More and better homes'**: The Neighbourhood Plan plays a vital role in establishing a well-managed neighbourhood. Many of the policies within the plan tackle crucial issues such as traffic management, flood prevention, and the designation of local green spaces.

Background

6. Neighbourhood plans are statutory planning documents which articulate general planning policies for the development and use of land in a specific neighbourhood. These plans must be prepared by a designated neighbourhood forum made up of members of the local community. Following their preparation, neighbourhood plans undergo stages of public consultation, independent examination, and referendum(s).

Preparation of the Hadley Wood Neighbourhood Plan

7. The Council granted approval for the establishment of a Neighbourhood Area (with revisions) and a Neighbourhood Forum in the Hadley Wood area on 7

July 2015. The Hadley Wood Neighbourhood Forum (the Forum) was redesignated on 18th January 2021.

8. Pre-submission consultation on the draft Hadley Wood Neighbourhood Plan (HWNP) was conducted between 8 May 2022 and 3 July 2022 in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The draft HWNP was formally submitted to the Council on 26 October 2022. A submission draft consultation on the draft HWNP (under Regulation 16) occurred between 21 December 2022 and Friday 17 February 2023.
9. All relevant submission documentation and subsequent documentation associated with the public examination can be viewed here:
<https://www.enfield.gov.uk/services/planning/emerging-plans#hadley-wood-neighbourhood-plan>
10. At the submission stage, the Council raised no formal objections to the draft HWNP. However, in the Council's formal response dated 17th March 2023 accompanied by a re-phrasing schedule dated 23 March 2023, it outlined specific changes to be made to the HWNP. The Council reserved the right to object if these modifications were not incorporated in the draft HWNP. Subsequently, the changes were made to the satisfaction of officers.

Examination

11. In May 2023, the Council in consultation with the Forum, appointed Jill Kingaby as the Independent Examiner for the HWNP Examination in Public. The Examiner's Procedural Letter was received on 17 May 2023, marked the commencement of the public examination, which was conducted exclusively through written representations. An unaccompanied site visit was carried out by the Examiner in early June 2023. Questions from the Examiner were received on 12 June 2023, and both the Forum and the Council addressed them. The Examiner's Report issued on 3 August 2023 proposed the Plan proceed to referendum subject to several modifications. The Examiner confirmed in her Report that she was satisfied that a transparent, fair and inclusive consultation process had been followed for the Plan, that had regard to advice in the Government's Planning Practice Guidance on plan preparation and engagement and was procedurally compliant in accordance with the legal requirements. The Council made the decision to proceed to Referendum on 7 September 2023.

Referendum

12. The plan underwent modifications to incorporate the recommendations from the Examiner, leading to a Referendum conducted on Thursday 2 November 2023 within the Neighbourhood Plan Area of Hadley Wood. The Referendum posed the question: *"Do you want Enfield Council to use the Neighbourhood Plan for Hadley Wood to help it decide planning applications in the neighbourhood area?"*
13. A total of 681 residents participated in the Referendum. Of these, 649 residents (95.4%) voted in favour (Yes) of the Neighbourhood Plan, 31

residents voted No, and 1 vote was rejected. The voter turnout was 30%. The formal declaration of the poll result can be viewed here: https://www.enfield.gov.uk/data/assets/pdf_file/0024/47832/Hadley-Wood-neighbourhood-plan-declaration-of-results-Councillors-and-democracy.pdf

14. Given that more than 50% of those participating in the Referendum voted “YES” to the question, Enfield Council must now “make” the Neighbourhood Plan, unless there are concerns that it would breach retained EU obligations or any of the Convention Rights (within the meaning of the Human Rights Act 1998).
15. Two minor amendments have been made to the document since the Referendum. One addresses a minor error on page 110 in relation to Policy HW-13 (where the first paragraph referring to: *‘development on small sites must not cause harm to the area or neighbouring properties on any side, including in terms of local character, flooding or residential amenity’* – was missing from the referendum version, but was included in the submission version in October 2022) and the other involves changing the document title from ‘Referendum Version’ to ‘Final ‘made’ document’.
16. Once “made” by Enfield Council, the Neighbourhood Plans will become part of the Development Plan for Enfield and sit alongside the other adopted Plans.

Main Considerations for the Council

17. The independent examination of the Hadley Wood Neighbourhood Plan has found that, with necessary modifications, it meets the basic conditions prescribed in legislation. The plan has received strong support from local residents during the referendum. Ward members have been briefed of the referendum results and have made no objections to the Council now formally ‘making’ the plan.
18. The only grounds on which the Council can decide against making the plan is if it considers the plan would breach or be otherwise incompatible with any retained European Union obligation, or any Convention Rights (within the meaning of the Human Rights Act 1998). Officers have thoroughly reviewed the Hadley Wood Neighbourhood Plan with this in mind and are satisfied that it does not raise any issues in this regard. This is endorsed in the Examiner’s Report referred to in paragraph 11 above.
19. For all these reasons, the plan should now be formally ‘made’ in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). This marks a significant milestone for Enfield, as it is the first Neighbourhood Plan to be ‘made’. The ‘making’ of the Neighbourhood Plan brings the document into legal force, meaning that the plan becomes part of the Development Plan for Enfield.
20. Further to the positive Referendum result, the Plan now has full weight. As such, it should be used to determine Planning Applications within the Hadley Wood area.

Financial Implications

21. Neighbourhood planning legislation imposes a number of costs on local authorities, including staff time dedicated to supporting forums, expenses related to consultation on draft plans, and the financial aspects of appointing an independent examiner and administering local referendums. The main costs associated with formally adopting the neighbourhood plan have been covered within existing budgets. The decision to 'make' the plan will increase the proportion of Community Infrastructure Levy (CIL) receipts generated by new development in Hadley Wood that the neighbourhood forum has a say in the spending of, from 15% to 25%.
22. Following the successful examination process and the publication of the decision statement detailing the intention to hold a referendum, the local planning authority has the opportunity to claim £20,000 from the Department for Housing, Levelling Up and Communities (DHLUC). Subject to agreement on the recommendations in this report, the claim for the HWNP will be submitted by 31 March 2024.
23. Once the Neighbourhood Plan is made, under the Community Infrastructure Levy (CIL) Regulations, the neighbourhood portion of CIL in Hadley Wood rises from 15% to 25%. Consequently, the Hadley Wood Neighbourhood Forum will have a say on how 25% of CIL receipts generated by development in the Hadley Wood Neighbourhood Area should be spent. It is important to note that this increased neighbourhood portion of CIL is applicable only to developments granted after the neighbourhood plan has been 'made'. Furthermore, any spend of the neighbourhood portion of CIL will still need to be agreed with the Council, who retains its status as the charging authority.

Legal Implications

24. The designation of Neighbourhood Forums, Areas, and the making of Neighbourhood Plans, are governed by the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004, the Localism Act 2011, the Neighbourhood Planning Act 2017, and the Neighbourhood Planning (General) Regulations 2012 (as amended).
25. Pursuant to section 38A (4)(a) and (b) of the Planning and Compulsory Purchase Act 2004, a local planning authority is required to 'make' a neighbourhood development plan 'if more than half of those voting have voted in favour of the plan'. Furthermore, where this is the case, it 'must make the plan as soon as reasonably practicable after the referendum is held [and, in any event, by such date as may be prescribed]'. Section 18A of The Neighbourhood Planning (General) Regulations 2012 defines the prescribed date for making a neighbourhood development plan, as... 'the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held.' Therefore, within 8 weeks from the referendum held on 2 November 2023.
26. Section 38A (6) of the Planning and Compulsory Purchase Act 2004 stipulates that an authority is not to be subject to the duty under subsection (4)(a) if they consider that the making of the plan would breach or would otherwise be incompatible with any retained EU obligation or any of the

Convention rights (within the meaning of the Human Rights Act 1998). In this regard, it is noted that no such issues were raised during consultation or examination and that officers have also reviewed the plan with this in mind and have concluded that the Hadley Wood Neighbourhood Plan is in compliance with (not incompatible) and does not breach the same. It is noted that the Examiner in her report has also endorsed this. Therefore, the Council is able to proceed to 'make' the Plan, in compliance with the legislative requirements.

27. The Council is required to act in accordance with the Public Sector Equality Duty under section 149 of the Equality Act 2010 and have due regard to this when carrying out its functions. In this respect, the report confirms that a full Equalities Impact Assessment (EqIA) has been completed.

Equalities Implications

28. In accordance with the Equality Act 2010, the Council is bound by a legal obligation to fulfil its statutory duty, ensuring that the impacts on specific groups are duly considered in the evaluation of new or revised strategies, policies, plans, projects, services, or procedures. The completed Equalities Impact Assessment (EqIA) can be found in Appendix 2.
29. To adhere to the requirements of the public sector Equality Duty, the Neighbourhood Plan stipulates that development in Hadley Wood will encompass a broader spectrum of housing sizes, accommodating smaller family homes and downsizing options. This approach aims to address the needs of a diverse age group and individuals with disabilities residing in the area.
30. The proposed measures in the report are deemed to have positive impacts on marriage and civil partnerships, pregnancy and maternity groups, as well as groups defined by race, colour, nationality, ethnicity, or national origins, irrespective of gender. The plan is not anticipated to differentially affect individuals with varying sexual orientations.
31. Future individual schemes or considerations may undergo suitable reviews to ensure alignment with the most recent legislative requirements.

HR and Workforce Implications

32. There are no known workforce implications or requirements that apply to this report.

Environmental and Climate Change Implications

33. The Council, as "responsible authority", determines if the neighbourhood plan is likely to have significant environmental effects. It was determined, in a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessments (HRA) screening exercise dated June 2020 that the neighbourhood plan is unlikely to give rise to any significant effects or have significant effects on a European site. Accordingly, it is considered that the HWNP would not require a SEA or a further HRA.

34. Any development will have a vast environmental impact in the various stages of the lifecycle from embodied carbon (including materials, transportation, etc) to operational carbon and waste, as well as the impacts of change in land use, potential loss of blue and green spaces and the expanding human infrastructure.
35. In acknowledgement of these impacts, the plan seeks to protect the Green Belt and retain existing trees and green spaces as well as deliver new ones, facilitates sustainable travel and will ensure all development is zero or low-carbon in line with the emerging Local Plan.

Public Health Implications

36. The Neighbourhood Plan will provide opportunities for a healthy living environment which will promote and enable healthy behaviours amongst residents.

Property Implications

37. The Neighbourhood Plan has planning policies that could apply to a variety of properties within the Hadley Wood area, including corporate land and properties owned by the Council.

Safeguarding Implications

38. There are no known safeguarding implications or requirements that apply to this report.

Crime and Disorder Implications

39. There are no known crime and disorder implications or requirements that apply to this report.

Conclusions

40. No options were considered. In accordance with the Neighbourhood Planning Regulations, the Council must 'make' the plan within eight weeks of the day following the Referendum, unless it considers the Neighbourhood Plan would breach or be incompatible with any retained EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998). Given that no breaches or incompatibilities have been identified, the Council does not have alternative options.
41. Enfield Council is now required to formally 'make' the Hadley Wood Neighbourhood Plan in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004. The final 'made' Neighbourhood Plan will become part of the Development Plan for Enfield.

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Appendices

- Appendix 1: Hadley Wood Neighbourhood Plan: Final 'Made' Document
- Appendix 2: Equalities Impact Assessment (November 2023)