

## MUNICIPAL YEAR 2014/2015 REPORT NO. 83

### MEETING TITLE AND DATE:

Cabinet  
22<sup>nd</sup> October 2014

Council  
19<sup>th</sup> November 2014

### REPORT OF:

Director – Regeneration &  
Environment

<b>Agenda - Part:</b> 1	<b>Item:</b> 10
<b>Subject: Adoption of Development Management Document (DMD)</b>	
<b>KD 3978</b>	
<b>Wards: All</b>	
<b>Cabinet Member consulted:</b> Cllr Sitkin	

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### 1 EXECUTIVE SUMMARY

- 1.1 The Development Management Document (DMD) will form part of Enfield's Local Plan and specifically delivers the detailed planning policies, that will be used to determine all planning applications: from small scale householder applications to applications for large scale residential, commercial and mixed use development.
- 1.2 The Council submitted the DMD to the Secretary of State for public examination in January 2014. Inspector Jill Kingaby BSC(ECON) MSc MRTPI was appointed to conduct an independent examination into the Plan. Public hearing sessions took place in April of this year.
- 1.3 The Council received the Inspector's Report into the soundness and legal compliance of Enfield's Development Management Document (DMD) on the 2<sup>nd</sup> September 2014. The Inspector has concluded that the DMD (part of Enfield's Local Plan) provides an appropriate basis for the planning of the borough, satisfies the requirements of Section 20(5) of the 2004 Planning & Compulsory Purchase Act and meets the criteria for soundness in the National Planning Policy Framework.
- 1.4 Once adopted the DMD will form part of Enfield's Local Plan and policies within the document will be used alongside policies contained in the London Plan and adopted Core Strategy (2010) to determine planning applications in the borough.
- 1.5 This report seeks the Cabinet's endorsement of the DMD and recommendation to Council that it is formally adopted. The DMD will be considered by the Local Plan Cabinet Sub-Committee prior to this Cabinet meeting.

## **2 RECOMMENDATION**

- 2.1 That Cabinet notes receipt of the Planning Inspector's final report, attached as Appendix 1, this concludes the Development Management Document to be 'sound' and legally compliant, in accordance with Government legislation.
- 2.2 That Cabinet recommend to Council formal adoption of the DMD to form part of Enfield's Local Plan. Copies of the Adoption version will be available in Group Offices, the Member's library and on the Council's website.

## **3. BACKGROUND**

- 3.1 The Council's policies and guidance for spatial planning and development management is set out in a portfolio of documents that together make up Enfield's Local Plan. The approved Local Development Scheme (2013-2016), sets out the suite of Local Plan documents programmed to come forward over the next three years. Collectively these documents will provide the planning framework to deliver Council strategies and plans to support the delivery of corporate priorities such as sustainable growth, regeneration, and creating successful sustainable communities, particularly in Enfield's regeneration areas.
- 3.2 The Development Management Document (DMD) will help deliver the spatial vision and strategy for the borough set out in the Core Strategy, adopted in November 2010. Once adopted, the DMD, alongside the London Plan and Core Strategy will form the development plan for Enfield. This will be supplemented with Area Action Plans and Neighbourhood Plans as these come forward. The DMD, once adopted will also replace the remaining saved Unitary Development Plan policies (1994) and is accompanied by changes to the Local Plan Policies Map.
- 3.3 New development proposals coming forward in the borough will be expected to accord with the policies and proposals contained within the DMD, the adopted Core Strategy, emerging Area Action Plans and the Mayor's adopted London Plan.
- 3.4 The DMD's evolution formally began with the Draft DMD and public consultation in summer 2012. Over 60 responses were received which later informed the Proposed Submission DMD (May 2013). The Council agreed the Proposed Submission DMD at its meeting in March 2013 after which it was formally 'published' for a final stage of public consultation. The publication period of the Proposed Submission DMD ran from July to the end of September 2013. Approximately 1500 specific and general consultees were invited to make representations.

- 3.5 In total, 142 representations (comments) were received on various aspects of the DMD from 33 respondents, including receipt of the Mayor's confirmation that the DMD is in general conformity with the London Plan.
- 3.6 The Council formally submitted the DMD to the Secretary of State for public examination in January 2014. Hearing sessions were held in April 2014.
- 3.7 The Council received the Inspector's Report into the soundness and legal compliance of Enfield's Development Management Document (DMD) on the 1st September 2014. The Inspector has concluded that the DMD (part of Enfield's Local Plan) provides an appropriate basis for the planning of the borough, satisfies the requirements of Section 20(5) of the 2004 Planning & Compulsory Purchase Act, and meets the criteria for soundness in the National Planning Policy Framework.
- 3.8 The Council is now in a position to adopt the DMD to form part of Enfield's Local Plan.
- 3.9 The DMD is a borough wide document, it responds to new challenges and opportunities arising since the adoption of the Core Strategy, including the publication of the National Planning Policy Framework (NPPF), the introduction of a new affordable housing tenure and the Taylor review of planning guidance. Evidence which underpins the Core Strategy has been supplemented with further evidence on viability and other studies including: a review of employment land; a detailed green boundary review, and a review of open space and nature conservation sites.

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

None. It is imperative that the DMD is adopted to inform planning decisions, in the context of the changes to national planning policy guidance, to replace the remaining Unitary Development Plan policies (1994) and provide a robust up to date Local Plan.

#### **5. REASONS FOR RECOMMENDATIONS**

As set out in paragraph 4 above.

#### **6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

##### **6.1 Financial Implications**

- 6.1.1 Provision for the cost of the preparation, consultation and examination of the DMD is included in the Strategic Planning and Design budget.
- 6.1.2 The report does not commit the Council to additional expenditure. Any future proposals with cost implications would need to be subject to separate reports and full financial appraisal.

## **6.2 Legal Implications**

- 6.2.1 The Planning and Compulsory Purchase Act 2004 (the Act) as amended and the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations) require local authorities to prepare the local plan, which consists of the local development documents (LDDs).
- 6.2.2 The Council's constitution requires that changes to the Council's Development Framework are a matter for Council and therefore the adoption of the DMD must be approved at a meeting of full Council.
- 6.2.3 The recommendations contained in this report are in accordance with the Council's powers.

## **6.3 Property Implications**

The adoption of the DMD should provide greater clarity and guidance for the development industry as a whole, particularly in assessing the viability of proposals and preparing planning applications in the Borough. There will be less ambiguity as the 'saved' policies of the old UDP are superseded and replaced with more up to date guidance, which is more closely related to the NPPF and the London Plan. The overall effect in theory should reduce planning and development risks associated with bringing new schemes forward. It will be important to monitor closely the effects of DMD policies, on development viability in particular, to ensure Enfield remains a competitive and attractive place to do business.

## **7. KEY RISKS**

Failure to produce up to date, robust policies through the preparation of a development management document would result in a gap in policy. This would lead to poor quality development and/or development in inappropriate locations and would significantly harm the Council's ability to meet its wider regeneration objectives.

## **8. IMPACT ON COUNCIL PRIORITIES**

The DMD will be fundamental in achieving sustainable development. Policies throughout the document seek to achieve fairness for all, sustainable growth and the development of strong communities through the development management process.

## **9. EQUALITIES IMPACT IMPLICATIONS**

Previous draft versions of the DMD have been subject to an initial Equalities Impact Assessment (EqIA) to ensure that consultation promotes equal opportunities. A final EqIA (including an assessment of policies) was undertaken and forms part of the supporting documentation to the Plan.

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

The DMD will provide clear policies for the assessing planning applications which will bring performance management improvements to the planning application process and better performance at appeal.

## **11. PUBLIC HEALTH IMPLICATIONS**

The DMD contains policies covering a wide range of topics, all of which may have implications for public health, such as housing, transport ,community facilities, environmental protection, and green infrastructure. Strategic Objective 5 of the adopted Core Strategy (2010) promotes Education, Health and Wellbeing; the DMD will provide more detailed policies on how to achieve these policy objectives in the assessment of individual planning applications.

### **Background Papers**

None.