

Submission

North Circular Area Action Plan

Statement on the Duty to Co-operate

(August 2013)

SUBMISSION

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1. Introduction

- 1.1 This statement demonstrates how the preparation of the North Circular Area Action Plan (NCAAP) 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 a 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 in 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 NCAAP.
- 2.3 The duty to co-operate requires a local planning authority to engage constructively, actively and on an on-going basis in any process by means of which particular activities are undertaken. Those activities include the preparation of development plan or other local development documents and activities which prepare the way for those activities and that support these activities 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, including (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'.

2.9 As a direct response to the requirement, 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.

3. North Circular Area Action Plan Context

3.1 The North Circular Area Action Plan (NCAAP) forms part of Enfield's Local Plan, the set of documents that collectively form the strategy for the future growth and development in Enfield and sets out the policies the Council, as the Local Planning Authority, will use when making decisions on planning applications.

3.2 The process for producing the NCAAP started in 2007, and undergone several stages of preparation and on-going discussions with stakeholders to develop the Plan with local people, strategic partners, (including neighbouring authorities), interested organisations and developers. This has included four stages of formal consultation:

Stage 1: Issues & Options Stage in 2007;
Stage 2: Preferred Options Stage in May 2008;
Stage 3: Towards Pre-submission in November 2011;
Stage 4: Proposed Submission April 2013.

3.3 Preparation of the document commenced prior to the duty to co-operate coming into force in November 2011. However, throughout the preparation of this Plan and other development plan documents, most recently the adopted Core Strategy (2010), the Council continues to take a collaborative approach to plan-making that considers a range of issues, including the following strategic matters::

- Housing and employment growth.

- The provision of physical infrastructure for transport, waste management and energy.
 - The provision of social infrastructure such as schools and health.
 - The protection of existing and the location of new employment and retail provision.
- 3.4 Elements of the co-operation and joint working on the other parts of Enfield's Local Plan (and other related strategies and evidence underpinning these plans) have formed part of the processes and activities informing the preparation of the North Circular Area Action Plan. For example, meetings with delivery partners such as TfL and Network Rail took place during the preparation of Enfield's Core Strategy document to help identify areas of concern, strategic and detailed issues to be addressed.. The NCAAP aims to meet these wider strategic objectives where they relate to the North Circular area.
- 3.5 The NCAAP contains a series of 'Approaches' and 'Principles' that will help manage the use of land and the design and layout of buildings, places and spaces along the North Circular Road corridor. The Plan also contains guidance for 20 Opportunity Sites, where development is expected to take place during the next 15 years and in some cases the next 2-5 years. This guidance will inform planning decisions on these sites. These build on the existing policies in Enfield's Core Strategy and set out objectives to meet local needs and wider area requirements in accordance with the higher level policies.
- 3.6 The submitted Plan is the culmination of a number of processes, activities and levels of engagement and co-operation. It has taken into account the views expressed and comments made during its preparation by a number of the prescribed bodies. 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.
- 3.7 In relation to the specific duty to co-operate requirements, Enfield Council considers that the North Circular Area Action Plan would not result in significant strategic or cross-border impacts. The policy framework within the Plan mainly focuses on site-specific issues which are relevant to sustainable growth in the south-west of the borough and assist in delivering the adopted Core Strategy objectives. Where the Plan does provide policy coverage on more strategic issues, the provisions still remain mainly local in effect, and include:
- Prioritising regeneration objectives and years of blighted homes over the uncertainty of historical safeguarding of land for highway improvements.
 - Prioritising the need for creating sustainable neighbourhoods and more decent homes, in particular more family housing in the light of needs within the Plan area as recognised by the Core Strategy.
 - Meeting local community infrastructure needs for education, health and community facilities.
 - Setting design principles for this section of the North Circular corridor and for the character areas within it.

Neighbouring Planning Areas

- 3.8 Haringey Council and Barnet Council are the two neighbouring local planning authorities with boundaries adjoining the Plan area. Plan preparation has been carried out taking into account the local plans and cross-boundary developments proposed in each authority to ensure that a compatible approach is being pursued for the part of the North Circular Road corridor that falls within Enfield.
- 3.9 Enfield Council has always adopted good practice in terms of engagement with other adjoining local authorities and has continued to do so in the drafting of the Plan. Barnet Council adopted its Core Strategy in 2012 and the authority's future growth is not towards its south eastern border with Enfield, and is focused towards the north and west of Barnet. The capacity of the A406, North Circular Road has been a longstanding and shared issue both authorities have and will continue to work closely on with Transport for London (TfL) on. Haringey Council adopted the Haringey Local Plan Strategic Policies and Proposals Map in 2013. The strategic growth and spatial focus in Haringey is not directed towards its northern border with the NCAAP's southern boundary.
- 3.10 This statement identifies and sets out how the relevant 'duty to co-operate' bodies have been involved in the evolution of the Plan, and how this involvement has helped shape the proposals as they emerged. The Council consider that this statement demonstrates that the duty to co-operate requirements (as set out in the Localism Act 2011 and described in the National Planning Policy Framework) have been fulfilled and that the Council has effectively co-operated with other bodies throughout the preparation of the Plan.

4. Relevant "Duty to Co-operate" bodies

- 4.1 Set out below is a list of those 'duty to co-operate' bodies relevant to the North Circular Area Action Plan:

Prescribed bodies:

- Barnet Council
- Haringey Council
- Environment Agency
- English Heritage
- Natural England
- Mayor of London (GLA)
- Transport for London
- Primary Care Trust / Health bodies
- Highways Agency
- Thames Water

Other relevant organisations to the area:

- North London Waste Authority
- Network Rail

- 4.2 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 Area Action Plan.

Barnet Council

- 4.3 Enfield Council has effectively co-operated with Barnet Council, officers have been invited in each stage of preparation of the Action Plan. Barnet officers confirmed their willingness to liaise with, and meet directly with Enfield officers on the Plan. Meetings were held at both the Towards Pre-submission stage in October 2012 and the Proposed Submission in 2013. No formal representations had been submitted by Barnet Council as part of the consultation stages up until the Proposed Submission publication in April 2013.
- 4.4 Barnet Council has, through the Proposed Submission publication of the North Circular Area Action Plan, indicated their support for the principles in the Plan. Nonetheless Barnet Council raise two cross-boundary issues:
- Removal of the safeguarded land for the historical grade separated capacity improvements along the A406. Barnet Council is concerned that the removal may prejudice future road capacity improvements from coming forward and thereby constrain future growth in adjacent boroughs.
 - The provision of school places, in particular primary school places. Barnet Council is concerned that the increase in housing supported by the North Circular Area Action Plan would place pressure on Barnet Schools.

Enfield's Response

- 4.5 Planning and transportation officers from both authorities met prior to the representation being received. Discussions over Barnet Council's concerns regarding the whether the Plan would prejudice future capacity improvements coming forward were acknowledged. However, Enfield explained that much of the safeguarded land had now been sold to Notting Hill Housing Trust and therefore the policy position of safeguarding land for future road capacity was tenuous in light of this decision. Over 200 blighted properties had now been refurbished and planning applications for the remaining sites were being progressed. It was agreed that the position of uncertainty would only become clear once the work of the Mayor's Road Taskforce is reported in 2014. Nonetheless, officers agreed that Barnet Council's formal position of concern should be raised through the Proposed Submission consultation.

Haringey Council

- 4.6 Enfield Council has effectively co-operated with Haringey Council, officers have been invited to participate in each stage of the Plan's preparation. Haringey officers confirmed their willingness to liaise with, and meet directly with Enfield officers. A specific meeting was held with officers of Haringey during the preparation of the Proposed Submission document in January 2013. Haringey officers informally indicated their support for the principles in the Plan and confirmed that they will work closely with Enfield Council when applications are submitted for those identified Opportunity Sites that are located close to the Haringey boundary. Formal representations were

received during the 2008 Preferred Options stage consultation, where Haringey expressed that the level of housing growth envisaged by the Plan may well have cross-boundary implications for Haringey's community, social and education infrastructure. No formal representations on the Plan have been received from Haringey Council since the Area Action Plan recommenced in 2011.

PCT / Health bodies

- 4.7 Health Authorities, particularly NHS North Central London, have been involved throughout the preparation of the Plan. The local Enfield PCT were invited to comment through statutory consultation at each phase of the process. NHS North Central London provided detailed comments at the Towards Pre-submission stage of the process and these have been taken on board where appropriate to the Plan.

The Environment Agency

- 4.8 The Environment Agency (EA) has submitted representations at each stage of consultation and the Proposed Submission Plan contains a significant number of references to climate change mitigation, sustainable drainage and sustainable design. Meetings are regularly held between the Environment Agency and the Council to discuss policy, flooding and sustainability issues and to ensure on-going engagement. The EA also highlighted the need for a sequential test to be carried out on site 15. This was subsequently undertaken in consultation with the EA.

English Heritage

- 4.9 English Heritage has commented in each stage of the plan's preparation, English Heritage indicated their general support for the principles. English Heritage also urged that Enfield Council's conservation specialists should be closely involved in discussions on the preparation of the Plan, which Enfield officers have duly ensured.

Natural England

- 4.10 In general Natural England have had few comments to make on the Area Action Plan, although their representations on early drafts of the plan led to greater recognition of the opportunities presented by open spaces and individual developments to contribute to biodiversity enhancements, and these are now reflected in the Proposed Submission Plan.

North London Waste Authority

- 4.11 Since preparation on the North Circular Area Action Plan recommended in 2011 a planning application to provide a modern waste facility in Haringey, close to the Enfield borough boundary and Area Action boundary had been progressing. Continual dialogue with NLWA has also been necessary to ensure cross boundary proposals remain consistent. NLWA has submitted representation on the Proposed Submission AAP and these have been taken on board where appropriate.

Mayor of London

- 4.12 Officers of the Greater London Authority (GLA) have been actively involved with plan preparation on behalf of the Mayor to ensure its general conformity with the London Plan.

Transport for London

- 4.13 Transport for London submitted representations on the Area Action Plan at each stage and these have been taken on board where appropriate. The A406, which is part of the TfL road network, and TfL's property and land interests within the NCAAP, has required continuous engagement throughout the preparation of the Plan. Engagement from the Plan's inception has continued over the year, special meetings between officers have taken place throughout the Plan's development and positive dialogue has enabled both organisations to come to an agreed position over the historical safeguarding of land for future highway capacity improvements.

Highways Agency

- 4.14 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

- 4.15 Thames Water has made representations at each stage and have further advised additional wording for water supply and sewage infrastructure, to ensure that developers demonstrate that adequate infrastructure capacity exists both on and off the site to serve the development.

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 This co-operation pre-dates the commencement of Section 33A and in most instances would have been in the form of co-operation on other plans and strategies and/or statutory consultation, as per regulations. As a minimum where other bodies have made representations, the Council has endeavoured to co-operate in all cases on the issues raised.
- 5.8 Enfield's local plan includes a number of other documents that provide the overall planning framework in which the North Circular Area Action Plan will be implemented. The Enfield Core Strategy (2010) set out the Council's planning vision and spatial strategy for the borough. All other planning documents must be in general conformity with the London Plan and consistent with the adopted Core Strategy. General conformity and consistency with the London Plan has already been confirmed at the Public Examination for the Core Strategy prior to its adoption.
- 5.9 Enfield Council also adopted the New Southgate Masterplan in December 2010 which is in the western most area of the Action Plan. The North Circular Area Action Plan translates the Core Strategy and Masterplan to the local area level and has used the same evidence base as both these documents (with relevant updates and new background evidence). Given this context, the preparation of the Area Action Plan can be seen as a continuation of cooperation which began when the Core Strategy was produced. It is therefore useful to highlight the link between the respective documents and examples of how co-operation has taken place on an ongoing and constructive basis.

6. Conclusion

- 6.6 It is considered that Enfield Council has demonstrated effective co-operation through constructive, active and ongoing 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 Area Action Plan concerning the duty to co-operate, and the Council's view is that the duty to co-operate has been fulfilled.
- 6.7 A great deal of co-operation and engagement has also been undertaken before the introduction of the duty and includes the preparation of other plans which has influenced and formed a basis for the North Circular Area Action Plan.
- 6.8 It is also worth noting that the process of co-operation will not end once the North Circular Area Action Plan 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 ongoing monitoring and review.

