

Barnet's Local Plan – Council's Response on Representations from Inspector Led Consultation.

June 2023

As part of this Inspector Led Consultation the Inspectors confirmed that written responses should be focussed specifically and only on the content of the relevant EXAM documents and Statements of Common Ground produced as detailed on the EIP webpage. They also highlighted that any written comments introducing new or additional evidence beyond the scope of the relevant EXAM documents and Statements of Common Ground are unlikely to be accepted by the Inspectors.

The Comments reflect the ILC submissions of the Representors. Original versions of these submissions have been published on the Examination webpages.

Representor	EIP Note or SoCG	Comments	Council's Response
Metropolitan Police	<p>EXAM53 - CHW03 – Making Barnet a Safer Place</p> <p>EXAM 68 CDH01 – Promoting High Quality Design</p>	<p>Thank you for allowing the Metropolitan Police Service to make further comments in respect of the Barnet Local Plan examination.</p> <p>I am grateful to the planning authority for their reference to Secured by Design (SBD) in the proposed Barnet Local Plan and to the planning inspectorate for their consideration for this element to remain as a part of the overall local plan. However, certain amendments under the 'EXAM 68' document as recommended by the independent planning inspectorate are of great concern.</p> <p>In relation to document 'EXAM 53', having reviewed the notes for policy CHW03 – this is very welcome and pre-application engagement is very beneficial in order to allow a police Designing Out Crime Officer (DOCO) to engage with applicants within the planning process in order to review the proposed scheme. This then allows the police DOCO to highlight any potential vulnerabilities from a safety and security perspective at this very early stage in order to help to design out the opportunity for crime to occur. This includes many aspects such as the design and orientation of buildings to help to increase levels of natural surveillance and to design out some elements that can increase crime and the fear of crime such as dog-legged alleyways, areas of isolation that could very easily become misused "no-go zones" for groups/gangs to loiter and so on. With priorities such as the prevention of violence against women and girls (VAWG), serious youth violence and so on, the DOCO can help advise on many different crime prevention measures from the Secured by Design (SBD) process and other proven crime prevention methods.</p> <p>Secured by Design (SBD) is a police initiative to guide and encourage those engaged within the specification, design and build of all new homes (regardless of the scale of the development) and those undertaking major or minor property refurbishment, to adopt crime prevention measures. SBD advice given has been proven by independent academic research to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. Secured by Design is owned by the UK Police Service and is supported by the Home Office. Building Control Departments in England (Part Q Security – Dwellings), Scotland (Building Standard 4.13) and Wales (Part Q Security – Dwellings) all reference SBD as a means of compliance with Building Regulations. This</p>	The Council welcomes these supportive comments from the Metropolitan Police.

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		<p>advice also extends to commercial premises, educational premises, medical premises as well as the wider environment such as those within the public realm.</p> <p>The environmental benefits of SBD are supported by independent academic research consistently proving that SBD housing developments experience up to 87% less burglary, 25% less vehicle crime and 25% less criminal damage. It also has a significant impact on anti-social behaviour (ASB). Therefore, there are substantial carbon cost savings associated with building new homes and refurbishing existing homes to the SBD standard i.e. less replacement of poor quality doors, windows and of stolen property from within the home as a result of criminal acts. This has been achieved through adherence to well researched and effective design solutions, innovative and creative product design coupled with robust manufacturing standards. Research documentation can be found on the SBD website (www.securedbydesign.com).</p> <p>In relation to document 'EXAM 68' having reviewed the notes for policy CDH01 (specifically Section 17, MM137, paragraph 6.6.1), I am very concerned about the wording introduced by the planning inspectors and would strongly advise that the suggested wording reverts back to that as recommended by the local planning authority for the following reasons; anti-social behaviour (ASB), crime and disorder can occur anywhere, at any time and in any place. <u>It is not only applicable to larger scale developments.</u> Smaller sites can often be some of the most problematic in respect of ASB, crime and disorder such as 'in-fill sites' on dilapidated garage blocks that are often blighted by ASB, rear service roads that lack any acceptable levels of legitimate activity and natural surveillance, narrow alleyways that can generate crime and the fear of crime and so on. Examples of these smaller sites are present throughout the London Borough of Barnet. For instance, the electoral ward of Burnt Oak continues to be a focus for high levels of ASB, in particular the rear service roads behind both sides of Watling Avenue (Back Lane and Market Lane). Bakery Path in Edgware continues to be a crime generator (robbery) and focus for anti-social behaviour (street drinking, drug misuse, urination & defecation) due to its original design (dog-legged alleyway) and a police audit of the site was requested by Barnet Council's community safety team due to community concerns. Other alleyways such as those in Booth Road (Colindale – serious youth violence, ASB), The Burroughs (Hendon - crime and the fear of crime, mainly due to length and location of alleyways), Haldane Close (Friern Barnet - gang activity, crime including arson), Pennine Parade (Cricklewood – drug supply/use) are just a few examples of where the original design (with no known police designing out crime input) has led to serious problems with crime and disorder experienced by the community. Formal objections by the MPS have previously been made to some very small planning applications in Barnet such as the application to build one dwelling in East Finchley, with its only point of entry/exit being halfway along a dark and narrow unrestricted rear service road/alleyway between High Road and Fairlawn Avenue - a completely unacceptable proposal from a crime prevention perspective. Even in newer developments that have had no crime prevention input from police designing out crime officers such as Clare Court/Electra Court/Pegasus Court (outside Barnet Council offices on Bristol Avenue) are suffering from issues including anti-social behaviour and theft offences in communal areas. The local housing association has requested police assistance due to its original design and lack of Secured by Design/crime</p>	<p>Paragraph 17 of EXAM68 was drafted to reflect concerns about the ability of the Metropolitan Police to resource Secured by Design. However, on reflection the Council accepts that the scale of development is not necessarily the relevant determinant and therefore welcomes the endorsement of the Metropolitan Police for the original modification and withdraws the proposed modification in EXAM68 in light of this representation.</p>

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		<p>prevention measures that are now generating multiple issues for local residents. Some smaller blocks located in Barnet (such as Heracles on Grahame Park Estate – approximately 12 flats only dating to the 1970s) have no adequate crime prevention measures and these are now the subject of urgent partnership work due to the extensive issues within these communal areas including serious Class A drug supply and misuse (with discarded needles etc) directly outside of residents' front doors. The 1930s Aeroville estate (Colindale North) is a smaller estate that is also the subject of issues with ASB, crime and disorder due to the lack of crime prevention measures. Newer residential blocks such as those along Charcot Road (Colindale) also suffer with issues within the communal areas and areas such as insecure refuse stores or inadequate cycle stores. The larger developments within Beaufort Park and Colindale Gardens also suffer from multiple issues including very high levels of burglary due to the lack of Secured by Design engagement by the developer and have been the subject of subsequent police audit visits, where access was easily gained via what should be secure lobbies and residential areas. Therefore the implementation of the Secured by Design scheme and proven crime prevention measures is essential for any development, large or small.</p> <p>To quote advice from the national crime prevention initiative, Secured by Design (SBD) residential homes development guide 2023: <i>“The changes to the English Planning and Building Control regulations following in-depth reviews by the Department for Levelling Up, Housing and Communities (previously: Ministry for Housing, Communities and Local Government) have underlined the importance of the police advice delivered over the past 30 years; specifically in the form of the Secured by Design (SBD) initiative. The references within the National Planning Policy Framework (NPPF) and the accompanying National Planning Practice Guidance (NPPG) along with those in Scotland (Scottish Planning Policy – PAN 77) and Wales (Planning Policy Wales – TAN 12) have sought to reinforce the need and importance of a safe and secure external environment and to this end there are specific references to police service advice and the Police.uk website in particular. Indeed, the government’s Chief Planning Officer Steve Quartermain, wrote to all planning authorities reminding them of the important role the planning system plays in ensuring appropriate measures are in place in relation to crime prevention and security. Further information is available at www.securedbydesign.com.”</i></p> <p>It goes on to further mention: <i>“The requirements and recommendations... are based upon academically sound research findings that have proven SBD to deliver significant crime reductions and cost efficiency savings for a wide range of stakeholders including local authorities, housing associations, landlords, residents and the police service. The police service continually re-evaluates the effectiveness of Secured by Design and responds to emerging crime trends and independent research findings, in conjunction with industry partners, as and when it is considered necessary and to protect the public from crime.”</i></p> <p>This advice does not differentiate between large-scale projects and smaller projects, the crime prevention approach remains the same regardless of the size of the development; it is therefore requested that the local plan for Barnet should not differentiate between the size of the project. What is the definition of a larger-scale development? This is an ambiguous</p>	

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		<p>paragraph and one that can be potentially exploited by developers. It is a sad but true reflection (within Barnet and beyond) of some unscrupulous developers whom will seek to “value engineer” safety and security measures on new build or refurbished developments. The police service has often seen developers undermine police advice, for example by installing non-security rated doors that have failed to keep the development safe from crime and disorder. The SBD process ensures that developers are held to account if they fail to follow police safety and security advice and would therefore fail the SBD process unless they follow the correct recommendations to comply with SBD. With the local plan requiring SBD consultation and a resultant planning condition to achieve SBD prior to occupation when deemed appropriate by the planning officer, ensures that this unacceptable process is not applied by unscrupulous developers active within the borough. Removing the ambiguity and allowing police DOCO consultation to applications of any size will undoubtedly help to prevent crime through environmental design.</p> <p>There is all too often a challenge from developers to engage with Secured by Design but this process is in place to help to install levels of crime prevention and physical security to those future residents whom do not currently have a voice. Crime prevention can also assist with a whole host of different factors such as accessible and inclusive design for disabled and/or elderly people for instance. SBD continues to conduct partnership work with housing occupational therapists when designing and issuing guidance. The police service places great emphasis upon the need to build sustainable and inclusive communities and to raise awareness of the significant impact that low crime makes to the ongoing and long-term sustainability of a development.</p> <p><u>Any adoption of the proposed amendment to the wording of policy CDH01 (EXAM 68 - Section 17, MM137, paragraph 6.6.1) concerning ‘Secured by Design’ only being applicable to “large scale applications” will have an extremely serious and detrimental effect to all of the efforts being made by the local planning authority, council community safety and violence reduction teams, the police service and all other key partners involved in the prevention of anti-social behaviour, crime and disorder within the London Borough of Barnet. These types of issues can destroy entire communities and it is only by this partnership approach and the adoption of professional Secured by Design and crime prevention advice in the planning, design and construction stage for developments of all sizes that we can seek to address all of the negative implications that ASB, crime and disorder can create in an urban environment.</u></p> <p><u>Therefore I would urge those responsible for the approval of the Local Plan to retain the wording as originally proposed by Barnet Council local planning authority under Section 17, MM137, paragraph 6.6.1) and remove any reference to “large scale development/applications” only.</u></p> <p>I would be happy to discuss any of the above comments further if necessary.</p>	

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Lichfields on behalf of St Williams Homes LLP	EXAM 75 – Site Allocations	<p>Following the closure of the Barnet Local Plan Examination Hearing Sessions in November 2022, the London Borough of Barnet has published a number of Examination documents in response to the Inspectors' requests throughout the hearing sessions. This note sets out St William's response to document EXAM 75 and specifically paragraphs 232-235 which relate to Site 21 (New Barnet Gasholder). St William is supportive of the proposed modifications to the site allocation and agrees that the site is suitable for a 100% residential development, given its highly accessible location approximately 7 minutes' walk from New Barnet District Town Centre.</p> <p>St William takes a bespoke design-led approach to each development and does not have a range of standard products. As such, the capacity of each site should be determined through a design-led process, which the proposed modification supports. This is consistent with London Plan policy D3. Initial design work and site analysis undertaken by St William has identified that the New Barnet Gasholder site could deliver around 300 homes, therefore it is important that site capacity is not constrained by the allocation wording, where it can be demonstrated that this can be increased through a design-led approach taking into account site opportunities and constraints.</p> <p>In summary, St William is supportive of the proposed amendments to the Site 21 Allocation set out in EXAM 75. St William has an interest in the former gas holder site located 21 Albert Rd, New Barnet, EN4 9SH, highlighted in the draft plan as New Barnet Gasholder Site 21. The site is a redundant brownfield Gasworks site and in line with the NPPF is suitable and available for housing delivery, helping to meet the Council's housing growth objectives. EXAM 75 proposes modifications to the site allocation to achieve two key objectives:</p> <ul style="list-style-type: none"> • Removal of the requirement for community floorspace as part of the allocation, on the basis that the site is located in a predominantly residential area which is in walking distance of existing community facilities (which are in more appropriate locations where these complement the core retail offer of the High Street in line with the New Barnet Town Centre Framework SPD); • Provide clarity that the residential capacity of 201 homes is indicative and could be exceeded subject to a design-led approach that takes into account the surrounding context and other material and planning policy considerations. <p>St William is supportive of the proposed modifications to the site allocation and agrees that the site is suitable for a 100% residential development, given its highly accessible location approximately 7 minutes' walk from New Barnet District Town Centre. St William takes a bespoke design-led approach to each development and does not have a range of standard products. As such, the capacity of each site should be determined through a design-led process, which the proposed modification supports. This is consistent with London Plan policy D3. Initial design work and site analysis undertaken by St William has identified that the New Barnet Gasholder site could deliver around 300 homes, therefore it is important that site capacity is not constrained by the allocation wording, where it can be demonstrated that this can be increased through a design-led approach taking into account site opportunities and constraints. In summary, St William is supportive of the proposed amendments to the Site 21 Allocation set out in EXAM 75.</p>	The Council welcomes these supportive comments from St Williams Homes LLP.

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LB Brent	<p>EXAM 28 Key Diagram</p> <p>EXAM 79 Tall Buildings</p>	<p>LB Brent welcomes the opportunity to comment on the Actions and on the whole welcomes the way LB Barnet has addressed them. It has two points to make which it hopes will be helpful to the examination process.</p> <p>Key Diagram (Exam 28) The Key Diagram (Exam 28) does not now show the same revised boundaries of Brent Cross (Exam 29A) and Brent Cross West Growth Areas (Exam 30). It is not clear if the key diagram was produced earlier and has been superseded by a later version, but clearly the Key Diagram that is inserted in the final plan should be consistent with the final boundaries identified for those areas.</p> <p>Tall Building policy (Exam 79) The Council overall welcomes the changes as set in this paper. Nevertheless, with respect to the Cricklewood Growth Area being regarded as acceptable for Very Tall Buildings it notes a potential conflict with the content of Site Allocations 7 and 8. Exam 75 changes the classification of Sites 7 and 8 from Central to Urban and also reduces their residential capacity substantially. These sites make up the majority of the Cricklewood Growth Area and arguably the remaining sites of that Growth Area have more sensitive boundaries than those allocations. Given the discussion in Exam 75, the impression given is that LB Barnet now considers 'gentle density' the more desirable townscape outcome for this area given its surrounding context.</p> <p>Whilst there may not necessarily be a linear relationship between height and density, the Plan as currently proposed might have policies that give inconsistent messaging on what might be considered the preferred approach to height in that area. To provide greater clarity, perhaps Policy CDH 04 should be amended to not make reference to Cricklewood Growth Area being acceptable for Very Tall Buildings, or the site allocations should indicate that notwithstanding the 'Urban' classification 7 and 8 may nevertheless be acceptable in principle for Very Tall Buildings.</p>	<p>The Council welcomes these supportive comments from LB Brent.</p> <p>The Key Diagram will be updated as part of the Proposed Modifications and will reflect revisions to the boundaries of the Growth Areas.</p> <p>The Council agrees that there is not necessarily a linear approach between height and density. Although Cricklewood Growth Area is a strategic location where 'Very Tall' buildings of 15 storeys or more may be appropriate it does not constitute an automatic green light for proposals of such height. CDH04 as drafted will ensure proposals for Tall and Very Tall Buildings must adequately address the criteria in London Plan policy D9C in terms of acceptable cumulative visual, environmental and functional impacts including siting, microclimate, wind turbulence, noise, daylight and sunlight, reflective glare, aviation, navigation and electronic communication or broadcast interference.</p>
Comer Homes	<p>EXAM 75 Site Allocations</p> <p>EXAM 79 Tall Buildings</p>	<p>This letter of representation has been prepared on behalf of our client, Comer Homes Group ('Comer'), in response to the Barnet Local Plan Examination Documents ref. 'EXAM 75' and 'EXAM 79'. Comer are the freehold owners of the North London Business Park (NLBP) located at Oakleigh Road South, London, N11 1GN which benefits from an extant hybrid planning permission granted by the Secretary of State (SoS) in February 2020 for comprehensive redevelopment for blocks of up to nine storeys and 1,350 residential dwellings. The Barnet Local Plan Examination hearing sessions began on 20th September 2022 and closed on 11th November 2022. Following the closure of the hearings, the London Borough of Barnet (LBB) have continued to prepare and publish a number of Examination Documents seeking to address the Inspectors' Action Lists and the Council have invited representors to make comments specifically and only on the 'EXAM' documents and Statements of Common Ground by no later than 5pm on 26th April 2023. Comer have previously made representation to the regulation 18 and regulation 19 versions of the Local Plan and have participated at the Local Plan hearing sessions. The comments in this letter set out Comer's continued concerns with the draft policies of the Local Plan in light of the new Examination Documents published by the Council.</p> <p>EXAM 75 Note on Site Allocations At the hearing sessions on 4th and 8th November that considered Matter 10 (Site Allocations) the Inspector requested provision of a Note covering</p>	<p>This is an inappropriate attempt to rerun the representor's already considered Regulation 19 representation. This is not a new point made in response to EXAM 75.</p> <p>It is plainly inappropriate for Comer Homes to simply ignore the decisions of Strategic Planning Committee in December 2022 (EXAM 101A) and January 2023 (EXAM 101B) to refuse the hybrid application (21/4433/OUT) and the fact that this decision is now supported by the Mayor (GLA0987).</p> <p>The Deputy Mayor for Planning, Regeneration and Skills (as set out in GLA0987) is content to allow the local planning authority to determine the case itself, subject to any action that the Secretary of State may take.</p>

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		<p>several queries related to the site allocations in the Local Plan. Subsequently LBB have produced Examination Document 'EXAM 75' (Note on Site Allocations) in which the Council has sought to respond to these queries. Point 2 of the Note seeks to answer specific questions about individual sites including Site 2: North London Business Park. The Inspector wanted to understand the status of the 'pending' planning application for NLBP which is a reference to the now refused hybrid application (ref. 21/4433/OUT) for up to 2,419 homes in blocks of up to 12 storeys (the 'uplift scheme'). In their response the Council acknowledges that the Barnet Planning Committee resolved to refuse the application, against Officer recommendations for approval, on 15th December 2022 on grounds of overdevelopment, design, bulk, and mass with the decision notice confirming the reason for refusal on 23rd March 2023. The Council state that, in light of the refusal, the site's indicative capacity will remain as originally stated (1,350 residential units) within the Site Proposals Schedule. We consider the Council's reasoning for restricting the site's capacity to 1,350 continues to be irrational irrespective of the uplift scheme refusal. Comer's regulation 19 representations consider this point in detail and therefore will not be repeated again but are still considered valid. The refused uplift scheme demonstrates that the site can be optimised to accommodate nearly 2,500 dwellings without any unacceptable visual, functional, environmental, and cumulative impacts, which Officers at LBB and the Greater London Authority (GLA) both agree with. Indeed, some 600 additional homes could be accommodated within the approved residential blocks through internal design alterations only. The Council's published Examination Documents following the hearing sessions do not take this consideration into account. While the Mayor did not call the refused application in for their own determination, a positive Stage 2 report was published by the GLA on 20th March 2023. The report is clear that the GLA are supportive of the proposed further optimisation of the site to deliver an uplift of up to 1,069 new homes over the extant planning permission which would '<i>accord with the design-led approach to optimising the housing capacity of the site, in line with the London Plan</i>'. In summary, the draft allocation as currently worded has not been positively prepared as it limits the optimisation of the site from being achieved, which is not in the interests of achieving sustainable development. The capacity quoted in the allocation is not justified or effective as no up-to-date evidence has been provided by LBB to demonstrate that the site is unable to accommodate further intensification. The allocation as drafted is inconsistent with national policy as it does not enable the delivery of the most optimum form of sustainable development that can be achieved. The Local Plan as currently drafted is therefore not sound.</p> <p>EXAM 79 Note on Tall Buildings At the hearing session on 2 November 2022 that considered Matter 8 (Design, Tall Buildings and Heritage) the Inspector requested provision of a Note covering a number of issues relating to draft policy CDH04 on Tall Buildings. Subsequently LBB have produced Examination Document 'EXAM 79' (Note on Tall Buildings) in which the Council have sought to further clarify, explain, and justify the draft policy and have proposed a series of modifications to the submission version of the plan. Point 11(a) of the Note seeks to explain the reasoning for excluding broad areas such as the North London Business Park from being a location suitable for Tall Buildings. In this respect, EXAM 79 states the following: '<i>Although additional areas have been proposed by representors as being suitable for tall buildings, the design-led Tall Buildings Study has identified the areas that are considered appropriate by applying each of the criteria to assess</i></p>	<p>This is an inappropriate attempt by Corner Homes to rerun arguments which have already been considered in the Regulation 19 Representation. This is not a new point made in response to EXAM 79.</p> <p>The NLBP SoS decision from February 2020 in relation to 15/07932/OUT was considered as part of the Reg 19 published in June 2021. It is referenced in the Draft Local Plan at the Site</p>

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		<p><i>suitability. The approach taken considered the existing context and capacity for growth, including planning and existing infrastructure. It has also been highlighted that intensified development is not always achieved most effectively through tall buildings, which is underpinned by a high-quality design-led approach establishing parameters for suitable scale and height across the Borough. It is considered that the Study has taken a robust approach to provide analysis on siting, scale, height and form, together with visual, functional, environmental and cumulative impact in accordance with the London Plan policy D9. The Council refers to its response at Point 10 with regards to selection of locations. In terms of the excluded areas:</i></p> <p><i>The surrounding area of the North London Business Park is suburban in character, comprising predominantly two storey semi-detached and terraced housing. The site is remote from the nearest station, Arnos Grove which is located 2km to the south. The PTAL of the site ranges from a very poor 1b to a low 2. Tall buildings would not be in keeping with the suburban character of the area ...'</i> The Council's explanation for excluding the NLBP site remains outdated and fails to recognise the Secretary of State's (SoS) decision in granting permission for 1,350 homes in buildings up to nine storeys in February 2020. The SoS agreed with the Inspector that "as the existing character of the site is entirely different to the surrounding area, it does not contribute to the character and appearance of the area". Indeed, the Secretary of State's decision does not appear in the list of Examination Documents highlighting the little weight the Council have given to the SoS's decision to date. The Council's stance continues to be an unsound approach by virtue of it not being positively prepared, justified or effective. It is inconsistent with the National Planning Policy Framework (NPPF) 2021 and London Plan Policy D9 which sets out an expectation for Boroughs to determine if there are locations where tall buildings may be an appropriate form of development. In this case, the SoS has already deemed it an 'appropriate' site for tall buildings which the Council has failed to give appropriate weight to.</p> <p>The above points raised by the Council, namely the reliance on the Tall Buildings Study and methodology for selecting 'appropriate' sites; the character of the surrounding area; and the site's PTAL have all been discussed in detail in Comer's regulation 19 representations. These representations remain valid and wholly unaddressed by the Council in their EXAM 79 response. While we do not wish to repeat previous representations, Comer's position can be summarised as followed:</p> <ul style="list-style-type: none"> • Policy D9 of the London Plan 2021 states that Boroughs should determine if there are locations where tall buildings may be an appropriate form of development. • Within the Regulation 19 version of the Local Plan, LB Barnet have drafted Policy CDH04 which attempts to identify the locations within the Borough where tall buildings may be appropriate. • Draft Policy CDH04 defines tall buildings as ranging between 8 to 14 storeys or 26 to 46 metres above ground level. The draft policy does not include the NLBP site as an identified location where tall buildings may be appropriate. • The Secretary of State (SoS) granted hybrid planning permission in February 2020 for 1,350 new homes in buildings up to nine storeys on the NLBP site. • Comer Homes Group therefore have permission to deliver nine storey buildings on the NLBP site, which sits within the tall buildings range identified by LB Barnet's draft tall buildings policy. 	<p>Proposal for NLBP. This has now been uploaded at EXAM 101.</p> <p>The Council rejects Comer Homes' continued claim that the Council's reasoning is 'irrational' and their interpretation that the Secretary of State's decision of February 2020 means that the Council's policy on tall buildings should be changed in respect of NLBP becoming a strategic location for tall buildings, is misconceived.</p> <p>The Council has explained in the hearing sessions and EXAM 79 why North London Business Park is not considered to be an appropriate location for tall buildings.</p>

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		<ul style="list-style-type: none"> • Draft Policy CDH04 needs to include the NLBP site as a location where tall buildings may be appropriate in light of the SoS decision. • LB Barnet has provided no evidence to date that supports or justifies the irrational omission of the NLBP from draft policy CDH04. • The limited and out-of-date evidence that has been relied on by LB Barnet demonstrates the Local Plan has not been positively prepared, is not justified or effective, and is inconsistent with national policy. • The Local Plan therefore does not pass the national policy test of soundness. <p>Conclusion I trust the contents of this letter are sufficiently clear, however we would welcome further engagement to discuss these concerns</p>	
Mark Tuban	EXAM 19 – Small Sites (more relevant to EXAM 75 – Site Allocations)	<p>I am writing in again to renew and also add to my original representations made in relation to the proposed development of Bunns Lane car park.</p> <p>On your plan, this relates to</p> <ul style="list-style-type: none"> • EXAM 19 item - EXAM 19 - LBB Note on Small Sites.pdf (barnet.gov.uk) • Original representation - id138 - mark_tuban - redacted.pdf (barnet.gov.uk) <p>My original representation is as per the above link. My additional representations are as set out below.</p> <p>Again, I want to draw your attention to my horror at these original proposals, and the massive deterioration in the quality of life this will have for residents in Langley Park. I would also ask the question as to whether this development might not contravene the 2010 Equality Act in terms of access to town centre services for disabled and elderly Mill Hill residents.</p> <p><u>Additional representations</u></p> <p>1. Composition and Noise The text around site 33 indicates a mixed development of hotel, car parking and residential with an indicative residential capacity of 43. There is no indication how this or the footprint, placement and height of any building is calculated. We have massive concerns about any increase in noise and disturbance.</p> <p>2. Privacy and Light Langley Park slopes down from Buns Lane and already the north side of the car park is around 12-15ft higher than the pavement/road level. There is a massive concern that a building on the car park could seem overbearing when viewed from Langley Park and that many properties would suffer from loss of natural light. Properties at the top end of the road could also be overlooked.</p> <p>3. Air Pollution and health Roads, railway, and motorway are in close proximity Langley Park. It is important that there is no increased air pollution for residents - especially elderly residents or those with medical conditions - including that caused by any increase in traffic in this part of Bunns Lane. Indeed air and noise pollution should be an important factor for locating any residential dwelling so close to motorways, roads and railway. This pollution</p>	<ol style="list-style-type: none"> 1. The Council refers to EXAM36. Page 16 sets out how the indicative capacity for Site 33 was calculated. The Site Proposal sets the parameters for development to come forward. A planning application is expected to respond to these parameters and provide more detail on design and how issues such as noise and construction work are addressed. 2. These are issues that will be considered when a detailed planning application is submitted. 3. Assessments will be required with regards to noise and air quality as part of any planning application. The proposal for site 33 highlights that while the site is highly accessible and close to local services, any development must fully assess and mitigate the air and noise pollution caused by the proximity to the raised motorway and mainline railway. 4. Parking management will be a key consideration of any proposal to redevelop the Bunns Lane Car Park. The proposal for site 33 highlights that proposals must take into account existing residential areas to the west and south, including concern over potential overspill car parking; there may be further need to control residents-only parking. Any re-provision of spaces will recognise the role it plays in supporting the vitality and viability of the town centre. Re-provision

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		<p>would only become worse with the inevitable congestion that such a massive development would bring - and could impact residents who have a reasonable right not to have their health compromised. I would highlight the 2016 report 'Every breath we take' published by the Royal College of Physicians and the Royal College of Paediatrics and Child Health in 2016 which I understand identified that aside from living in deprived areas, living near busy roads (like the M1) might make people with pre-existing medical conditions more vulnerable to air pollution. This would affect not only residents in nearby roads like Langley park, but also residents in any new development. I would like to ask, please, if any major study or assessment has been done in relation to this by Barnet which would be available for public scrutiny and in which Barnet can prove there would be no increase in existing air pollution as a result of such a major development and the impact on traffic and congestion in the surrounding Broadway area and streets that this would produce. In relation to air quality and pollution, I would point out that Barnet Council The Council is responsible for monitoring and achieving compliance under Part IV of the Environment Act 1995.</p> <p>4. Parking Congestion and Equality First, due to the proximity of Langley Park to both the town centre and the railway station, Langley Park has already suffered for a very long time with regards to lack of parking spaces in the road. This has impacted the lives of residents who have a reasonable and legitimate need to park in their own road. Any development would exacerbate this issue even further and turn Langley Park into an overflow parking area.</p> <p>Second, Bunn's Lane car park is <u>not</u> just for those using the station but it also serves those in the local community who want to make use of the facilities in Mill Hill Broadway Town Centre and Mill Hill Broadway Station. Indeed in previous documentation the Bunn's Lane car park is referred to as the Shoppers' Car Park. Loss of car parking could be detrimental to the Town Centre.</p> <p>Third, it could also be extremely detrimental to (especially) elderly or disabled shoppers and travellers who under the law, should not face discrimination in having proper accessibility to facilities of the town centre and/ or rail station. This might contravene provisions in the 2010 Equality Act against indirect discrimination and providing reasonable access to these facilities.</p> <p>Fourth, the current car park is well used, bringing in significant revenue for Barnet. We believe that an increase in its capacity will be needed and we suggest that a two storey underground carpark should be provided to replicate the existing station/shoppers carpark and to accommodate the needs of any additional new residents. Also note that rugby fans make use of the carpark when Saracens are playing at home. The free bus service runs from Mill Hill Broadway.</p> <p>5. Access to Mill Hill Broadway station Currently there is an entrance to the station from the car park. Loss of such an entrance would be particularly inconvenient for those pedestrians approaching the station from Bunn's Lane either by foot or from the car park.</p>	<p>for disabled people will be an important factor.</p> <ol style="list-style-type: none"> 5. The Council would want to see access to the station and town centre improved as part of any planning application. 6. The Council considers the site description reflects proximity to these constraints and the residential areas to the south and the west. People attending Saracens matches are encouraged to use public transport.

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		<p>6. I would suggest a change to the site description as follows: Site Description: Comprising the car park (184 spaces) for Mill Hill Broadway Station and the Town Centre. The car park is also used when Saracens are playing at home. The site is immediately adjacent to the Midland Main Railway on the eastern boundary, with the raised M1 carriageway immediately beyond. Mill Hill Broadway town centre is immediately to the east to the east. To the west is low-rise housing.</p>	
Environment Agency	<p>EXAM 85 – Note on Water Management</p> <p>EXAM 77 – Note on Biodiversity</p> <p>EXAM 75 – Note on Site Allocations</p>	<p>Thank you for the opportunity to review and comment on the Examination (EXAM) documents and additional Statement of Common Ground(s) recently published in support of the Barnet Local Plan Examination in Public on the 22 March 2023.</p> <p>We have previously made representations at the Regulation 18 and Regulation 19 stages of the new Local Plan's preparation (responses dated 9 April 2020 and 9 August 2021, respectively).</p> <p>In response to our comments and outstanding concerns at the Regulation 19 stage, we have agreed a Statement of Common Ground (SoCG) signed by the Environment Agency and London Borough of Barnet (LBB) and dated September 2022 (Examination document reference: EB_SoCG_07).</p> <p>We have reviewed the newly published EXAM documents in consideration of our previous Regulation 19 response and in the context of our SoCG with LBB and the policies discussed in this document. In particular, we have reviewed the following documents:</p> <ul style="list-style-type: none"> • EXAM 20 – Week 2 Actions List • EXAM 43 – Week 5 Actions List • EXAM 75 – LBB Note on Site Allocations (updated 170323) • EXAM 77 – LBB Note on Biodiversity • EXAM 85 – LBB Note on Water Management (Updated 130323) • EXAM 90 – LBB Note on Employment and Housing Land (updated 170323) <p>Please see our comments below, which have been written in response to the relevant draft Local Plan policies, in line with the format of our SoCG for ease of reference.</p> <p>Policy GSS01 – Delivering Sustainable Growth In our Regulation 19 representation, we expressed concerns about how LBB have applied the Sequential Test to the spatial strategy and site allocations in accordance with the NPPF. In our SoCG (EB_SoCG_07), it was agreed that LBB would revise Policy GSS01 to explain the use of the Sequential Test to inform the Local Plan's spatial approach and we expect to see this change in the final Main Modifications. In reference to the Week 2 Action List (EXAM 20) and LBB's Note on Water Management (EXAM 85), we note that LBB have provided justification on how the Local Plan will be in line with the NPPF and update PPG on Flood risk and coastal change, which includes application of the Sequential Test and Exception Test.</p> <p>Policy ECC02A - Water Management In our SoCG (EB_SoCG_07), we agreed a number of modifications to Policy ECC02A. We are pleased to see reference to these amendments by LBB in EXAM 85. We support the strengthening of Policy ECC02A in the recognition of the</p>	The Council welcomes these supportive comments from the Environment Agency.

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		<p>updated NPPF and PPG. In particular, we are pleased to see the requirement of a Flood Risk Assessment (FRA) for any sites within the flood extents of 1% AEP plus 70% climate change fluvial flood extent (see paragraph 1.b. and 1.m. in EXAM 85). Additionally, we support the additional wording for flood defences and LBB's decision to increase the promotion of Natural Flood Management and SuDS (see paragraphs 1.e., 1.h., and 7 of EXAM 85).</p> <p>Policy ECC06 - Biodiversity In our SoCG (EB_SoCG_07), LBB agreed to revise Policy ECC06 and strengthen supporting text on Biodiversity Net Gain. We anticipate these amendments in the Main Modifications. In reference to LBB's Note on Biodiversity (EXAM 77), we are pleased to see the inclusion of a requirement of at least a 10% Biodiversity Net Gain (BNG).</p> <p>Annex 1 – Schedule of Site Proposals In our Regulation 19 representation and our SoCG (EB_SoCG_07), we expressed concerns with several proposed site allocations. For this reason, we have reviewed LBB's Note on Site Allocations (EXAM 75). In reference to Site 5 – Edgware Hospital, we support LBB's decision to keep the development out of the functional floodplain (FZ3b) and to ensure that any forthcoming scheme must be accompanied by a detailed site-specific FRA that assesses flood risk from all sources and provides detailed mitigation and safe access and egress. We have previously agreed in our SoCG that Site 6 - Watling Avenue car park and market, would be removed from the Local Plan due to significant concerns with the site being partially located within the functional floodplain (FZ3b). We are pleased to see that the proposed removal of the site has been confirmed and justified in EXAM 75. We note the removal of Site 9 - Colindeep Lane, due to the site not being considered to be 'readily 'deliverable' nor developable' owing to physical and environmental constraints of the site'. We have previously expressed our concerns with this site on flood risk grounds and therefore are pleased to see the removal of this proposed site allocation. We note the removal of Site 14 – Sainsbury's The Hyde, as a site allocation in the new Local Plan. We understand that this site has planning consent (19/4661/FUL) and will consult on future applications relating to development on this site under our statutory responsibilities.</p> <p>Final comments Thank you again for consulting us on the additional documents published in support of the Barnet Local Plan Examination in Public. We trust that our comments and position on the new Local Plan remains clear, and we look forward to being consulted on any future consultations under the Plan's preparation process.</p>	
Dr Elizabeth Silver	EXAM 11 – Leader's Opening Statement	<p>Please note that I am not introducing new information. DOCUMENTS EXAM 11, EXAM 14, EXAM 18 I would like to support the opening statements made by Cllr Barry Rawlings in EXAM 11. He makes the essential points about the difficulty of meeting top-down targets, of the real problems being the lack of truly-affordable housing which is not linked to market rental rates, and having sufficient infrastructure such as healthcare, open spaces, schools and policing.</p>	The Local Plan is the spatial expression of a wide range of corporate strategies including the Housing Strategy and the Community Safety Strategy. Without the Plan the Council would not be able to achieve many of its objectives including those on mitigating climate change.

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	<p>EXAM 14 – Theresa Villiers MP</p> <p>EXAM 18 – Early Review</p>	<p>However, I feel the proposed Barnet Plan does not meet these objectives. The overall impression of the Barnet Plan is that there is no practical concern for sustainability, but only lip-service to the concept. Barnet will become very urbanised and unrecognisable; Theresa Villiers MP makes these points very eloquently in EXAM14.</p> <p>Housing Targets The top-down housing targets used in this Barnet Plan are being removed by the government. https://eandt.theiet.org/content/articles/2022/12/government-to-remove-mandatory-housebuilding-targets/#:~:text=In%20a%20letter%20to%20MPs,to%20abolish%20mandatory%20housebuilding%20targets. This means that the Barnet Plan will need a review at the beginning of the 5-year period mentioned in EXAM 18.</p> <p>Meeting Housing Needs The charity Action on Empty Homes https://www.actiononemptyhomes.org/ makes the case that restricting 'buy to leave' investments (often owned by overseas investors) and short-term lets on Airbnb, and using empty homes for long-term housing could on their own go a long way towards solving the housing crisis. These are much more environmentally sound solutions than the in-filling of much needed public spaces such as green spaces and car parks at transport hubs, with high-density blocks of small flats.</p> <p>Healthcare and Policing The levies in S106 agreements and the Community Infrastructure Levy, apportion funds for infrastructure, yet there is no requirement for infrastructure to be built <i>before</i> planning permissions are granted. I was disturbed to hear during the Examination sessions, from some of the Barnet Council team, that healthcare and policing were 'not Barnet Council's problem' and were the concerns of the Care Quality Commission and the Police, respectively.</p>	<p>The Levelling Up and Regeneration Bill which proposes these changes is progressing towards Royal Assent. In the event it becomes legislation it will impact on plan-making including the review of the Barnet Local Plan as well as the London Plan and will be taken into account accordingly.</p> <p>The Council as reflected in this Plan supports the more efficient and sustainable use of the housing stock ensuring homes are not left vacant (HOU05) and that land such as car parks (GSS12) is used sensibly to reduce carbon emissions whilst also providing opportunities for new affordable homes. The Council is currently reviewing four of its housing-related strategies and policies that are aimed at improving the availability, quality, and sustainability of housing in the borough. Housing Related Strategy consultations Engage Barnet</p> <p>This is not a point made in response to an exam document or SoCG. This is simply a disagreement with how the planning system operates which is beyond the scope of this examination. The Council has a close working relationship with the Metropolitan Police and the North Central London Clinical Commissioning Group in ensuring that residents feel safe and get good healthcare. In serving the people these bodies are supported by Government funding. Revenue, such as CIL, generated by new development is intended to mitigate the impact of the development and help top-up existing provision. CIL monies cannot be used to retrospectively fill any gaps in existing infrastructure provision.</p>

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		<p>Green Space The steady erosion and infilling of small green spaces in the Barnet Plan contributes to the loss of biodiversity in the UK. Biodiversity Net Gain strategies may or may not be effective, but when accompanied by steady decreases in areas, will inevitably lead to a reduced habitat for wildlife. The quote below refers to gardens but applies equally to any urban green spaces. <i>“Research shows that some cities may have lost as much as 50 per cent of their green garden space over the last two decades, contributing to rising urban temperatures”</i></p> <p><i>“Gardens account for a third of all our urban areas and are vital spaces in terms of keeping our buildings and city environments cool in summer, absorbing rain to avoid flash flooding and providing an important refuge for wildlife.”</i></p> <p>https://www.sheffield.ac.uk/news/cut-council-tax-green-gardeners-help-cities-tackle-climate-change</p> <p><i>“The UK only has half of its natural biodiversity left. When compared to the G7 countries..... the UK is at the very bottom in terms of how much biodiversity still survives. When compared across all countries in the European Union, only Ireland and Malta come out worse, and the UK is in the bottom 10% of all countries globally.”</i></p> <p>https://www.nhm.ac.uk/discover/news/2020/september/uk-has-led-the-world-in-destroying-the-natural-environment.html</p>	<p>The Local Plan does not support the development of green spaces. This has been further clarified by proposed modifications to Policy ECC04. Policy ECC06 sets out how the Plan is seeking to increase biodiversity across the Borough.</p>
Hill and Trustees	EB_SoCG_20	<p>I write on behalf of Hill Residential Ltd and Trustees of the Gwyneth Cowing Will Trust and Trustees of the Gwyneth Cowing 1968 Settlement (“Hill & Trustees”) in the context of the above site. As you are aware, the Trustees own the Site and Hill have option on the Site. I write further to your email dated 22 March 2023.</p> <p>Statement of Common Ground (SoCG): EB_SoCG_20 As you are aware, the aforementioned document is a SoCG between the London Borough of Barnet (LBB) and Hill Residential Ltd, Trustees of the Gwyneth Cowing Will Trust and Trustees of the Gwyneth Cowing 1968 Settlement (the site promoters), dated December 2022. It relates to Site 45, land adjoining The Whalebones, Wood Street and sets out what is agreed, along with proposed modifications to Site 45 and associated references.</p> <p>We agree with, and fully support EB_SoCG_20.</p> <p>EXAM87: Local Plan EIP – Revised Housing Trajectory March 2023 With reference to the above EXAM document, we note the housing trajectory. For Site 45 it states delivery of new homes within Years 1 to 5, with 110 new homes for 2025-26. We agree that the development would be completed in this time i.e. by March 2026.</p> <p>Should you have any queries, please do not hesitate to contact me.</p> <p>SoCG between the London Borough of Barnet (LBB) and Hill Residential Ltd, Trustees of the Gwyneth Cowing Will Trust and Trustees of the Gwyneth Cowing 1968 Settlement (the site promoters), dated December 2022 relates to Site 45, land adjoining The Whalebones, Wood Street and sets out what is agreed, along with proposed modifications to Site 45 and associated references. We agree with, and fully support EB_SoCG_20.</p>	<p>The Council welcomes these supportive comments from Hill and Trustees</p> <p>The Council welcomes this confirmation on delivery.</p>
Friern Barnet & Whetstone	EB_SoCG_21	<p>Statement of Common Ground between London Borough of Barnet (LBB) And Quod on behalf of Regal JP North Finchley Limited (“Regal JP”) March 2023 (SO AFTER CONCLUSION OF THE EIP)</p>	

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Residents' Association	<p>EXAM 75 – Note on Site Allocations</p> <p>EXAM 52 – Note on Parking Management</p> <p>EXAM 57 – Note on Strategic Policies GSS11 & GSS12</p>	<p>North Finchley Town Centre PROPOSED MODIFICATIONS WITH REGARDS TO SITE PROPOSALS – 57,58, 60, 61, 64 AND 66</p> <p>SITE 58 –</p> <p>“Public car parking loss and parking provision for any forthcoming mixed-use development must be assessed through parking stress survey(s), utilising the Lambeth Council Parking Survey methodology (The Guidance Note can be found at: https://www.lambeth.gov.uk/sites/default/files/2021-10/lambeth-parking-survey-guidance2021.pdf). and re-provided as required. The results of the survey should inform the level of parking required. Financial and non-financial obligations may be required towards Control Parking Zone reviews and the amendment of existing and Traffic Management Orders, in order to mitigate any excess residential parking stress as a consequence of future residential development at this site”</p> <p>Objection is made to –</p> <p>A. restricting the parking survey to the Lambeth methodology . Experience is that the methodology is not suited to all situations and prioritises the needs of local residents (particularly with regard to overnight parking) over the needs of others, such as visitors and in a town centre context, shoppers and other users of town centre facilities, during the daytime and evening (when restaurants etc are open).</p> <p>B. In relation to requirements for “financial and non-financial obligations” the current drafting limits these to those needed to “ mitigate any excess residential parking stress” – thus disregarding other types of parking stress. The wording should be amended to read to “mitigate any excess parking stress (whether residential or, shopper or otherwise)”.</p> <p>B. the reference to “public car parking loss” – this introduces a conflict with the North Finchley Town Centre SPD, which provides in relation to this site that “The new development should reprovide the number of existing public car parking spaces at Lodge Lane, recognising the importance of this car park to the town centre function whilst minimising related vehicle movements.” (See para 6.58 on page 41 of the SPD). Reference should also be made to pages 48 and 49 of the SPD</p>	<p>The Council refers to EXAM 52 – Note on Parking Management which highlights that the Lambeth Transport Parking Survey Methodology is an industry accepted method of making such assessments.</p> <p>An on-street parking survey / study may be required depending on the potential impacts of a proposed development. The extent of the study would be proportionate to the scale and type of development proposed and would follow the principles set out within the widely accepted ‘Lambeth Council Parking Survey Guidance Note.’ These guidelines set out the general survey scope for a development based on its proposed land use and location. Depending on the proposals it would be advised that the applicant agree the scope of the study with the Council prior to undertaking the survey.</p> <p>The Lambeth Guidance does set out survey specifications based on the scale of development. The Guidance states that, ‘common sense should be applied in all cases and the extent of the survey area and justification for any amendments should be included in the survey. If inadequate justification is provided for a survey area, then amendments may be required, or a recommendation made accordingly.’</p> <p>Whilst the SPD from 2018 remains a material consideration, planning decisions will need to reflect the planning policy framework in place at the time of the decision. Any re-provision of parking spaces will recognise the role Lodge Lane car park plays in supporting the vitality and viability of the town centre. The Council refers to EXAM 57 which sets out the Plan’s approach to the redevelopment of car parks.</p>

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		<p>2. EXAM 4 and EXAM 54 – Note on CHW01 (Community Infrastructure)</p> <p>1 . The redrafting of CHW01 –</p> <p>A. “ In considering proposals involving the loss of community infrastructure the Council will take into account the listing or nomination of ‘Assets of Community Value’ as a material planning consideration.” – to exclude nominated ACVs may indeed “clarify how ACVs are a material consideration” but the effect of the amendment is ill- considered, running contrary to the spirit of the Localism Act and potentially denying those promoting an ACV the benefits that are intended for them. Those applying planning policies are accustomed to, and able, to accommodate the concept of an “emerging” planning policy and should have no difficulty in dealing with a “nominated” (but not yet listed) ACV in their deliberations.</p> <p>B. the statement “Development (including change of use) that involves the loss or replacement of existing community facilities / services will only be permitted if..... “ The Council proposes amendment of this text by deleting “only” , which if uncorrected appears to create an unfortunate positive obligation to grant permission “will be permitted” – regardless of all other considerations. It is suggested the drafting is improved.</p> <p>2. Annex 1 Site 67 Great North Leisure Park</p> <p>The proposed redrafting – “60% residential floorspace with 40% commercial, leisure and community uses . Residential led mixed use development with commercial, leisure community uses “ – it is stated that the removal of percentages is intended to provide more flexibility on delivery. However, whilst it is accepted that a percentage approach does not rest easily with a situation where the quantum of floor space on redevelopment is unknown, the redraft removes any requirement for the non-residential uses to be included in a redevelopment to be a significant component of the overall scheme and fails to recognise post- June 2022 developments, including the 20 April 2022 decision of Barnet Council Policy & Resources Committee (Agenda Item 9) –see https://barnet.moderngov.co.uk/documents/s77622/GNLP%20and%20Leisure%20Relocation%20PR%20April%202023.pdf and https://www.barnet.gov.uk/news/finchley-lido-leisure-centre-be-redeveloped-existing-site-following-councils-decision</p> <p>Further the current redrafted wording removes the implicit recognition (and protection) of the importance of the site as a leisure destination- as the site not only of the Finchley Lido leisure centre but also the Borough’s only ten-pin bowling alley and its only multiplex cinema. It is suggested that the new Borough Plan should be so worded that such recognition is retained and we propose that the relevant text should be revised to read “Residential led mixed use development with commercial use ancillary to the residential use and with significant leisure and community uses such as ten-pin bowling alley, multiplex- cinema and lido/leisure centre supported by appropriate provision of car parking”</p>	<p>The process for ACVs is not the same as emerging planning policies. However, both are subject to due process and this has to be followed in according appropriate weight.</p> <p>The Council acknowledges that the drafting of MM209 could be improved as follows:</p> <p>Development (including change of use) The Council in considering proposals that involves the loss or replacement of existing community facilities / services will be permitted take into account if:</p> <ul style="list-style-type: none"> • the replacement facility is equivalent to or of better quality and meets the needs currently met by the existing facility, or..... <p>The Local Plan highlights that this is an out-of-town-centre, car-centric leisure park. National planning policies seek to direct leisure uses to town centres and not such locations. The Local Plan therefore does not seek enhancement of out of centre leisure and community uses. The Council is proposing a reduction in main town centre uses as reflected in this proposed modification to Site 67:</p> <p>Site requirements and development guidelines: <u>The residential capacity of the site is indicative and could be exceeded, subject to a design-led approach that takes into account the reduction in main town centre uses, surrounding context plus other material and planning policy considerations.</u></p>
Cricklewood Railway Terraces	EXAM 75 – Note on Site Allocations	<p>Site 8 – Broadway Retail Park and Site 7 – Beacon Bingo (now Merkur)</p> <p>The Cricklewood Railway Terraces Residents’ Association firmly supports the recommendation from LBB (set out in EXAM 75 - LBB Note on Site Allocations (updated</p>	The Council welcomes these supportive comments from Cricklewood Railway Terraces Association.

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Association	Sites 7 and 8	<p>170323).pdf (barnet.gov.uk) that BOTH the Broadway Retail Park and the Merkur Bingo sites be classified as 'Urban' and not 'Central.' This is because:</p> <ul style="list-style-type: none"> • Most of Cricklewood consists of Victorian or Edwardian residential buildings that are only two, three or four storeys high. They are mostly linear terraces, as is the Railway Terraces Conservation Area, located only 35 metres from the Broadway Retail Park and adjacent to Merkur Bingo. • Neither site is located within 800 metres walking distance of a Metropolitan or Major town centre, which is the requirement for the designation of 'Central'. • The high PTAL rating for Sites 7 and 8 cannot be justified bearing in mind that travel from the adjacent Thameslink station goes only north out of London or in the direction of the City of London and south east out of London. There is no underground station in Cricklewood, so those wishing to connect to other parts London have to take a bus to Willesden, Kilburn or Golders Green underground stations, adding considerably to journey time. <p>We support the statement that all tall building proposals MUST be subject to a detailed assessment of how the proposed building relates to its surroundings, responds to topography, contributes to character, relates to public realm, natural environment and digital connectivity. Since Sites 7 and 8 are adjacent to the Railway Terraces Conservation Area, there is a need for them to respect the character and heights of properties in the Conservation Area, which includes some 180 Locally Listed buildings.</p> <p>We support the modification outlined by the council under Items 17 and 28 of EXAM 75, namely the reduction in density and number of housing units.</p> <p>CRICKLEWOOD SPANS THREE BOROUGHES, BARNET, BRENT AND CAMDEN Residents of Cricklewood have to keep up with developments in three boroughs. Barnet, Brent and Camden need to work more closely with each other and with residents to develop a Masterplan for Cricklewood. Cricklewood being designated a Growth Area simply serves to attract would-be developers with scant regard for existing buildings and topography and will create a mis-match in the area.</p>	<p>The Council remain committed to working with LB Brent and LB Camden on a planning framework for Cricklewood.</p>
Avison Young	<p>EXAM 75 – Site Allocations</p> <p>EXAM 36 – Housing Numbers</p> <p>EXAM 86 – Note on Housing Trajectory</p>	<p>At the Hearing Session for Matter 10 of the Barnet Local Plan Review Examination in Public, held on Tuesday 8 November, it was agreed with the Planning Inspector that we would engage with the Council to establish an appropriate indicative residential capacity for Site Allocation No. 67 (Great North Leisure Park).</p> <p>Actions following Hearing Session A letter and supporting material was sent to you on 17th November 2022, demonstrating how the Great North Leisure Park site provides an excellent opportunity to deliver much needed additional homes over the plan period, significantly beyond the 352 figure stated in the Regulation 19 version of the plan. This is on the basis of:</p> <ul style="list-style-type: none"> • A design-led approach to optimising site capacity (in accordance with London Plan Policy D3); and 	<p>The Council refers to EXAM 43 – the Action Notes for Week 5. With regards to Site 67 it states that the Council should liaise with the developer on a design led approach that can support increased capacity on the basis of a reduction in main town centre uses - timescales for commencement and build-out trajectory.</p> <p>The Council does not agree that it gave the impression that the indicative site capacity for residential would necessarily be increased. As explained in EXAM75, the Council is currently consulting on relocation of the Lido. This, together with other work, is ongoing and therefore the</p>

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	EXAM 87 – Housing Trajectory	<p>• The Council's proposed removal of the originally proposed 60:40 split between residential uses and commercial/leisure/community use on the site (through the Proposed Modifications). We consider that a scheme of 1,000 homes can be comfortably delivered on the site, and there is an opportunity to deliver in the region of 1,200 homes on the site, in line with the draft site allocation requirements such as public realm improvements (and with no buildings exceeding the 'Tall Buildings' definition (all below 15 storeys)).</p> <p>In order for the proposed Site Allocation No. 67 to be considered sound, and the number of homes identified for the site to be justified and consistent with the London Plan approach to optimisation through the design-led approach, we requested that the indicative site capacity takes into account the ability of the site to accommodate 1,000 to 1,200 homes. LBB Updated Housing Delivery and Trajectory We summarise the key elements of the EXAM documents relating to the site:</p> <p>EXAM 36 – LBB Note on Housing Numbers</p> <ul style="list-style-type: none"> o Confirms that housing numbers for strategic sites have been derived through the density matrix or through planning permissions. LBB argue that many of the principles that underpin the Density Matrix (e.g. PTAL and context) are captured in the design-led approach of the London Plan 2021. o The Council confirm that there is no housing numbers shortfall in the London Plan. The Plan target is as expressed in Policy BSS01 a minimum of 35,460 homes by 2026. o Table AA identifies a total of 44,970 homes, exceeding the target by 9,510 homes. o Specifically in relation to Site 67, the capacity calculation has been based on a 3.45 ha site with low PTAL supporting urban densities of 170 homes per ha (assuming that 40% of the site is non-residential) (3.45 x 170/100 x 60 = 352 homes). <ul style="list-style-type: none"> ▪ This does not reflect the removal of the 60:40 split, and therefore should be revised accordingly, in order for the plan to be considered positively prepared. <p>EXAM 75 – LBB Note on Site Allocations</p> <ul style="list-style-type: none"> o The document proposes a series of additional further modifications. o Para 137 confirms that the Council proposes to add the following modifications to the Site Requirements and Development Guidelines at Site 67 "This site lies on the Strategic Walking network. Development proposals should take the opportunity to ensure effective connectivity to this network and to improve the existing footpath". <ul style="list-style-type: none"> ▪ We confirm that we are happy to accept this proposed modification. o Paras. 150 and 151 respond to the Inspectors request to liaise with the developer on the design led approach that can support increased capacity on the basis of reduction in main town centre uses (including timescales for commencement and build out trajectory. The Council states: 	<p>findings not yet available. However, the Plan does already support masterplanning at this site as part of comprehensive redevelopment and that will help to inform the site capacity.</p> <p>Guided by what the Inspector said at the EIP hearings the Council have generally taken a more conservative approach to site capacities and this is reflected by EXAM75 with numbers tending to be reduced on the individual Site Proposals.</p> <p>Inspector Wildgoose requested provision of a note addressing how housing numbers (anything covered by a GSS policy with a requirement to deliver in it) have been arrived at (with reference to the density matrix where appropriate) and how they contribute towards overall provision. EXAM 36 sets out the assumptions behind the indicative capacities for the site proposals in the Plan. These assumptions retain the proportionate split and are necessary to provide a guide to an appropriate capacity for a site. The EXAM 4 mods explain that the percentages were removed from proposed uses in order to provide more flexibility on delivery.</p> <p>The Council welcomes this confirmation on this particular modification at para 137.</p> <p>The Council refers to its previous response (following the EIP Hearings) on the indicative capacity of Site 67. However, it acknowledges the need for a consistent approach to the modifications to the site proposals. It considers that wording proposed for Site 21 – New Barnet gasholder may also be appropriate for Site 67.</p>

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		<ul style="list-style-type: none"> ▪ “The development partner and Council are exploring how a number of the town centre uses can be re-provided within the redevelopment of North Finchley. The Council is currently undertaking consultation on the relocation of the Lido and the findings of this are not yet available. This, and other investigative work, is ongoing. However, the Council and Development Partner are confident that the indicative capacity for this site remains achievable. Initial proposals demonstrate that taking account of site constraints and opportunities, including the introduction of sustainable travel options, enhanced pedestrian connectivity to Glebelands, and exploring opportunities to provide reduced quantum of commercial/leisure/community uses on the site, that there is capacity for a significant quantum of homes on the site.” • The existing town centre uses on the site are not protected by planning policy, and will result in a significant part of the site being available for residential redevelopment. • Discussions regarding development options for the Leisure Centre are ongoing, which may enable even more comprehensive development of the site. ▪ “The Development Timeframe of 6-10 years is not disputed by the Developer Partner, and this is reflected in the Council’s overall trajectory (EXAM87). The Council proposes that changes to the site requirements and development guidelines are reflected in a proposed modification to the plan.” • The Hearing Statement associated with the site confirmed that it would be reasonable to assume that some of the early phases of development could be delivered within years 0-5, with later scheme phases being delivered over the 6-10 year period. <ul style="list-style-type: none"> o The only modification proposed to MM3999 is the first sentence, which is proposed to be amended to: <ul style="list-style-type: none"> ▪ “Tall (but not Very Tall) Buildings may be appropriate, however, all tall building proposals will be subject to a detailed assessment of how the proposed building relates to its surroundings (with height of neighbour buildings being of foremost consideration) responds to topography, contributes to character, relates to public realm, natural environment and digital connectivity. Further guidance will be provided by the Designing for Density SPD.” • No changes to the site capacity are proposed in EXAM 75, despite our representations to LBB on 17th November 2022. As such, we consider that the allocation as drafted is not positive prepared, or in accordance with London Plan Policy D3, as it does not build on the significant opportunity the site presents to deliver new homes and sustainable optimised development. <p>EXAM 86 – LBB Note on Housing Trajectory The document was prepared in response to issues raised by the Inspector, including recalculating supply of allocations with some sites excluded to provide conservative 5 year supply estimate (noting Site 67 is not removed), and setting a revised baseline year (2022/23).</p> <p>EXAM 87 – LBB Revised Housing Trajectory March 2023 The document identifies Site 67 as delivering 176 homes in 2029-30 and in 2030-31, a total of 352 homes. Our comments above regarding the delivery of additional homes on the site should also be reflected in the Council’s revised Housing Trajectory.</p> <p>Developer’s Position on Latest EXAM Documents</p>	<p>It therefore proposes the following modifications : Indicative Residential Capacity: 352 (<u>circa</u>)</p> <p>Site requirements and development guidelines: <u>The residential capacity of the site is indicative and could be exceeded, subject to a design-led approach that takes into account the reduction in main town centre uses, surrounding context plus other material and planning policy considerations.</u></p> <p>The Council acknowledges the concerns about the use of the superseded London Plan density matrix to inform the densities for the site allocations, however this method has been agreed as being an acceptable approach by the Examining Inspector, and this is what has been consistently applied across the other sites within the schedule. As noted above, the stated capacities of the site are only indicative and there is scope, subject to a design-led approach (in accordance with current London Plan policy) for an applicant/developer to optimise sites beyond the stated figures.</p> <p>The Council assumes within the Housing Trajectory that Site 67 will not deliver new homes before 2028/29.</p> <p>The Council refers to its previous comments on indicative capacities.</p> <p>The Council refers to its responses above on individual EXAM Notes.</p>

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		<p>We are disappointed to find that EXAM 75 and EXAM 86 do not identify any changes to numbers in Site Allocation 67, despite providing further information to the Council following the Hearing Session for Matter 10. The Council have advised that the draft Local Plan supports masterplanning at the site as part of comprehensive redevelopment and that will impact on the capacity of the site. We remain concerned that the basis of the evidence base behind the indicative capacities is not fit for purpose, which relies on the superseded London Plan (2016) density matrix, rather than the current London Plan (2021) approach to optimising sites through the design led approach (Policy D3). Retaining the indicative homes at 352 homes does not represent the optimisation of land, specifically making as much use as possible of previously developed / brownfield land as required by the NPPF (Paragraph 119). As a minimum, as a result of the removal of the 60:40 split between residential and commercial/leisure/community uses, using the density matrix approach the minimum capacity of the site should be equivalent to 587 homes, when in reality, taking the design-led approach to optimising site capacity, the site can comfortably accommodate 1,000 to 1,200 homes. We request that our previous representations are taken into account to significantly increase the indicative site capacity figure for Site Allocation No.67, in order to make the evidence plan justified, and the Plan sound.</p>	
Regal JP	<p>EB_SoCG_21</p> <p>EXAM 79 – Note on Tall Buildings</p>	<p>I write on behalf of Regal JP North Finchley Ltd (“Regal JP”) to submit representations in respect of the EXAM documents and Statements of Common Ground prepared by the Council following the Examination in Public into the draft Barnet Local Plan.</p> <p>As the Council is aware, Regal JP’s interest in the Local Plan is focused upon North Finchley Town Centre. Regal JP entered into a Site Assembly and Land Agreement in October 2021 to facilitate the comprehensive regeneration of North Finchley, and since that point has been working closely with the Council to develop the overall spatial vision and wider growth strategy for the town centre. As a result, Regal JP’s representations to the Local Plan to date and their attendance at the examination hearings was with a view to ensuring the emerging Local Plan reflected the evidence base and proposed vision for the scale of development and regeneration envisaged across North Finchley Town Centre. Post the hearing sessions Regal JP has continued to work proactively with the Council who have jointly signed a Statement of Common Ground in connection with amendments to Policy GSS08.</p> <p>Beyond Policy GSS08, the other key area of concern for Regal JP was Policy CDH04 regarding tall buildings. Regal JP provided extensive representations on the policy and appeared at the hearing to explain the nature of changes required to the policy, in particular to ensure consistency with London Plan Policy D9. Regal JP were unsurprised that a number of other respondents shared similar views and were pleased that the Inspector requested the Council carefully consider the wording of the policy.</p> <p>Since the Examination, the Council has issued EXAM 79 which provides officers rationale for the policy wording. The document confirms that officers now accept the need for extensive amendments throughout the policy and its supporting text.</p> <p>Regal JP has carefully analysed the proposed modifications to the policy wording. Given the scale of change envisaged across North Finchley, as set out in various evidence base documents including the Council’s Growth Strategy and the North Finchley Town Centre Development Framework SPD, Regal JP continue to be of the view that North Finchley should be identified as a strategic location within limb a) of the Policy. However, Regal JP</p>	<p>The Council acknowledges that the Statement of Common Ground reflects its working relationship with Regal JP on North Finchley.</p> <p>The Council has prepared EXAM 79 on the basis of providing responses to the questions raised by the Inspector with regards to the Local Plan’s approach to tall buildings.</p> <p>The Council has carefully considered the wording of CDH04 to ensure consistency with London Plan Policy D9.</p> <p>EXAM 79 reflects at some length on the Master Brewer case. Point 2 of the Note states Policy CDH04(d) also makes clear that all proposals for tall or very tall buildings (therefore irrespective of their location), need to be assessed in accordance</p>

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		<p>note that limb d) of the proposed amends to Policy CDH04 has been updated to identify the criteria that any tall building proposal must address, regardless of location. As such, consistent with the London Plan Policy D9(C), the policy does not prevent tall buildings where the policy tests are satisfactorily addressed. This is consistent with the proper application of Policy D9 following the Master Brewer case.</p> <p>However, the policy adopts an alternative and inconsistent approach to 'very tall' buildings. The Council's proposed modifications to Policy CDH04(b) suggests that 'very tall' buildings are not acceptable outside of the identified Growth Areas. As set out in our previous representations, the Council's evidence base does not provide a sufficient basis to reach this conclusion. The policy as now proposed to be modified in CDH04(b) would be far more restrictive than the approach in Policy D9 and would depart from the NPPF, because:</p> <p>(A) It seeks to prohibit buildings over a set height in specific locations without:</p> <ul style="list-style-type: none"> (i) specific evidence, which is as a result not Justified; or (ii) allowance for application of the London Plan D9(C) filters (which as a result is not in conformity with the London Plan or consistent with the NPPF approach to see effective use of land in urban areas and criteria-based approach to design excellence); <p>(B) The blanket prohibition outside of the stated locations is not consistent with the submitted evidence base, which:</p> <ul style="list-style-type: none"> (i) recognises that positive contribution taller buildings can make in areas like North Finchley; (ii) makes clear that tall buildings should be considered via a "full site appraisal [...] with particular consideration for existing form and high quality design to promote integration of taller buildings" (Tall Buildings Study Update (2019)). [emphasis added] <p>The Local Plan is not supported by that level of site assessment, and it is exactly this kind of assessment (in line with the NPPF principles) that criteria-based policy filters as found in London Plan D9(C) provide to allow a Positive approach.</p> <p>As recognised by the Study Update, the kind of blanket prohibition in limb (b) of the Policy would require far greater detail than found anywhere in the evidence base: "full site appraisal" with "particular consideration" of design specifics. The evidence base does not include that. Nor would it be appropriate to allow an SPD process which will lack Examination in Public scrutiny to supplant the role of the DPD in that sense.</p> <p>A 'very tall' building already exists in North Finchley Town Centre (see site allocation 61). This location represents the focal point within the town centre, linked to public transport and shops/facilities etc. The redevelopment of the existing 'very tall' building itself with another 'very tall' building or the provision of other 'very tall' buildings in this location is a sound urban design response, subject to detailed testing.</p> <p>As explained in our previous representations this approach was recently tested by the Planning Inspectorate at the Brent Local Plan Review. The January 2022 Report on the Examination of the Brent Local Plan found the Tall Building Policy BD2 to be sound. The adopted Brent Local Plan acknowledges "heights likely to be generally acceptable to the council"; however, paragraph 6.1.15 of the Brent Local Plan states: "There might however also be circumstances where the quality of design of a development and its impact on character is such that taller buildings in these locations could be shown by applicants to be acceptable". Policy BD2 thus includes the necessary level of flexibility to support the planning</p>	<p>with the impacts outlined in London Plan Policy D9 Part C as well as other relevant Local Plan policies. This also accords with the decision of the Court in Hillingdon.</p> <p>The Council welcomes the recognition from Regal that the further proposed modifications to CDH04 (in terms of the criteria that any tall building proposals must address, regardless of location) makes it consistent with London Plan Policy D9C. CDH04 does not prevent tall buildings where the policy tests are satisfactorily addressed. This, as Regal has acknowledged, is consistent with the proper application of Policy D9 following Master Brewer. This is therefore not a blanket ban.</p> <p>The Council considers that through its responses and proposed modifications to CDH04 it has demonstrated that this approach is consistent with both the London Plan and the NPPF.</p> <p>The Local Plan (as clarified by EXAM 79) through Policy CDH04 and the Policies Map provides direction on locations that may be appropriate for Tall Buildings as well as those places i.e. not in the Growth Areas where Very Tall Buildings are not considered acceptable. Further proposed modifications to the supporting text for CDH04 will re-iterate the strategic importance of the Growth Areas, reflecting policies GSS01 to GSS06 in the Growth and Spatial Strategy section of the Plan.</p> <p>The Council has clarified the role of the Designing for Density SPD at point 20 of the Note. SPD guidance will apply boroughwide rather than just 'within the identified strategic locations' as indicated in point 20 of the Council's Note.</p> <p>Point 5 of the Note is clear that detailed urban design analysis and evidence will be required for tall building proposals to establish if they are appropriate in principle and meet all the policy tests.</p>

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		<p>application process, and the need to meet other policies of the development plan. This is consistent with the D9(C) and wider Framework approach we note above.</p> <p>In light of the above, to satisfy the soundness tests of the NPPF, limb b) of Policy CDH04 should be deleted (or amended as per limb a) to state that very tall buildings may be appropriate in identified Growth Areas), and proposals for tall or very tall buildings should be assessed in line with the criteria set out in limb d) of Policy CDH04 which reflects the approach set out in London Plan Policy D9(C) and is consistent with the proper application of that policy as per Master Brewer.</p>	
Henry Planning	<p>EXAM 51 Note on Affordable and Market Housing</p> <p>EXAM 65 – Note on Public Houses</p> <p>EXAM 76 – Note on Employment</p> <p>EXAM 67- Note on Environmental Consideration s</p> <p>EXAM 85 – Note on Water Management</p> <p>EXAM 52 – Note on Parking Management</p>	<p>I have 26 years of experience dealing with planning matters. My last local planning authority position was as Director of Planning & Building Control at the London Borough of Barnet for nearly 5 years, up until July 2016. My local government experience included; advising on planning legal matters, managing Barnet Councils appeals team, advising on planning policy matters and acting as expert planning witness at planning public inquiries and hearings. I have since August 2016 been a planning consultant.</p> <p>My formal objections to the modified Local Plan as set out below.</p> <p>Policy HOU01 Affordable housing The policy still unhelpfully avoids confirming that a lesser provision of affordable housing would be appropriate if a viability appraisal demonstrates a proposal would not be viable. 5.4.14 New sentence at end of para The Council are unreasonably attempting to avoid clarifying affordable housing policy by referring to a new Supplementary Planning Document on Affordable Housing and Viability. SPD's do not go through the same rigour as planning policy and can be unilaterally adopted without any fair consideration to objections. The justification seems to infer that the new Labour administration wants to impose affordable housing requirements unilaterally, even if a scheme is unviable.</p> <p>Policy HOU02 Housing Mix The original objection has not been addressed in any way whatsoever. Table 6 on page 91 is not based on need or demand. The small percentage of 2-bedroom units (24%) does not take into account that 2-bedroom units provide family sized housing. A high percentage of 3–5-bedroom dwellings (70%) is not justified. 3–5-bedroom dwellings are out of the price range for the majority of people. Therefore, having a policy requiring a high percentage of large units would only increase significant competition for smaller units and lead to more affordability issues – this has not been thought through properly. A high percentage of 3–5-bedroom dwellings (70%) would lead to many potential developments being unviable therefore leading to less housing provision and less affordable housing provision. The proposed mix does not take into account the projection in the increase in the number of single person households. The significant reduction in the number of 1-bedrom units would force people to live in HMO accommodation which is not a good standard of accommodation - there needs to be a surplus in supply in 1-bedroom units to ensure people have the opportunity to step from HMO accommodation into secure self-contained housing. The policy does not give flexibility to provide smaller units in town centre locations where large family sized dwellings would not be appropriate. The policy does not give flexibility to provide smaller units where the provision of amenity space is challenging – amenity space is more important for family sized dwellings.</p>	<p>The Council's approach to securing and delivering affordable housing (as set out in EXAM 51) is in general conformity with the London Plan and is consistent with the NPPF.</p> <p>The Council's use of SPDs is consistent with the NPPF.</p> <p>The Council has produced EXAM 51 in response to the Inspectors questions. Responses with regards to Policy HOU02 are set out at Point 12.</p>

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		<p>Policy HOU03 Residential Conversions and Re-development of Larger Homes The modified conversion and redevelopment policy has hardly changed despite the previous accepted criticism by the Councils policy planners. The policy therefore remains wholly unreasonable. This policy conflicts with the policies in the NPPF and the London Plan 2021, because it would be a barrier to the efficient use of land and providing higher density development, in large the majority of the borough. The policy mainly seeks to protect the character and amenity of local areas, but character and amenity are protected by other policies. Therefore, to introduce a raft of criteria which does not allow common sense or meaningful assessment to be carried out should be rejected. The first criteria of only allowing redevelopment and conversions of houses within 400 metres walking distance of a major or district town centre (in accordance with Policy TOW01) or is located in an area with a PTAL of 5 or more, would mean that over 90% (estimated) of the borough could not be converted or redevelopment. This would have huge consequences for housing delivery, in particular meeting Government and London Plan policies to deliver housing. Why is this a requirement when many successful conversions and redevelopment sites are outside 400 metres of local shops and public transport. Criteria d) would prohibit the conversion of large houses, including those close to town centres. Most large houses are an inefficient use of floorspace and are only affordable to the very affluent (in Barnet). Large houses in the right locations should be seen as an opportunity to convert or redevelop in order provide much needed dwellings. Large houses can only be afforded by the very rich so protecting these types of houses would restrict the majority of people having access to decent housing – the policy as it is currently worded is discriminatory against all those except the very affluent. A definition of larger homes should be provided to ensure only efficient 3–5-bedroom houses are protected and not oversized inefficient houses which could provide much needed housing if converted or redeveloped.</p> <p>HOU03(c) Add Footnote The original Gross Internal Floor Area should be the size of the property as built and not an historic outdated size of the original property as it was first built, which has no meaningful input into good decision making. The definition is deliberately trying to restrict conversions which are an important part of providing much needed housing.</p> <p>Policy HOU04: Specialist Housing – Housing choice for people with social care and health support needs, Houses in Multiple Occupation, Student Accommodation and Purpose-Built Shared Living Accommodation The original objection has not been addressed in any way whatsoever. Criteria 1 (D) is unreasonable (be within 400m walking distance of local shops and easily accessible by public transport) – why is this a requirement when many successful homes are outside 400 metres of local shops and public transport. Many homes provide care for people who cannot travel so the criteria would be pointless for these types of homes. There is no justification for the criteria. Part (b) of the HMO policy – This needs an explanation in the preamble what evidence the Council would expect to demonstrate an identified need. What does “a harmful concentration of such a use in the local area” mean – this is too subjective. Part (d) of the HMO part of the policy requires HMO's to; “Be easily accessible by public transport, cycling and walking.” This needs to be defined. Paragraph 5.14.2 – The council need to define what they mean by “non self-</p>	<p>The Council has produced EXAM 51 in response to the Inspectors questions. Responses with regards to Policy HOU03 are set out at Points 13, 14 and 15. In the response to Point 13 EXAM 51 shows that the Council proposes to delete the first criteria of HOU03.</p> <p>At Point 14 of EXAM 51 the Council explains why “Original building” is appropriate.</p> <p>The Council has produced EXAM 51 in response to the Inspectors questions. Responses with regards to Policy HOU04 are set out at Points 16 to 24.</p>

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		<p><i>contained market housing</i>” – does this mean kitchen facilities can be provided in each room so long as there are significant communal areas?</p> <p>Policy HOU05 Efficient Use of Barnet’s Housing Stock The original objection has not been addressed in any way whatsoever. The policy is contradicted by the council’s policy to stop conversions and redevelopment in most of the borough. Part of the policy states: “3. <i>The Council will protect housing from permanent conversion to short-stay accommodation.</i>” Providing short term temporary accommodation for vulnerable groups for example is very important. This part of the policy seeks to try and stop such provision of much needed short term temporary accommodation. If the policy seeks to prohibit the conversion of permanent residential accommodation into temporary accommodation, then the Council need a policy outlining where they would support the provision of temporary accommodation – it is a concern that the Local Plan seems to be trying to exclude the provision of short-term accommodation. Part 2 of the Policy states: “2. <i>The Council will utilise it’s regulatory powers to reduce the number of vacant dwellings and bring them back into use.</i>” – this is not a policy but a statement of intent which is not related to planning.</p> <p>Policy HOU06 Meeting Other Housing Needs Th following question is still unanswered: “Are build to rent schemes exempt from providing a mix of dwellings?”</p> <p>Policy CHW04 – Protecting Public Houses The original objection has not been addressed in any way whatsoever. Part c states: “<i>Where it is demonstrated that there is no demand for the public house the Council will support proposals for other community uses in accordance with Policy CHW01.</i>” The policy is silent on providing much needed housing where it is demonstrated a public house is no longer in demand. The policy should be amended to encourage housing in such circumstances.</p> <p>Policy ECY01: A Vibrant Local Economy The original objection has not been addressed in any way whatsoever. The policy does not support mix use development providing housing where there is no net loss of employment floorspace and the residential use is compatible with surrounding uses. This policy therefore, would be in conflict with the NPPF and the London Plan which promotes mix use development as part of the solution to provide much needed housing. There is no justification not to allow a mix use development that still protects the integrity of an employment area.</p> <p>Policy ECY03: Local Jobs, Skills and Training The original objection has not been addressed in any way whatsoever. The policy requires compliance with the Council’s Delivering Skills, Employment, Enterprise and Training (SEET) from Development SPD (2014) or any subsequent SPDs. This in effect would make the SPD a policy. This is unreasonable because the SPD has not gone through the same challenge process as adopted policies. The SPD is also fundamentally flawed for many reasons and is nonsensical in many respects – previous objections and concerns raised about the SPD before adoption were ignored. The requirements of the SPD are massively onerous and monetary</p>	<p>The Council has produced EXAM 51 in response to the Inspectors questions. Responses with regards to Policy HOU05 are set out at Points 25 and 26. The Council refers to its earlier response with regards to modifications to Policy HOU03.</p> <p>The Council considers this question is answered at Point 12 of EXAM 51. In applying the preferred housing mix the Council will consider provision of Build to Rent.</p> <p>The Council has produced EXAM 65 Note on Public Houses in response to the Inspectors questions. It refers to the proposed modification at Point 4.</p> <p>The Council has produced EXAM 76 Note on Employment in response to the Inspectors questions.</p> <p>The Council’s use of SPDs is consistent with the NPPF. EXAM 76 refers in respect of references made to having regard to relevant SPD in Policy ECY03.</p>

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		<p>calculations are outrageously high with no proper justification. This document needs to be reviewed thoroughly as part of the new Local Plan requirements.</p> <p>Policy ECC02: Environmental Considerations The original objection has not been addressed in any way whatsoever. <i>"c) Development should provide Air Quality Assessments and Noise Impact Assessments in accordance with Tables 15 and 16 together with Barnet's suite of design guidance SPDs" – the wrong tables are referred to.</i> Table 18 requires: <i>"To help consider noise at a site at an early stage an initial noise risk assessment should assess the Noise Risk Category of the site to help provide an indication of the likely suitability of the site for new residential development from a noise perspective."</i> This requirement includes all minor development (including conversion and the provision of one dwelling) which is unreasonable. The Policy needs to be amended to ensure this requirement is not applicable to all residential development.</p> <p>Policy ECC02A Water Management Policy The original objection has not been addressed in any way whatsoever. The LPA consider that a sequential test is required where any part of a site (including land not to be developed) falls outside a flood zone 1 area – this is challenged as being wholly unreasonable because it would restrict opportunities to build dwellings on areas inside flood zone 1, where amenity space may be within a flood zone. The Council justify their position with reference to: "The West London Strategic Flood Risk Assessment" which states in Paragraph 4.2.1, titled 'Application of the Sequential and Exception Test: <i>"Proposed development sites within multiple flood risk zones are classed under the highest Flood Zone present on site. For example, a site that partly falls under Flood Zone 1 and Flood Zone 2 is formally classified as a site in Flood Zone 2. The Flood Zone that each proposed site falls under helps inform the approach needed for the site and the information required for the planning application. The Sequential Test will need to be applied to steer the entire proposed site to the areas with the lowest risk of flooding."</i> The advice contained within "The West London Strategic Flood Risk Assessment" has minimal if not no legal planning status because it is neither plan policy nor adopted local plan guidance. As such the council should not be relying on this advice but the advice contained within the National Planning Policy Framework (NPPF) document and the London Plan 2021. Paragraph 158 of the NPPF states that "new development" (not application sites) should be steered to areas with the lowest risk of flooding. Paragraph 159 repeats the requirement "for development to be located in zones with a lower risk of flooding" Paragraph 163 of the NPPF states that development is not required to provide a sequential and exception tests where it can be demonstrated that: "a) within the site, the most vulnerable development is located in areas of lowest flood risk..." This part of the NPPF is contradicted by The West London Strategic Flood Risk Assessment advice which requires a sequential test even where the development is located in areas of lowest flood risk, if part of the application site is outside Flood Zone 1. The NPPF is clear with its reference to steering development to areas within Flood Zone 1. There is no reference to ensuring the whole of an application site for new development to be wholly within Flood Zone 1. London Plan Policy 5.12 states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF.</p>	<p>The Council has produced EXAM 67 Note on Environmental Considerations in response to the Inspectors questions.</p> <p>A modification will be made to ECC02C to ensure the correct tables on Air Quality and Noise are referred to.</p> <p>The Council has produced EXAM 85 Note on Water Management in response to the Inspectors questions. The Council refers to the supportive comments of the Environment Agency with regards to EXAM 85.</p>

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		<p>Policy ECC02A Water Management Policy The original objection has not been addressed in any way whatsoever. <i>“h) Proposals for minor and householder development incorporate SuDS where applicable...”</i> What does this mean? What does “where applicable” mean? <i>“i) Development proposals incorporating SuDS will need to include management and maintenance plans for the proposed SuDS, with appropriate contributions made to the Council where necessary...”</i> What does “appropriate contributions made to the Council where necessary...” mean?</p> <p>Policy TRC03 – Parking Management The original objection has not been addressed in any way whatsoever. <i>“b) Where development is proposed, and it is deemed a CPZ is necessary then it should be in place within the surrounding area of the development before occupation. A developer contribution towards the implementation and monitoring of the CPZ will be agreed as part of the planning permission”</i> But local residents / councillors can currently block a CPZ – have the rules changed?</p> <p><i>“c) Residential parking permits will only be available to Blue Badge holders in car free developments. Disabled Persons parking should be provided in accordance with London Plan Policies T6.1 and T6.5.”</i></p>	<p>The Council has produced EXAM 52 – Note on Parking Management in response to Inspector Philpott's 13 questions on the Council's approach to parking provision. This comment does not relate to the proposed modification to TRC03B.</p> <p>With regards to the implementation of CPZs and other parking controls on the highway the Council informally consults with residents and businesses in the affected area. If the results of the consultation show support the Council proceeds with the statutory process in accordance with 'The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996'. In Barnet if a CPZ is agreed then it is introduced experimentally for a period of up to 18 months, during which time comments received during the first six months constitute as the statutory consultation. An experimental scheme gives the Council time to consider any comments received, assess the effectiveness of the parking controls, and make changes if required. Alternatively, a scheme can be introduced as a permanent measure where the Council advertises the proposals in the local press for 21 days and comments are made during that period. In both cases objections are reported to Councillors with recommendations which are discussed and agreed at Committee, following on from which the scheme may be amended, made permanent or abandoned.</p> <p>With regards to residential parking permits the Inspector asked the Council to explain the approach to car-free development(s), including where the Council allows permits for applications,</p>

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		<p>This is wholly unreasonable, and the policy does not give any justification for these restrictions. The policy does not comply with London Plan Policy T6 (Car parking). This policy only seeks to restrict car parking “<i>in line with levels of existing and future public transport accessibility and connectivity.</i>” There are many parts of Barnet which have CPZ’s but don’t have a high PTAL rating. This policy at best should only be applicable to PTAL 5-6 areas. Many parts of the borough have poor public transport options going in northerly, easterly and westerly directions, especially northerly. In some areas public transport in a northerly direction is either very poor or close to non-existent. Developments in areas which do not have a very good PTAL rating could become unviable because of the devastating impact on sale values resultant of not having the ability to have a car in area which is not highly accessible. This policy would deter families from buying or renting family sized dwellings in areas which are not highly accessible. The policy does not deter off street car provision for developments but seeks to punish developments that provide car free development in areas where there is sufficient on street car parking provision. This cannot be right.</p> <p>The policy could be interpreted as allowing access for car parking permits for developments which provide some off street car parking (no matter how small the provision).</p> <p><i>“d) Where development proposals involve a reduction of existing off-street car parking spaces, the developer must demonstrate that sufficient parking will remain in the area to serve local needs.”</i> This is massively onerous for small developments including the loss of one car parking space, unless the council agree to use common sense and allow photos to be provided to demonstrate sufficient on street car parking rather than a full car parking survey (which costs more than £1,000).</p> <p><i>“g) Spaces should be available for car club vehicle parking along with car club membership for future residents of the development within the agreed car parking provision.”</i></p> <p>The current wording makes this part of the policy a requirement for all development. This should not be applicable for minor schemes.</p>	<p>the approaches taken and whether they differ in terms of locations that are inside and outside of CPZs. The Council’s response is set out at Point 6. The Council has not (within EXAM 52) proposed a modification to TRC03C. Car free residential developments would be located in areas which have high levels of accessibility (e.g. PTALs 5 - 6), as indicated in Table 23 of the draft Local Plan, not in locations that have lower levels of accessibility.</p> <p>It is unclear what this comment relates to. The Council’s proposed modification to TRC03D (as set out in EXAM 52) shows that this wording will be deleted.</p> <p>The Council’s proposed modification to TRC03G (as set out in EXAM 52) shows:</p> <p><u>Where appropriate</u> spaces should be available for car club vehicle parking along with car club membership for future residents of the development within the agreed car parking provision.</p>
Ballymore Group and Transport for London	Statement of Common Ground with Ballymore Group and Transport for London	<p>EB_SoCG_22 https://www.barnet.gov.uk/sites/default/files/Eb_SoCG_22%20LBB%20with%20Ballymore%20Group%20%26%20TfL.pdf</p>	Signed April 24 th 2023
Waitrose – John Lewis Partnership – Lichfields	EXAM 75 – Note on Site Allocations	<p>We are instructed by the John Lewis Partnership (JLP / The Partnership) to make further Representations, following the Draft Barnet Plan Examination in Public (EiP) in 2022. This follows Barnet Council’s further responses to the EiP Sessions and the Inspectors’ directions for further Representations by 26th April 2023.</p> <p>These Representations add to those already made in respect of the potential for mixed use redevelopment of the Waitrose store at Mill Hill East. Separate Representations in respect of Tall Buildings / building heights are submitted alongside these by Montagu Evans.</p>	<p>The Council refers to its response at EXAM 75 with regards to Site 47 which proposes to add the following text to the site requirements and development guidelines. <u>Consideration should be given to whether there is an opportunity for the site to be redeveloped comprehensively with the neighbouring site occupied by Waitrose, to</u></p>

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		<p>John Lewis has a Partnership Plan in place to restore its profitability, an important element of which is to diversify from its retail core into the Build to Rent (BTR) market, aiming to deliver some 10,000 homes under its management in the next 10 years.</p> <p>The initial focus is on a limited number of existing locations, through utilising airspace above its retail assets, whilst ensuring a strong retail operation remains. The John Lewis Partnership wholly owns its Waitrose store at Mill Hill and proposes this site to be one of the first to be promoted for this exciting new BTR initiative.</p> <p>The Council has acknowledged, as part of the EIP, that they are comfortable with the site coming forward as part of the usual development management process. Positive pre-application discussions have also been held with the Council to advance a mixed use, residential led scheme for the site.</p> <p>The site is anticipated to deliver 140 units and can be delivered within the 1-5 year Plan horizon.</p> <p>Further Representations to Reg.19 Draft Barnet Local Plan</p> <p>Representations to the Reg.19 Draft Barnet Local Plan (BLP) have been duly made in support of a mixed use residential allocation on the existing site of Waitrose Mill Hill. It is not our intention to substantially repeat these.</p> <p>The Partnership proposes to maintain its retail food store at Mill Hill East for Waitrose, to help sustain the local centre and serve the wider community, alongside the development of the site for approximately 140 Build to Rent (BTR) residential units, which will include building above the Waitrose retained car park. These homes will be owned jointly with an investor and will be developed and run by JLP.</p> <p>The timing of The Partnership's decision to progress this opportunity meant that it was not possible to make representations on earlier versions of the emerging Plan, notably the Reg.18 draft.</p> <p>The Council's response to representations on the Reg.19 and in EXAM75, in relation to the potential synergy of the site with allocation 47 (Mill Hill East Station), is supportive of the site redevelopment for mixed use residential purposes. The site is also suitable, available and achievable for residential development. It is therefore disappointing the Council are unable to extend the opportunity of a site-specific allocation.</p> <p>Within a local centre location, well accessed by public transport, we consider the Waitrose site and its car park, is highly capable of a mixed-use residential development to deliver homes and enhanced vitality and viability to the Mill Hill East area (APPENDIX A).</p> <p>The EIP session of 8th November 2022 considered the deliverability of those sites within the Mill Hill East Area, following which, the Council were requested to respond with further justification to its allocations and proposed modifications (EXAM 75).</p> <p>The following is relevant to the consideration of EXAM 75, and the Inspectors' further assessments.</p> <p>Site 47: Mill Hill East Station</p> <p>The Council consider that the '<i>Site requirements and development guidelines</i>' for Site 47 should include reference to the potential optimisation of the site through comprehensive redevelopment with the neighbouring Waitrose site. However, the Council do not consider the site boundary should be expanded to include Waitrose. No reason is given for this.</p> <p>From EXAM 75 there appears positive recognition of those discussions held during the Local Plan Hearing for the possible scope for comprehensive redevelopment of Mill Hill</p>	<p><u>optimise the density and delivery of services and facilities for existing and future residents.</u></p> <p>The Council considers that this is a reasonable approach given how JLP have made progress with pre-app discussions with the Council.</p> <p>The Council consider that there is sufficient support within the draft Local Plan's policies to enable a development within the adjacent site to come forward without an extended site allocation.</p> <p>Mill Hill East Station</p> <p>The Council refers to its response at EXAM 75 with regards to Site 47. This sets out in site requirements and development guidelines that <u>subject to careful layout, massing and design testing, buildings over 3 storeys in height, taking cues from the Millbrook Park redevelopment to the</u></p>

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		<p>East, suggesting the Site Allocation boundary could be expanded to include the Waitrose Store. This would further support development at a highly accessible location, adjacent to Mill Hill East Station, and add to vitality and viability of the Holders Hill Circus Local Centre. This extension of the allocation is something which both TfL and JLP would support, albeit we would wish to ensure that each site could come forward independently, in order to recognise that each site may have different delivery programmes.</p> <p>It is noted by the Council, in respect of the Site 47 allocation, that the immediate context of the site is mixed with lower rise domestic properties and taller commercial buildings (circa 3-4 storeys) and that the Council consider that the appropriate height for the site can range up to six storeys, taking a cue from Millbrook Park.</p> <p>The modifications also note the requirement for the preservation of mature trees is required. The station building and associated platforms and tracks must also be retained or be re-provided. Development around the station building also needs to be sensitive to the building's local listing. The Council response notes, should the station building be demolished, the loss of the locally listed building must be fully justified, and a replacement station building must be provided. This appears to set a number of further restrictions / parameters for the successful delivery of residential development on the site and we understand TfL are responding to this.</p> <p>In our view it remains possible to achieve the 127 units anticipated for the site, through the provision of taller buildings, which should be appropriate, given its highly accessible location. The Council should support tall(er) buildings on this site and on the Waitrose site.</p> <p>Site 46: IBSA House</p> <p>The Inspectors requested the Council provide an update on the status of the planning application 19/6551/FUL and clarify deliverability of development with the developer for its proposals to deliver 197 homes. The application received resolution to grant, subject to completion of a S106 agreement, on 6 April 2021.</p> <p>In response, the Council has advised it is still in discussions with the applicant regarding the <u>Heads of Terms</u> of the S.106 Agreement (note not the S106 itself) for 19/6551/FUL but that this was likely to be resolved in early 2023. To date (End April 2023), there still appears no progress on the Council's Portal, with the last correspondence on the application being February 2020.</p> <p>The Council notes, with regards to the site's deliverability, <u>'the Council does not have sufficient information from the applicant to establish what they intend for the medium-to-long term of the site.'</u></p> <p>Based on this, the Council considers that the site is 'developable' rather than 'deliverable' and has moved the timeframe from 0-5 years to 6-10 years.</p> <p>We consider doubt has to be cast on the delivery of this site, and the 197 homes it is forecast to yield, given the apparent lack of motivation in the last 2 years to advance the S106.</p> <p>The response from the Council also fails to identify / acknowledge that the site, since the submission of 19/6551/FUL, has had further applications submitted and approved for enhancement of the existing operations on site, comprising:</p> <p>Ref. No: 21/0332/FUL Single storey front foyer extension of 49sqm and side extension of 147sqm to IBSA House building and sole use as Class E (g) (i) Office Space; Separate independent use of the former Printworks and existing factory buildings as Class E (g) (iii)</p>	<p><u>north-east opposite, where there are a range of taller buildings, may be explored.</u></p> <p>This does not mean that Tall Buildings (8 storeys and more) are supported. Mill Hill East is not a strategic location identified in CDH04 for tall buildings.</p> <p>The Local Plan (as clarified by EXAM 79) through Policy CDH04 and the Policies Map provides direction on locations that may be appropriate for Tall Buildings and locations that may be appropriate for Very Tall Buildings.</p> <p>IBSA House</p> <p>The Council can advise that there has been progress on the S106. A formal decision, once the Section 106 has concluded, is expected by the end of Q2 / start of Q3 of 2023/24.</p> <p>As the Section 106 is still progressing on the 19/6551/FUL planning application, the Council maintains its position that the site will be 'developable' in residential terms. The Council would not expect demolition and the cessation of use of the site realistically to take place until the Section 106 and planning permission for the residential scheme has been obtained. It is therefore the prerogative of the site owner to utilise the site in the meantime, in accordance with its current lawful use. .</p>

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		<p>Light Industrial or Class B8 Storage or distribution space; Relocation of the single storey Gate House building; re-use of existing car parking and servicing areas to provide 80 surface level car parking spaces and 112 cycle spaces. Approved 21/9/21.</p> <p>Ref. No: 22/0907/NMA Non-material amendments to planning permission reference 21/0332/FUL dated 20/09/2021 for `Single storey front foyer extension of 49sqm and side extension of 147sqm to IBSA House building and sole use as Class E (g) (i) Office Space; Separate independent use of the former Printworks and existing factory buildings as Class E (g) (iii) Light Industrial or Class B8 Storage or distribution space; Relocation of the single storey Gate House building; re-use of existing car parking and servicing areas to provide 80 surface level car parking spaces and 112 cycle space`. Amendments include revising the gatehouse design so that it features a slightly smaller footprint and can sit adjacent to the existing meter room; retaining the existing parking arrangement to the south of the gatehouse; relocating the covered cycle store for 4 bikes by the site entrance to the northern section of the front car park; reconfiguring the parking layout in the rear yard. Approved 7/3/22</p> <p>Ref. No: 22/2966/NMA Non-material amendments to planning permission reference 21/0332/FUL dated 20/09/2021 for 'Single storey front foyer extension of 49sqm and side extension of 147sqm to IBSA House building and sole use as Class E (g) (i) Office Space; Separate independent use of the former Printworks and existing factory buildings as Class E (g) (iii) Light Industrial or Class B8 Storage or distribution space; Relocation of the single storey Gate House building; re-use of existing car parking and servicing areas to provide 80 surface level car parking spaces and 112 cycle spaces.' Amendments include; Consolidation of all cycle parking spaces together in the northwest corner of the site; Reconfiguration of car parking layout; Car parking provision amended from 80 to 82; Electric car charging spaces amended from 16 to 11. Approved 29/6/22</p> <p>The absence of progress of 19/6551/FUL, and the subsequent approvals for enhancement of and investment in the existing uses / operations on the site, which were to be demolished to make way for the residential proposed, suggests there is little intent of bringing the site forward for development.</p> <p>The uncertainty of the delivery of this site, in combination with the lower delivery of Watchtower (see below) provide justification for the allocation of the Waitrose site, to achieve the required plan-led growth in the Mill Hill East area.</p> <p>Site 49: Watch Tower House & Kingdom Hall</p> <p>In respect of Site 49: Watch Tower House & Kingdom Hall, the Council acknowledge that the site will not accommodate the 224 units forecast, and instead that the site is likely to now accommodate only a 9-unit affordable residential block on the site of the Kingdom Hall (Class C3), together with a 175-unit Specialist Older Persons Housing scheme on the site of Watch Tower House, incorporating a retained and extended Bittacy Cottage (Class C2). It is noted that an application (referenced 22/0649/FUL) was reported to the Council's Strategic Planning Committee on 18th January 2023 (See agenda, reports and minutes); -. The committee resolved to approve the application. It is noted that the Council and applicant are still in discussion over drafting of the Section 106 agreement. The Council consider that the site is deliverable, should a resolution to grant permission be made. The site is located within the Mill Hill Conservation Area, and also falls within the Green Belt, with numerous TPO's and a Public Right of Way. Considering the significance of these</p>	<p>Site 49: Watch Tower House & Kingdom Hall</p> <p>Site 49 below the indicative capacity is justification for allowing a new allocated site to come forward within the Borough, let alone within the Mill Hill East area.</p> <p>EXAM86 and EXAM90 provide a sound evidential basis that the Council can demonstrate a 5 year housing supply as well as meet and exceed the London Plan housing target.</p>

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		<p>policy constraints, the Council acknowledge the current indicative capacity of 224 units on this site is unrealistic and that the density proposed in the current application at the upper limits of what is acceptable. The Indicative Residential Capacity for the purposes of the Plan has therefore been revised downwards, from 224 to 184.</p> <p>It is therefore pertinent: The planning application, if approved, will deliver 40 less units than forecast. The proposals are focussed on the 175 units for Specialist Older Persons Housing (Class C2). The lower delivery of this site, in combination with its focus on specialist older person's housing provides further justification for the allocation of the Waitrose site, to achieve the required plan-led growth in the Mill Hill East area. In considering the JLP site for a mixed residential allocation which would maintain the Waitrose food store and provide approximately 140 BTR homes on a podium above the car park, the site is: Suitable: The site falls within the defined Mill Hill East Centre, in an area of growth and adjacent to Allocation 47 in the BLP. Available: The site is immediately available and falls as one of the first sites to be progressed as part of the JLP BtR initiative. Achievable: JLP have confirmed the site can be delivered within the next 5 years. Deliverable: The John Lewis Partnership own the site, with no significant contractual or physical impediment to development. Whilst a gas line crosses the southern part of the site, a suitable scheme has been devised which avoids this being any impediment to development. Given the above, JLP confirm the site can be delivered in years 1-5 of the BLP and that it can form an allocation for mixed use development within the BLP. The Waitrose is located at a sustainable location within the Holders Hill Circus Local Centre, adjacent to Mill Hill East Station. The Waitrose site is presently unallocated in the BLP, but adjacent to Site 47 (Appendix A) which comprises Mill Hill East Station and which is envisaged to deliver 127 units through redevelopment of airspace above and on land adjoining the station. Mill Hill East has been the subject of significant development, which the BLP continues to support. Land to the north of the underground station, comprising former barracks and training centre, is subject to an Area Action Plan (AAP) for intensification for approximately 2,000 new homes and 500 jobs. This is presently under construction by Barratt, with an estimated 2,240 properties being developed in a phased manner alongside community facilities, including parks, open spaces and new primary school. Unimplemented allocations in the AAP remain part of the Local Plan. POLICY GSS01 of the draft plan, in seeking delivery of '<i>Sustainable Growth</i>' includes the provision of up to 1,500 homes in Mill Hill. BLP Policy GSS07 notes the growth of Mill Hill East and supports additional proposals on suitable sites to deliver further good suburban growth. Separately, para 4.24.7 / GSS09 notes Mill Hill East Station as an existing transport hub '<i>offers significant potential for intensification and growth</i>'. Table 5 '<i>New Homes Delivery</i>' supporting GSS07 foresees up to 1,500 new units over a 15-year period, with up to 1,200 of these being delivered in years 1-5 of the Plan.</p>	<p>The Council, as highlighted above, has provided the evidence to demonstrate that it has a 5 year supply.</p>

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		<p>The Waitrose could make a significant contribution to this further growth in years 1-5 of the Plan, helping make the Plan sound through the delivery of 140 units on a brownfield, sustainable and accessible location.</p> <p>The allocation of the Waitrose site for residential development will achieve sustainable development under the terms of NPPF21 in achieving, overarching objectives of para 8:</p> <p>a) An Economic Objective – to help build a strong, responsive and competitive economic position for Mill Hill East, Holders Hill Circus Local Centre and the existing Waitrose to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure with further growth, utilising an existing and accessible brownfield site;</p> <p>b) A Social Objective – to support strong, vibrant and healthy communities, by ensuring a sufficient number and range of homes, including BTR, can be provided to meet the needs of present and future generations linked with the existing services and infrastructure of Waitrose, Mill Hill East and the vitality and viability of the existing centre; and</p> <p>c) An Environmental Objective – to utilise greater density of a brownfield site at an accessible location in order to protect and enhance more sensitive natural and historic environments and mitigating and adapting to climate change, including seeking net zero carbon in operation for the new homes and assisting in moving to a low carbon economy whereby development is located at accessible locations with existing nearby services and facilities.</p> <p>We consider that the Waitrose Mill Hill site, including construction above its car park, will widen residential choice and can be included within the BLP and that such an allocation will help make the Plan sound, more effective and justified.</p> <p>Conclusions</p> <p>As part of a thorough review in the last 2.5 years JLP has put in place a Partnership Plan that seeks to restore profits. As part of this, the business is seeking to diversify from its retail core into the Build to Rent (BTR) market, aiming to deliver some 10,000 homes under its management in the next 10 years. JLP wholly owns its Waitrose store at Mill Hill and proposes this store to be one of the first to be promoted for this exciting new BtR initiative. Representations to the Reg.19 Draft Barnet Local Plan (BLP) have been duly made in support of a mixed-use residential allocation on the existing site of Waitrose Mill Hill, at 2 Langstone Way, Mill Hill, NW7 1GU. The intention of The Partnership is to maintain its retail food store at Mill Hill East for Waitrose, to help sustain the local centre and serve the wider community, alongside the development of the site, including development above Waitrose's existing car park, for approximately 140 Build to Rent (BTR) residential homes. These homes will be developed and operated by JLP.</p> <p>The timing of The Partnership's decisions to progress this opportunity meant that it was not possible to make representations on earlier versions of the emerging Plan, notably the Reg.18 documents. However, subsequent to the making of Representations on the Reg.19 Plan, JLP and its advisors have had positive initial pre-application discussions with LBBC. There is also positive recognition that the site can add to growth in the Council's response to the Reg.19 Representations and in EXAM75, given the sites co-location with Site 47 (Mill Hill East Station). Other allocations in the Mill Hill East Area (notably Site 46 and 49) have uncertainty over their delivery and/or will not deliver to the level previously forecast. As a</p>	

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		<p>local centre well accessed by public transport, and as an accessible location supported by the BLP, London Plan and NPPF21, we consider the JLP site is highly appropriate for a mixed-use residential allocation. We confirm that the site is suitable, available and achievable for residential development and deliverable within 1-5 years, i.e. during the first period of the Plan.</p>	
<p>Montagu Evans Waitrose – John Lewis Partnership</p>	<p>EXAM 16 – Note on Identification of Strategic Policies</p> <p>EXAM 34: Map 3E – Mill Hill East Area</p> <p>EXAM 75 – Note on Site Allocations</p> <p>EXAM 79 – Note on Tall Buildings</p>	<p>Montagu Evans LLP (“ME”, “we”, “us”) has been instructed by John Lewis Partnership (‘JLP’, the ‘Client’) to review and respond to the notes prepared by the London Borough of Barnet (‘LBB’) following the Examination in Public sessions for the Emerging Local Plan. This response forms an appendix to a wider pack of representations coordinated by the planning consultants, Lichfields. JLP has an interest in the site at 2 Langstone Way, Mill Hill (the ‘Site’). Representations made on behalf of JLP in September 2022 focused on Matter 8: Design, Tall Buildings and Heritage in the Inspectors’ Matters, Issues and Questions for Hearing Sessions – Autumn 2022. The representations concluded: “In our judgement the Site offers a good opportunity to provide a tall building of G+7 in Mill Hill East. The Site connects the established and commercial character of townscape to the south of the Site to the emerged, new character to the north in the new developments on the former barracks site. We have established that there is the potential for a cumulative effect, with the allocated site (Site 47) of the Barnet Local Plan occupying land to the north of the railway tracks at Mill Hill East underground station. With regard to Policy CDH04, Mill Hill East (Underground Station and Waitrose) should be added to the list of locations where tall buildings are acceptable in LBB. In addition, the text modification to GSS07 that suggests Mill Hill East is not a suitable location for tall buildings should be reconsidered as it is unfounded in terms of policy base.”</p> <p>Our representations provided context and analysis that suggests that the townscape condition of the Site would be suitable for a tall building, by LBB’s 8-storey definition, in this location. These are summarised as: Located within the defined Mill Hill East Centre in an area of growth; Adjacent to Site Allocation 47 in the Barnet Local Plan; Already developed land/a brownfield site; Close to Mill Hill East underground station; Mid-rise datum in the immediate area; areas of intensification to the north east; Lack of heritage sensitivities (nearest conservation area 500m+ away); and A PTAL rating of 3.</p> <p>The consultation response set out in this note focusses on the following LBB Notes that may have a bearing upon the redevelopment of the Site, comprising:</p> <p>EXAM 75: LBB Note on Site Allocations Page 2, fourth bullet point of ‘Character Design and Heritage’ section (relating to Policy CDH04 Tall Buildings) creates ambiguity with p. 4 of Exam 79 Note on Tall Buildings. London Plan D9 part A states that ‘Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 measured from ground to the floor level of the uppermost storey.’</p>	<p>The Council notes that JLP have engaged two firms of consultants to respond to the ILC specifically with regards to the Waitrose site in Mill Hill East. The Council’s response to this extensive submission for JLP is provided at the sections relating to EXAM documents.</p> <p>There is no defined Mill Hill East Centre in the Local Plan. There is a Local Centre at Holders Hill Circus. Mill Hill East is not a Growth Area. It is an area as shown in Map 3E covering Mill Hill East where there are opportunities for good suburban growth as set out in Policy GSS07.</p>

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		<p>Further uncertainty arises in EXAM 16 where LBB define tall or very tall buildings at '8 storeys / 26 metres and above', not specifying whether this is for tall or very tall buildings. It is assumed, however, that this is the definition of a tall building, as p. 4 of EXAM 79 defines very tall buildings as being 15 storeys. Further, LBB should provide heights in metres from the ground to the floor level of the uppermost storey, in line with the wording in London Plan Policy D9.</p> <p>1.1 Montagu Evans LLP ("ME", "we", "us") has been instructed by John Lewis Partnership ('JLP', the 'Client') to review and respond to the notes prepared by the London Borough of Barnet ("LBB") following the Examination in Public sessions for the Emerging Local Plan. This response forms an appendix to a wider pack of representations coordinated by the planning consultants, Lichfields.</p> <p>1.2 JLP has an interest in the site at 2 Langstone Way, Mill Hill (the 'Site'). Representations made on behalf of JLP in September 2022 focused on <i>Matter 8: Design, Tall Buildings and Heritage in the Inspectors' Matters, Issues and Questions for Hearing Sessions – Autumn 2022</i>. The representations concluded: <i>"In our judgement the Site offers a good opportunity to provide a tall building of G+7 in Mill Hill East. The Site connects the established and commercial character of townscape to the south of the Site to the emerged, new character to the north in the new developments on the former barracks site. We have established that there is the potential for a cumulative effect, with the allocated site (Site 47) of the Barnet Local Plan occupying land to the north of the railway tracks at Mill Hill East underground station. With regard to Policy CDH04, Mill Hill East (Underground Station and Waitrose) should be added to the list of locations where tall buildings are acceptable in LBB. In addition, the text modification to GSS07 that suggests Mill Hill East is not a suitable location for tall buildings should be reconsidered as it is unfounded in terms of policy base."</i></p> <p>1.3 Our representations provided context and analysis that suggests that the townscape condition of the Site would be suitable for a tall building, by LBB's 8-storey definition, in this location. These are summarised as:</p> <ul style="list-style-type: none"> • Located within the defined Mill Hill East Centre in an area of growth; • Adjacent to Site Allocation 47 in the Barnet Local Plan; • Already developed land/a brownfield site; • Close to Mill Hill East underground station; • Mid-rise datum in the immediate area; areas of intensification to the north east; • Lack of heritage sensitivities (nearest conservation area 500m+ away); and • A PTAL rating of 3. <p>1.4 The consultation response set out in this note focusses on the following LBB Notes that may have a bearing upon the redevelopment of the Site, comprising: EXAM 75: LBB Note on Site Allocations EXAM 16 - LBB Note on Identification of Strategic Policies in MM17 EXAM 34- Map 3E - Mill Hill East Area</p>	

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		<p>EXAM 79 - LBB Note on Tall Buildings</p> <p>EXAM 16: LBB Note on Identification of Strategic Policies in MM17 1.5 Page 2, fourth bullet point of 'Character Design and Heritage' section (relating to Policy CDH04 Tall Buildings) creates ambiguity with p. 4 of Exam 79 Note on Tall Buildings. London Plan D9 part A states that 'Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18 measured from ground to the floor level of the uppermost storey.' Further uncertainty arises in EXAM 16 where LBB define tall or very tall buildings at '8 storeys / 26 metres and above', not specifying whether this is for tall or very tall buildings. It is assumed, however, that this is the definition of a tall building, as p. 4 of EXAM 79 defines very tall buildings as being 15 storeys. Further, LBB should provide heights in metres from the ground to the floor level of the uppermost storey, in line with the wording in London Plan Policy D9.</p> <p>EXAM 34: Map 3E – Mill Hill East Area 1.6 The map supports EXAM 75 and does not include the Waitrose site within Site 47. As stated in Lichfield's response, there is a recognition that TfL and JLP could collaborate within the site allocation should it be extended, however, there would need to a recognition that they may have different delivery programmes and may come forward separately. This extension of the allocation is something which JLP would support.</p> <p>EXAM 75: LBB Note on Site Allocations 1.7 Para 191 confirms that the boundary of Site Allocation for Site 47 will not be revised to include the Waitrose site. It is accepted that any development that comes forward on either site should include scope for the optimisation of both Site 47 and the Waitrose site, as this would be both in line with London Plan policy D3 Optimising site capacity through the design-led approach.</p> <p>1.8 Para 193 suggests that heights of up to six storeys are acceptable, taking cues from the nearby Millbrook Park site. However, with regards to the tests required for additional height</p>	<p>There is no uncertainty about the definitions of tall and very tall buildings in the Local Plan. Definitions can be found in the supporting text for CDH04 and the Glossary. EXAM 16 has been produced to identify strategic policies whilst EXAM 79 has been prepared to provide responses to the questions raised by the Inspector with regards to the Local Plan's approach to tall buildings. The Council has carefully considered the wording of CDH04 to ensure consistency with London Plan Policy D9. Point 2 of EXAM 79 states Policy CDH04(d) also makes clear that all proposals for tall or very tall buildings (therefore irrespective of their location), need to be assessed in accordance with the impacts outlined in London Plan Policy D9 Part C as well as other relevant Local Plan policies. Through its responses and proposed modifications to CDH04 the Council has demonstrated that this approach is consistent with both the London Plan and the NPPF.</p> <p>The Council shows heights in both storeys and metres within CDH04 and supporting text. Para 6.18.4 explains what a storey is generally accepted as.</p> <p>EXAM 34: Map 3E – Mill Hill East Area The Council refers to its previous response to JLP with regards to Site 47. The Waitrose site is within the boundaries of the Mill Hill East Area where Policy GSS07 supports good suburban growth.</p> <p>EXAM 75: LBB Note on Site Allocations The Council refers to and relies upon its previous response to JLP with regards to Site 47. The Council sees merits in the comprehensive redevelopment of Site 47 with the adjoining site. This will help optimise densities and reduce the impact of construction on the area. The Council notes JLPs contradictory statement at para 1.10</p>

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		<p>(i.e. townscape hierarchy with its position next to the station, topography, urban condition, environmental conditions), the existing heights of the surrounding context should not be the benchmark for the maximum heights to come forward.</p> <p>1.9 Para 193 discusses the potential development around the station building, given its local listing. As with any planning application whereby the value of heritage assets could be altered by the presence of a proposed development, a full heritage statement should be submitted, in line with Historic England's The Setting of Heritage Assets (2nd Edition, 2017).</p> <p>1.10 The wording of the Site requirements should be altered to reflect that each site (in relation to Site 47, TfL owned land and the Waitrose site) should come forward independently, taking into account differing delivery programmes.</p> <p>EXAM 79 - LBB Note on Tall Buildings <i>Tall Buildings Outside of Strategic Locations</i></p> <p>1.11 JLP accept the LBB's desire to steer tall building development towards given locations is consistent with the London Plan Policy D9 part B. JLP also welcome that the LBB accept that other tall building locations may come forward where it has been demonstrated through analysis of criteria that an area can accommodate higher density development on specific sites, including tall buildings. This response acknowledges the High Court case R (LB of Hillingdon) v Mayor of London [2021] (see Question 2 and 3).</p> <p>1.12 This notion is not, however, reflected in the modifications to the policy drafting. It is recommended the drafting reflect that tall buildings could come forward outside the strategic locations identified in CDH04 subject to a detailed assessment of the LP D9(C) filters. This drafting would conform with the London Plan and relevant parts of the NPPF that seek to make effective use of land in urban areas.</p> <p>1.13 It is welcomed that the test of "exceptional circumstances" has been removed to demonstrate suitability for the Very Tall Buildings; however, the response to question 19 proposes the following redrafting of policy:</p> <p><i>Very Tall Buildings</i> <i>'Very Tall Buildings of 15 storeys or more are not acceptable outside a Growth Area identified as a strategic location in CDH04A.'</i></p> <p>1.14 This contradicts the stance taken elsewhere in the answer to Point 14 whereby the acceptance of Very Tall Buildings should still be taken on a case-by-case basis.</p> <p>1.15 The height threshold for Tall Buildings and Very Tall Buildings is not informed by a granular analysis of the local area. The lack of a robust evidence base affirms that these thresholds must form guidance to be tested through detailed planning assessments, rather than absolute parameters. We therefore recommend additional text recognising that there is</p>	<p>that development of the TfL site and Waitrose should come forward independently.</p> <p>EXAM 79 - LBB Note on Tall Buildings The Council welcomes this recognition by JLP that the Local Plan should be able to direct where tall buildings may be acceptable.</p> <p>It also welcomes the response of JLP to EXAM 79 Point 2. Point 2 of the Note states Policy CDH04(d) also makes clear that all proposals for tall or very tall buildings (therefore irrespective of their location), need to be assessed in accordance with the impacts outlined in London Plan Policy D9 Part C as well as other relevant Local Plan policies. This also accords with the decision of the Court in Hillingdon.</p> <p>EXAM 79 has been prepared to provide responses to the questions raised by the Inspector with regards to the Local Plan's approach to tall buildings. The Council has carefully considered the wording of CDH04 to ensure consistency with London Plan Policy D9. The Council considers that through its responses and proposed modifications to CDH04 it has demonstrated that this approach is consistent with both the London Plan and the NPPF.</p> <p>This contradicts JLPs earlier point about the Local Plan being able to direct where tall or very tall buildings should go. The Local Plan (as clarified by EXAM 79) through Policy CDH04 and the</p>

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		<p>scope for greater height where a full evidence base or where criteria-based assessment supports it.</p> <p>1.16 This approach was recently tested by the Planning Inspectorate at the Brent Local Plan Review. The January 2022 Report on the Examination of the Brent Local Plan found the Tall Building Policy BD2 to be sound (here).</p> <p>1.17 The adopted Brent Local Plan acknowledges “heights likely to be generally acceptable to the council”; however, paragraph 6.1.15 of the Brent Local Plan states: “There might however also be circumstances where the quality of design of a development and its impact on character is such that taller buildings in these locations could be shown by applicants to be acceptable”. Policy BD2 thus includes the necessary level of flexibility to support the planning application process, and the need to meet other policies of the development plan. This is consistent with the D9(C) and wider Framework approach we note above.</p> <p>1.18 We consider that the approach in the examination of the Brent Local Plan is sound and can be adopted by the LBB.</p> <p>Mill Hill East</p> <p>1.19 Question 12 refers specifically to Mill Hill. The inspector requests reasoning for why these areas have been excluded from potential tall building zones. In relation to Mill Hill East, the LBB state the “Mill Hill East and around Hendon Station is low to mid rise.” This statement is not specific evidence to demonstrate that the exclusion of the Site is Justified in accordance with the NPPF.</p> <p>1.20 The response to question 12 also implies that Mill Hill East is similar to North London Business Park, which is described as ‘predominantly two storey semi-detached and terraced housing. The site is remote from the nearest station, Arnos Grove which is located 2km to the south. The PTAL of the site ranges from a very poor 1b to a low 2. Tall buildings would not be in keeping with the suburban character of the area’.</p> <p>1.21 In contrast, Mill Hill East has a very mixed character, with prevailing scales at 6 storeys, plus large retail and/or commercial units such as the Site. The Site itself is also located approximately 70m from the nearest station. Higher density development on the Site has the potential to be complementary to the surrounding context. The representations made by Montagu Evans on behalf of JLP dated September 2022 sets out further justification for why the Site is appropriate for high density development, including the development of tall buildings.</p> <p>SUMMARY</p>	<p>Policies Map provides direction on locations that may be appropriate for Tall Buildings as well as those places i.e. not in the Growth Areas where Very Tall Buildings are not considered acceptable. Further proposed modifications to the supporting text for CDH04 will re-iterate the strategic importance of the Growth Areas, reflecting policies GSS01 to GSS06 in the Growth and Spatial Strategy section of the Plan.</p> <p>EXAM 79 Point 5 states that detailed urban design analysis and evidence will be required for tall buildings to establish if they are appropriate in principle and meet all of the policy tests. The Council considers that there are merits in adding this text as the first sentence of para 6.18.8.</p> <p>The Local Plan (as clarified by EXAM 79) through Policy CDH04 and the Policies Map provides direction on locations that may be appropriate for Tall Buildings and locations that may be appropriate for Very Tall Buildings.</p> <p>The Council refers to JLPs earlier point about the Local Plan being able to direct where tall or very tall buildings should go. Mill Hill East does indeed have a very mixed character that includes brownfield opportunities, existing residential, Green Belt and Conservation Area designations. This mixed character explains why it is neither a Growth Area nor a Strategic Location identified in CDH04 which may be appropriate for Tall Buildings. Policy GSS07 clearly states that Mill Hill East is an opportunity for good suburban growth and para 4.20.2 distinguishes it as different to locations such as Brent Cross and Colindale.</p>

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		<p>1.22 JLP welcomes the general thrust of the proposed changes by LBB to the emerging Local Plan; however, we recommend the following modifications to ensure that the plan is sound and is able to support the optimisation of the Site: • The policy drafting reflect that Tall Buildings and Very Tall Buildings <i>could</i> come forward outside the strategic locations identified in CDH04 subject to a detailed assessment of the LP D9(C) filters; Definitions of Tall Buildings and Very Tall Buildings to be provided in metres, not just storey heights, and should be in line with the wording of the London Plan (i.e. from the ground to the floor level of the uppermost storey). This should also take into account additional height for plant and/or lift overrun that should form an integrated part of the building design; Mill Hill East be identified as a location suitable for Tall Buildings.</p> <p>1.23 The policy as proposed would remain far more restrictive than the policy approach in D9 and would depart from the NPPF, because It seeks to prohibit tall buildings in specific locations and/or over a set height without: a) specific evidence, which is as a result not justified; or b) allowance for application of the LP D9(C) filters (which as a result is not in conformity with the London Plan or consistent with the NPPF approach to see effective use of land in urban areas and criteria-based approach to design excellence noted above).</p> <p>1.24 On behalf of JLP, thank you for providing the opportunity to comment on the LBB Notes. We trust the enclosed is a helpful response however, do not hesitate to contact us should the above need to be discussed further.</p>	
McCarthy & Stone	EXAM 51 Note on Affordable and Market Housing	<p>Thank you for the opportunity to comment on the Barnet Local Plan Examination in Public – Inspector led consultation. McCarthy Stone is the leading provider of specialist housing for older people. Please find below our comments, which specifically responds to changes proposed within EXAM 51, points 12, 13, 16 and 17. EXAM 51 - Point 12 - Policy HOU02 – Housing Mix - addition of criteria (g) (subject to other amendments) We support the introduction of the proposed wording to HOU02 identified under point 12 that states: ‘The council acknowledges that for Specialist Housing schemes supported by Policy HOU04 there may be a need for greater flexibility’ and the proposed amendment to para 5.5.4 that states ‘Specialist Housing schemes supported by Policy HOU04 will need to be given greater flexibility with regards to the application of the dwelling mix’. EXAM 51 - Point 13 – Policy HOU03 – clarification and / or explanation for 400m distance and the associated changes to PTAL with maps of 400m and 800m buffer zones, PTAL: when submitted and projections based on policy on position at end of Plan period</p> <p>We support deletion of policy HOU03 point a. and the confirmation that the council will support residential conversions ‘in locations that have a PTAL of 3 or more’. This amendment is proposed as ‘The council considers that justification for the 400 metre distance and the high PTAL of 5 or more within the Residential Conversions Study (EB_H_09) was not</p>	<p>The Council welcomes these supportive comments from McCarthy & Stone</p> <p>The Council considers that there are merits in retaining the 400 metre distance for Policy HOU04 on Specialist Housing.</p>

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		<p>sufficiently robust' and that 'the council therefore proposes to delete criterion (a) of policy HOU03, and amend the policy to refer to areas with a PTAL of 3+ in accordance with policy H1 of the London Plan'. Therefore, without this proposed modification the plan cannot be justified. Concern over HOU02 point a. the 400m distance threshold from a major or district town centre, had previously been expressed within our representation to the regulation 19 version of the plan, representation number REP249.</p> <p>EXAM 51 - Point 16 - Policy HOU04 – specialist housing, Table 8, reflecting on approach to care homes (see para 4.13.6 London Plan) Given our comments provided in representation number REP257 and the council's acknowledgement at page 14 of EXAM 51 that 'The council considers that HOU04 reflects its corporate priorities of providing specialist housing with particular regard to housing choices for older people, vulnerable people and people with disabilities', we advise that further modifications should be made to policy HOU04 in order to make the plan more robust and consistent with national policy in reflecting the need to deliver housing for older people.</p> <p>Paragraph: 001 Reference ID: 63-001-20190626 of the PPG Housing for Older and Disabled people states: "The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. Offering older people, a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of planmaking through to decision-taking".</p> <p>In addition, given the proposed changes to HOU03 and the councils acknowledgement made under point 13, page 12 of EXAM 51 that 'The council considers that justification for the 400 metre distance and the high PTAL of 5 or more within the Residential Conversions Study (EB_H_09) was not sufficiently robust' and that 'the council also acknowledges that HOU03(a) is unclear as to where the walking distance should be measured from (it should be the town centre boundary). Also it is realised that measuring a walking distance from the</p>	<p>The proposed changes (and reasons for making them) to Policy HOU03 (criterion a) as set out in EXAM 51 does not entail that the 400 metre threshold is removed from the Plan as it is used in several instances within the document. The Council refers to:</p> <p>Para 7.8.2 makes cross reference to London Plan (Policy E9 Retail, markets and hot food takeaways) supports restricting proposals for hot food takeaway uses that are within 400 metres of a school.</p> <p>Para 16.10.1 highlights that Major Public Transport Infrastructure sites are identified as within 400 metres of an existing or new public transport hub.</p> <p>Para 16.7.1 clarifies that town centre sites are included as those that are within 400 metres of a Town Centre boundary.</p> <p>The Council considers that the proposed modifications to HOU04(1) as set out in EXAM 51 help to improve the policy and that no further changes are merited.</p> <p>The Council refers to its previous response about the retention of the 400 metre threshold.</p>

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		<p>boundary of the town centre is 13 more problematic than simply assessing the PTAL score for a site. The council therefore proposes to delete criterion (a) of policy HOU03, and amend the policy to refer to areas with a PTALof 3+ in accordance with policy H1 of the London Plan'. We therefore recommend that point d of policy HOU04 is also amended to be consistent with the approach taken within to HOU03 (a). This would also be consistent with our original representation, REP257, that states : 'We also note the requirement in subclause 1 d) for specialist older persons' care facilities to be located within 400metres (0.25 miles) of a town or local centre. The respondents appreciate the benefits of being near town centres and understand how this facilitates the continued independence of older people and typically acquire sites within 0.5 miles (800 metres) of town and local centres. Both Companies have brought forward successful specialist older persons' housing developments within 0.5 miles of town and local centres and duly consider the requirement be within 0.25miles be both onerous and unjustified'.</p> <p>Recommendation: It is recommended that policy HOU04 is modified further to ensure the plan is justified and consistent with national policy and itself. The following proposed modification includes the modifications recommended on page 14 of EXAM51 and our proposed further modifications in red:</p> <p>1: Housing Choice for specialist older persons' housing and Ppeople with social care and health support needs The council will support proposals for specialist older persons' housing and housing for people with social care and health support needs which should :</p> <p>(a) In meeting an identified need and help people to live independently; (b) dDeliver specialist older persons housing as guided by the as defined by London Plan <u>Policy H13, and meet</u> the indicative benchmark of 275 new specialist older persons homes per annum and the tenure priorities set out in Table 8; (c) Demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area; (d) Be are within 400m walking distance Be in locations that have a PTAL of 3 or more and accessible to of local shops and easily accessible by public transport; (e) Provide adequate communal facilities including accommodation for essential staff on site; (f) Deliver affordable and accessible accommodation in accordance with London Plan policies H4, H5 and D7. (g) Support the remodelling of residential care homes to other forms of special accommodation in order to widen housing choice, support healthy and independent lives and to reduce over supply; and (h) ensure that vulnerable residents benefit from housing choice; and (i) ensure that additional residential care home provision is only supported when evidence of local need can be demonstrated</p> <p>EXAM 51 - Point 17 - Policy HOU04 – relationship with Policy CDH02 and M4(2) and M4(3) standards</p>	

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		<p>The council's response to Point 17 confirms that they propose to add a final sentence to HOU04 that states: 'All specialist housing proposals will be expected to meet the requirements of Policy CDH02 – Sustainable and Inclusive Design with regards to accessible and adaptable buildings as well as wheelchair user dwellings'. Policy CHD02 requires: 'f) All residential development is required to meet Building Regulation M4 (2) 'accessible and adaptable dwellings'. g) All major residential developments are required to provide 10% of new units as 'wheelchair user dwellings' in order to meet Building Regulation M4 (3)'.</p> <p>It should be recognised that the proposed changes in building regulations will require all homes to be built to part M4(2) of the Building Regulations. This will remove the need to reference this in the local plan and point f should be removed. Whilst we acknowledge that PPG Paragraph 003 Reference ID: 63-003-20190626 recognises that "the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support', the council should note that ensuring that residents have the ability to stay in their homes for longer is not, in itself, an appropriate manner of meeting the housing needs of older people. Adaptable houses do not provide the on-site support, care and companionship of specialist older persons' housing developments nor do they provide the wider community benefits such as releasing under occupied family housing as well as savings to the public purse by reducing the stress of health and social care budgets. The Healthier and Happier Report by WPI Strategy (September 2019) calculated that the average person living in specialist housing for older people saves the NHS and social services £3,490 per year. A supportive local planning policy framework will be crucial in increasing the delivery of specialist older persons' housing and it should be acknowledged that although adaptable housing can assist it does not remove the need for specific older person's housing. Housing particularly built to M4(3) standard may serve to institutionalise an older persons' scheme reducing independence contrary to the ethos of older persons and particularly extra care housing and this should be recognised within the plan.</p> <p>Recommendation We therefore do not feel that it is effective for policy HOU04 to make specific reference to policy CHD02 and this proposed change should not be taken forward. Thank you for the opportunity for comment.</p>	<p>At Point 17 of EXAM 51 the Council have responded to a request by the Inspector to clarify the relationship with Policy CDH02 and M4(2) and M4(3) standards. The Council has proposed the addition of a final sentence to HOU04 to emphasise the importance of meeting the requirements of Policy CDH02.</p>
Marstead Living	EXAM 51 Note on Affordable and Market Housing	<p>This Letter has been prepared by Avison Young on behalf of Marstead Living Limited/IBSA, the owners of the Watchtower House and Kingdom Hall (WTHKH) site in Mill Hill (site allocation ref. 49). Marstead Living has recently secured resolution to grant for full planning permission for the redevelopment of the WTHKH site for 185 homes, comprising 175 x Specialist Older Persons Housing (SOPH) units (use class C2) and 9 x conventional dwellings (use class C3) plus a community facility (ref. 22/0649/FUL). We have previously submitted representations at Regulation 18 and 19 stage, and Hearing Statements for the Examination in Public. This Letter sets out our comments with respect to the EXAM documents as relevant to our particular representations.</p>	

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	<p>EXAM 54 Note on CHW01 Community Infrastructure</p> <p>EXAM 75 Note on Site Allocations</p>	<p>EXAM 51 LBB Note on Affordable and Market Housing Point 12 - Policy HOU02 – Housing Mix - addition of criteria (g) (subject to other amendments) LBB has proposed modifications to Policy HOU02. We support the amendment to include “The Council acknowledges that for Specialist Housing schemes supported by Policy HOU04 there may be a need for greater flexibility” within the policy wording as we consider this provides clarity and improves the ability to meet the identified needs of the Local Plan.</p> <p>Point 16 - Policy HOU04 – specialist housing, Table 8, reflecting on approach to care homes (see para 4.13.6 London Plan) LBB has proposed modifications to Policy HOU04. As per our representations to the Regulation 19 consultation and within our Hearing Statement for Matter 3, we consider the structure and content of Policy HOU04 is muddled/confusing and, in our view, the Local Plan would be more effective if it contained a standalone policy to manage Specialist Older Persons Housing (SOPH) (as per the approach taken in the London Plan – Policy H13). This would better account for the scale of the need (significance) for this type of housing to meet local housing requirements going forward and allow it to better manage the distinct policy issues that this type of housing presents. Notwithstanding this, we remain of the view the policy is in general conformity with the London Plan (in respect to SOPH matters) and when read together with London Plan Policy H13 it provides an adequate policy basis to manage SOPH proposals. This is subject to noting London Plan Policy H13 is silent on the use class of SOPH (noting that this type of product can fall within use class C2 or C3). In order to ensure general conformity with the London Plan, we recommend that supporting text to Policy HOU04 adopts the same approach and therefore references to the use class of SOPH (such as at para 5.10.7 should be deleted).</p> <p>EXAM 54 LBB Note on CHW01 Community Infrastructure Point 9 Consider modification wording suggested by Avison Young in Hearing Statement for Matter 9. In our Hearing Statement for Matter 9 we set out that Policy CHW01 supports development that involves the loss or replacement of existing community facilities where a replacement facility is provided that is equivalent to or of better quality and meets the needs currently met by the existing facility. With specific reference to the particular circumstances associated with Site Ref. 49, in order to avoid unnecessary uncertainty in the determination of applications, we consider that in order for the policy to be effective, the policy/supporting text should be modified to confirm that the loss of existing community infrastructure will be permitted in instances where this is replaced off-site (including out-of-borough) where this would better address specific community needs (including as part of an estate rationalisation strategy). Without modification, the policy could unintentionally prejudice the delivery of otherwise appropriate redevelopment sites and jeopardise their ability to meet the identified needs of the Local Plan. As part of our Hearing Statement we set out suggested modifications to Policy CHW01 which would resolve this issue (new wording in red/deletions stuck through):</p>	<p>The Council welcomes these supportive comments from Marstead Living on EXAM 51</p> <p>The Council considers that the proposed modifications to HOU04 as set out in EXAM 51 help to improve the policy and that no further changes to the policy and supporting text are merited.</p> <p>EXAM 54 has been prepared to provide responses to the questions raised by the Inspector with regards to the Local Plan's approach to Community Infrastructure. The Council considers that through its responses and proposed modifications to CHW01 it has demonstrated that this approach is consistent with both the London Plan and the NPPF. It therefore proposes no further modifications to CHW01.</p>

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		<p><i>“Development (including change of use) that involves the loss or replacement of existing community facilities / services will be permitted if:</i></p> <ul style="list-style-type: none"> • <i><u>A the replacement facility is provided (either on site or in a suitable alternative location) which is equivalent to or of better quality and meets the needs currently met by the existing facility, or</u></i> • <i>it has been demonstrated that the facility is no longer required in its current use and that it is not suitable and viable for any other forms of social infrastructure for which there is a defined current or future need identified in the Infrastructure Delivery Plan.</i> <p><i>In determining applications the Council will consider the loss of community facilities as part of a wider public service transformation plan <u>and/or other institution estate rationalisation programmes</u> which requires investment in modern, fit for purpose infrastructure and facilities.”</i></p> <p>LBB has accepted our proposed second modification (to MM209) which we support. With respect to the first proposed modification, we remain of the view this would provide greater clarity to enable appropriate redevelopment sites to come forward and meet the identified needs of the Local Plan.</p> <p>EXAM 75 LBB Note on Site Allocations (updated 170323) Site 49: Watch Tower House & Kingdom Hall (Mill Hill Growth Area) LBB has proposed modifications to the Site Allocation for Site 49 to reflect the application (ref. 22/0649/FUL) was reported to the Council's Strategic Planning Committee on 18th January 2023 and the committee resolved to approve the application. We consider the modifications are appropriate and agree with the Council's view that the site is deliverable, with a development timeframe of 0-5 years.</p> <p>We trust that the above comments are clear and helpful. We look forward to receiving updates with respect to the progression of the Local Plan. Please do not hesitate to contact me should you require any additional details, or should you wish to discuss any of the above, at this stage.</p>	<p>The Council welcomes this confirmation of delivery from Marstead Living</p>
<p>NW2 Residents Association</p>	<p>EXAM 75 Note on Site Allocations</p> <p>EXAM 90 – Note on Housing & Employment Land</p>	<p>Site capacities</p> <p>Regarding Site 7 (Bingo Hall / “Beacon Bingo”) and Site 8 (Broadway Retail Park / “B&Q site”), we endorse the reductions in indicative capacity per <i>EXAM 75 - LBB Note on Site Allocations (updated 170323)</i>. We argued in our representations and at the Examination that <i>inter alia</i> the indicative capacities relied on inappropriate categorisation of the district when using the density matrix and LBB offered no defence of them. We note that the indicative capacities still depend in part on a generous PTAL and could be reduced further. The principle of reducing capacities due to the constraint of the neighbouring Conservation Area is appropriate and realistic with regards to the evaluation of any planning applications for the sites. The revised figures offer development that could be achieved with heights, scale, density and massing that would not be so inappropriate and harmful as in the planning</p>	<p>The Council welcomes these supportive comments from the NW2 Residents Association for the proposed modifications to sites 7 and 8 as set out in EXAM 75.</p>

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	<p>EXAM 27- Note on Local Plan Mapping</p> <p>EXAM 31 - Map 3B - Cricklewood Growth Area.</p> <p>EB_ SoCG_19 BXSLP and Habrdn</p> <p>EXAM 17 - Note on Town Centre Uses & Terminology.</p> <p>EXAM 79 - Note on Tall Buildings</p>	<p>application called in by the Secretary of State and accord with the many comments from the public, in consultations on that application, that development should be on about half that scale.</p> <p>Growth Area capacity At the Examination, discussion of Growth Area GSS04 preceded discussion of the two sites which provide much of its indicative capacity, Site 7 (Bingo Hall / "Beacon Bingo") and Site 8 (Broadway Retail Park / "B&Q site"), but the inspector confirmed that GSS04's capacity could be revisited depending on any changes to those sites. The reductions in indicative capacity for those sites total 481. It was not clear then precisely how the figure of 1,400 for GSS 04 was reached. Since then, EXAM 36 - LBB Note - Housing Numbers provided these figures in Table AA Bingo Hall 133 Broadway Retail Park 1010 1-13 Cricklewood Lane 145 194-196 Cricklewood Broadway 96 Uplift 50 Total 1434</p> <p>The "Uplift" was described thus: "Uplift of 50 has been added in Phase 3 to reflect town centre windfall arising from implementation of Local Plan policies". We can find no further explanation of this uplift and see no justification for it. The capacity of GSS 04 with the modifications of Exam 75 should be 901. Bingo Hall 77 Broadway Retail Park 583 1-13 Cricklewood Lane 145 194-196 Cricklewood Broadway 96 Total 901</p> <p>Map We are pleased to see the map of GSS04 corrected by the removal of the wrongly included Railway Terraces allotments and Campion Terrace, as discussed at the Examination (Exam 27 Barnet Local Plan EIP – Note on Local Plan Mapping and EXAM 31 221110_Map 3B - Cricklewood Growth Area).</p> <p>Statement of Common Ground EB_ SoCG_19 BXSLP and Habrdn (Statement of Common Ground between London Borough of Barnet (LBB) And Brent Cross South Limited Partnership (BXS LP) November 2022) had in November 2022 "New homes will be directed to the following locations: a) Growth Areas (23,300 homes): ... • Cricklewood Town Centre – 1,400 homes (Policy GSS04)" If a new SoCG reflecting changes to the Local Plan is required, those figures should be among those changed.</p>	<p>Inspector Wildgoose requested provision of a note addressing how housing numbers (anything covered by a GSS policy with a requirement to deliver in it) have been arrived at (with reference to the density matrix where appropriate) and how they contribute towards overall provision. EXAM 36 sets out the assumptions behind the indicative capacities for the site proposals in the Plan. EXAM 36 does not set out any modifications to the Plan and was produced at an early stage of the EIP Hearings.</p> <p>EXAM 90 represents the most recent Note requested by the Inspectors and reflects the latter stages of the EIP hearings.</p> <p>EXAM 90 shows modifications to Policies GSS01 and GSS04 with regards to expectations of housing delivery from the Cricklewood Growth Area. This has been reduced from a total of 1,400 units in the lifetime of the Local Plan down to 900 units reflect rounding down and reduced indicative capacities at Proposal Sites 7 and 8 together with removal of the town centre windfall uplift in years 11 to 15.</p> <p>The Council welcomes these supportive comments for the map at EXAM 31.</p> <p>Proposed modifications to GSS04 in terms of housing numbers are set out at EXAM 90 which is a more recent document than EB_SoCG_19.</p>

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		<p>District We welcome the clarification of Cricklewood's District status in EXAM 17 - LBB Note on Town Centre Uses & Terminology.</p> <p>Very Tall Buildings Regarding EXAM 79 - LBB Note on Tall Buildings (updated 170323), in the light of the more reasonable and appropriate determination of Cricklewood's character and the capacities of Site 7 (Bingo Hall) and Site 8 (Broadway Retail Park), we see it as quite unnecessary, inappropriate and even unhelpful to potential developers to envisage that Very Tall Buildings might be appropriate in the Cricklewood Growth Area. This however is the effect of the argument in section 19 of Exam 79 and seems to be the effect of that proposed modification and Exam 79 Table A, though the latter only makes reference to suitability for Tall Buildings. We hope that this is a drafting error or our own misconstrual due to some failure of ours to correctly cross-reference policies, annexes and modifications. It should be clear within the Local Plan that Cricklewood Growth Area and its constituent sites are not appropriate locations for Very Tall Buildings.</p> <p>Balance We are pleased to see intimations of a more collaborative approach to planning for Cricklewood between the London Boroughs of Barnet, Brent and Camden. The proposed modifications seem to us to offer a less pre-emptive basis for balanced development that responds to local and London-wide needs.</p>	<p>The Council welcomes these supportive comments about Terminology.</p> <p>Although Cricklewood Growth Area remains a strategic location where 'Very Tall' buildings of 15 storeys or more may be appropriate it does not constitute an automatic green light for proposals of such height. CDH04 will ensure proposals for Tall and Very Tall Buildings must adequately address the criteria in London Plan policy D9C in terms of acceptable cumulative visual, environmental and functional impacts including siting, microclimate, wind turbulence, noise, daylight and sunlight, reflective glare, aviation, navigation and electronic communication or broadcast interference.</p> <p>The Council welcomes these supportive comments about collaboration.</p>
TfL TTP	<p>EXAM 32 – Map 3C – Edgware Growth Area EB_SoCG_22</p> <p>EXAM 33 – Map 3D – Colindale Growth Area</p> <p>EXAM 75 – Note on Site Allocations</p> <p>EXAM 34 – Map 3E – Mill Hill East Area</p>	<p>Thank you for inviting us to comment on the Examination documents that the Council has prepared to address the Inspectors' requests set out within their Action Lists from each week of hearing sessions. These are: EXAM11; EXAM13 to EXAM19; EXAM21; EXAM23 to EXAM40; EXAM42 to EXAM137 and additional / updated Statements of Common Ground: EB_SoCG_07; EB_SoCG_18; EB_SoCG_19; and EB_SoCG_20.</p> <p>We provide our comments on the documents that are relevant to our housing and commercial development programmes in the following pages. Our response refers to a number of submissions we have previously made in connection with the Local Plan Examination, including:</p> <ul style="list-style-type: none"> • Statement of Common Ground (EB_SoCG_14) • TfL CD Reg 19 representations letter dated 6 August 2021 • Letter responding to Inspectors' Matters, Issues and Questions dated 6 September 2022 • Private and confidential letter on TfL TTLP homes programme capacity and timescales dated 30 November 2022 • Email setting out TfL TTLP site capacity and delivery for housing trajectory dated 20 December 2022 <p>TTLP</p>	<p>The Council's response to this extensive submission for TfL TTP is provided at the sections relating to EXAM documents.</p>

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	<p>EXAM 75 – Note on Site Allocations</p> <p>EXAM 14a – Theresa Villiers MP Statement</p> <p>EXAM 36 – Note - Housing Numbers</p>	<p>As we explained in our Private and Confidential (P&C) letter of 30 November 2022 (setting out further details of our housing programme to assist you in compiling your housing trajectory), Transport for London (TfL) has set up a dedicated commercial property company, Transport Trading Limited Properties Limited (TTLP), to deliver housing and jobs in high demand areas and provide an increased revenue stream, and also to manage its commercial estate and undertake other development projects in London. TTLP has superseded TfL Commercial Development. Please note that our response below is the view of TfL TTLP in its capacity as a significant landowner in the borough only and is separate from any representations that may be made by TfL in its statutory planning role and / or as the strategic transport authority for London. Our colleagues in TfL Spatial Planning have provided a separate response to this consultation in respect of TfL-wide operational and land-use planning / transport policy matters as part of their statutory duties.</p> <p>Concluding Remarks We trust that our response is helpful to the Council and to the Examination Inspectors. If it would be helpful to discuss any of the issues we have raised or if any further clarification is needed, please do not hesitate to contact me.</p> <p>Our comments are set out below, starting with the maps and followed by other EXAM docs that are relevant to our landownership and development projects.</p> <p>EXAM 32 – Map 3C – Edgware Growth Area We understand that a Statement of Common Ground (SoCG) with Barnet Council has been agreed and is to be signed imminently on behalf of our conditional Joint Venture (JV) with Ballymore for the development of the station and town centre sites (allocation Nos. 27 and 28). The SoCG identifies areas of agreement and disagreement between the parties with regards to the draft Local Plan, including the post EiP EXAM documents. Therefore, we rely on the SoCG for comments on this document.</p> <p>EXAM 33 – Map 3D – Colindale Growth Area For the reasons set out below (and expressed at the EiP), we consider that the Colindale Station site should be a site allocation. Given the critical role of the site in providing for the transport and access needs of the Growth Area, as well as its potential to deliver new homes and affordable housing, and upgrade Colindale Avenue, the Colindale Station site allocation should be annotated on the Growth Area map.</p> <p>EXAM 34 – Map 3E – Mill Hill East Area For the reasons set out below, we consider that allocation No. 47 (Mill Hill East Station) should be extended to include both 51 Bittacy Hill (located to the north of the railway tracks) and land in ownership of the John Lewis Partnership (JLP) to the south in order to enable a more comprehensive development opportunity. The map should reflect this. We have</p>	<p>EXAM 32 – Map 3C – Edgware Growth Area According to the SoCG (EB_SoCG_22) there are no areas of disagreement.</p> <p>EXAM 33 – Map 3D – Colindale Growth Area The Council has set out its position on Colindale Station at para 114 of EXAM 75 and remains of the view that instead of a site allocation there is sufficient scope through the wider policies of the draft plan to support redevelopment coming forward, subject to a satisfactory balance of planning considerations.</p> <p>EXAM 34 – Map 3E – Mill Hill East Area The Council refers to its responses to JLP's consultants with regards to any extension to Site 47.</p>

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		<p>previously made submissions on these grounds including at the EIP and in our Private and Confidential (P&C) letter of 30 November 2022.</p> <p>EXAM 14a – Theresa Villiers MP Statement At High Barnet Station (allocation No. 44) the reduction in the number of commuter car parking spaces and the viability of development is queried. TfL Spatial Planning address the development of station car parks in their response at paragraphs 9 to 13. We agree with their response and can confirm that the number of replacement commuter car parking spaces within a mixed-use scheme would be based on car park usage and user surveys, and the ability of existing users to transfer their journeys to the station to more sustainable public transport and active travel modes (mainly walking and cycling). We will provide sufficient parking for people with disabilities. We strongly believe that there is a viable housing-led, mixed-use scheme for this site. Our previous, prospective development partner withdrew in the early stages of the Covid pandemic as they realigned their business in London. We are now working with another prospective partner and have recommenced pre-application discussions with the Council for a scheme delivering a quantum of development which accords with the draft site allocation (Site 44). These discussions have been positive.</p> <p>Exam 36 – LBB Note - Housing Numbers Following the EIP hearings, we assisted the Council by providing further information in respect of the capacity and delivery of TfL / TTLP sites in our P&C letter of 30 November 2022 and email of 20 December 2022 with accompanying housing trajectory table. Based on this information we have the following comments in respect of housing numbers: Edgware Policy GSS05 (page 7)</p> <ul style="list-style-type: none"> • <i>Site 27 – Edgware Town Centre:</i> Please see the Ballymore Group / TfL / Barnet Council SoCG for comments on this part of the policy. • <i>Site 28 – Edgware Underground and Bus Stations:</i> Please see the Ballymore Group / TfL / Barnet Council SoCG for comments on this part of the policy. <p>Colindale Policy GSS06 (page 8)</p> <ul style="list-style-type: none"> • <i>Colindale Station:</i> Planning permission 19/0859/OUT has now expired and we are therefore seeking an allocation in the Local Plan for this site. The figure of 313 units is now correct (replacing the previous incorrect figure of 303) and we consider this remains achievable given the previously consented scheme for this number of homes. <p>Mill Hill East Policy GSS07 (page 9)</p> <ul style="list-style-type: none"> • <i>Site 47 – Mill Hill East Station:</i> We consider the Council's suggested capacity of 126 homes is an underestimate. As set out in our P&C letter of 30 November 2022, we consider that the allocation (plus 51 Bittacy Hill, which we have suggested should be included within the allocation) has the capacity for around 200 new homes, informed by what has been achieved at Millbrook Park, nearby. This could increase with the addition of the JLP land to this allocation. <p>Chipping Barnet Policy GSS08 (page 11)</p>	<p>EXAM 14a – Theresa Villiers MP Statement The Council's position on Site 44 is set out in EXAM 75.</p> <p>EXAM 36 – LBB Note - Housing Numbers The Council welcomed the contribution of TTLP to revising the Housing Trajectory (EXAM 87).</p> <p>Inspector Wildgoose requested provision of a note addressing how housing numbers (anything covered by a GSS policy with a requirement to deliver in it) have been arrived at (with reference to the density matrix where appropriate) and how they contribute towards overall provision. EXAM 36 sets out the assumptions behind the indicative capacities for the site proposals in the Plan. EXAM 36 does not set out any modifications to the Plan and was produced at an early stage of the EIP Hearings. The Council do not intend to update EXAM 36.</p> <p>The use of the superseded London Plan density matrix to inform the densities for the site allocations has been agreed as being an acceptable approach by the EIP Inspectors, and this is what has been consistently applied across the other sites within the schedule.</p> <p>EXAM 75 is the document that sets out proposed modifications to Site Allocations.</p>

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		<ul style="list-style-type: none"> • <i>Site 44 – High Barnet Station:</i> We agree with capacity for 293 new homes, which reflects positive discussions with the Council for redeveloping this site. <p>Finchley Central Church End Policy GSS08 (page 12)</p> <ul style="list-style-type: none"> • <i>Site 30 – Finchley Central Station:</i> The Council's site capacity for 540 new homes is slightly below what we consider may be achievable (we have previously said approximately 550+), however, this is only a minor discrepancy. In EXAM 75 (Site Allocations) the Council refers to the site "<i>being able to accommodate 556 residential units</i>" (para 173). <p>East Finchley Policy GSS08 (page 15)</p> <ul style="list-style-type: none"> • <i>Site 24 – East Finchley Station car park:</i> We have not recently undertaken any feasibility work at this site and do not demur from the 135 homes capacity. • <i>Site 25 – East Finchley substation:</i> This is a site formerly owned by TfL. We understand that a planning appeal has recently been allowed for mixed-use development including retail and offices and <i>nine</i> new homes. The permitted nine new homes provides a more realistic capacity than the 29 currently stated in EXAM 36. Please also see our comments on this site in respect of EXAM 75 below. <p>Whetstone Policy GSS08 (page 19)</p> <ul style="list-style-type: none"> • <i>Site 53 – Allum Way:</i> For the reasons set out in our P&C letter of 30 November 2022, we consider the 599 homes capacity to be a significant underestimate if train stabling is not required at this 4.27ha site with high PTAL. Recent discussions with planning officers suggest capacity for 700 – 800 new homes if stabling is not required. <p>Existing Public Transport Nodes Policy GSS09 (page 20)</p> <ul style="list-style-type: none"> • <i>Site 55 - Woodside Park Station East:</i> We consider the 96 homes capacity set out in EXAM36 to be the minimum for this site. • <i>Site 56 - Woodside Park Station West:</i> For the reasons set out in our P&C letter of 30 November 2022, based on the site's constraints, we consider that realistic site capacity here (including the 86 permitted homes already being built) would be 267 new homes (as opposed to 356 set out in EXAM36). Please note that planning permission 19/4293/FUL permits 86 self-contained flats (not 96 as stated in EXAM36); this is a Pocket Living, 100% affordable housing scheme on TfL land. <p>Major Thoroughfares Policy GSS11 (pages 22-23)</p> <ul style="list-style-type: none"> • <i>Site 31 – Brentmead Place:</i> We agree with capacity for approximately 46 new homes. • <i>Site 50 – Watford Way:</i> We agree with capacity for approximately 105 new homes; however, given the size of the site, we would consider this to be a likely minimum. • <i>Land West of Beechwood Avenue:</i> please note that this completed scheme on former TfL land has delivered 97 new homes as consented by planning permission 18/6355/FUL (not 87 units as stated in EXAM 36). <p>EXAM 51 – LBB Note on Affordable and Market Housing</p>	<p>The Housing Trajectory EXAM 87 will be updated with regards to Site 25 - East Finchley Substation.</p>

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		<p>Page 4: TTLP supports the Point 1 modification to para 4.4.5 with regards to making a clearer connection with meeting the Borough's objectively assessed housing need and its ambition to meet and then <i>exceed</i> the London Plan housing target for the borough. Pages 4 – 5: TTLP also supports the Point 2 modifications to policy HOU01 to bring affordable housing policy into line with the London Plan, including applying the Threshold Approach to Applications.</p> <p>Page 6: We also support (and had previously requested) the additional clarification in paragraph 5.4.10, specifically the references to public land affordable housing portfolio agreements with the Mayor. This will assist TfL TTLP and other public land owners to optimise affordable housing provision on different sites to aid viability and deliverability of schemes across the portfolio and achieve the 50% affordable housing requirement.</p> <p>Page 7: We support changes to paragraph 5.4.11, in particular the expectation that the percentage of affordable housing on a scheme should be measured in habitable rooms to ensure that a range of sizes of affordable homes can be delivered, including family-sized homes. This accords with the London Plan.</p> <p>Page 19: TTLP is happy with the Council's policy GSS01 approach to Build to Rent (BtR) ie. following the approach set out in London Plan policy H11 – Build to Rent. We also concur with the Council's view that this is a form of development / tenure that is particularly suited to higher density development within or on the edge of town centres or near transport nodes (paragraph 4.8.4A). The recognition that BtR can contribute to faster build out rates is also agreed.</p> <p>Exam 57 – LBB Note on GSS11 Major Thoroughfares and GSS12 Redevelopment of Car Parks</p> <p>Page 3: TTLP supports the new paragraph 4.26.7 additional references to the Healthy Streets approach and to significant improvements in air and noise quality as well as PTAL forming an important consideration in unlocking development opportunities along the TLRN / Major Thoroughfares. The recently completed Kurokatawa scheme at Edgewood Mews, on former TfL land adjacent to the A406, is an exemplar scheme in that respect. We also support the additional last paragraph to Policy GSS11 which covers the same ground.</p> <p>EXAM 58 - REVISED Affordable Housing Delivery Table</p> <p>We recognise that the Council has only assumed a 50% contribution to affordable housing from all sites in public ownership for the purposes of calculating the future delivery of affordable homes in the borough. Nevertheless, for the avoidance of doubt, we confirm that all of the available TfL TTLP sites in the borough that are within the portfolio agreed with the Mayor will be capable of delivering between 35% and 100% affordable housing, subject to balancing our portfolio at 50%. We have a number of comments on specific sites within Table AA. These are subject to the caveat above that 50% affordable housing is for the purposes of calculating overall affordable housing delivery only and that actual delivery on any one of our sites in the borough may vary between 35% and 100%.:</p> <ul style="list-style-type: none"> • <i>Colindale Station</i>: the Council relies on the now expired 2020 planning permission. However, it makes the incorrect assumption that the scheme would deliver 145 new affordable homes. In fact the permission was for 313 new homes with 50% affordable housing and therefore the number of new affordable homes should be given as 156. 	<p>EXAM 51 – LBB Note on Affordable and Market Housing</p> <p>The Council welcomes these supportive comments on EXAM 51.</p> <p>EXAM 57 – LBB Note on GSS11 Major Thoroughfares and GSS12 Redevelopment of Car Parks</p> <p>The Council welcomes these supportive comments on EXAM 57.</p> <p>EXAM 58 - REVISED Affordable Housing Delivery Table</p> <p>Inspector Wildgoose requested provision of a Table (with explanation) considering the gross margin of affordable housing when comparing 35% provision to the 10,600 home target over plan period to show theoretical margin over minimum of 10,600. This Table should seek to demonstrate that, subject to viability issues, capacity to meet target via 35%.</p> <p>EXAM 58 provides this Affordable Housing Delivery Table. It does not set out any</p>

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		<ul style="list-style-type: none"> • <i>Site 25 – East Finchley substation:</i> The permission granted on appeal includes nine new homes within a mixed-use development. The number of new affordable homes should therefore be reduced to a maximum of five. • <i>Sites 27 and 28 – Edgware Town Centre:</i> Please see the Ballymore Group / TfL / Barnet Council SoCG for comments on this. • <i>Site 30 – Finchley Central Station:</i> While we are comfortable with the figure of 278 new affordable homes if the whole of the site was to be redeveloped (and 50% affordable provided – see caveat above), we note that it is inconsistent with the Exam 36 – Housing Numbers note (please see our comments above). • <i>Land West of Beechwood Avenue:</i> This completed scheme on former TfL land has delivered 97 new homes as consented by planning permission 18/6355/FUL, 50% of which are affordable. The number of new affordable homes should therefore be increased to 48. • <i>Site 31 – Brentmead Place:</i> We agree (subject to portfolio caveat above). • <i>Site 44 – High Barnet Station:</i> We agree (subject to portfolio caveat above). • <i>Site 47 – Mill Hill East Station:</i> As per our representations in respect of EXAM 36, we consider the Council's suggested capacity of 126 homes at this site to be an underestimate. On the basis we suggest above (200 homes), 50% affordable provision could amount to 100 new affordable homes at this site. • <i>Site 50 – Watford Way:</i> We agree (subject to portfolio caveat above). • <i>Site 53 – Allum Way:</i> Site allocation No. 53 combines three adjacent sites, only one of which is in public ownership (the land owned by TfL). Therefore, the expected % of affordable housing should not be 50%, but should be a blended figure. As per our representations in respect of EXAM 36, we consider the Council's suggested capacity of 599 homes to be an underestimate. In any case, Table AA sets a much lower figure of only 444 new homes (with 222 affordable). The number of new affordable homes estimated here should be calculated based on a blended % and consistent with EXAM 36 and also the EXAM 86 updated Housing Trajectory and other relevant EiP / Local Plan documents. • <i>Site 55 - Woodside Park Station East:</i> The estimated number of affordable homes delivered on this site (44) is inconsistent with EXAM 36, which says there is capacity for 96 homes (a figure that we consider could be exceeded). • <i>Woodside Park Station West planning permission:</i> We agree; the site is currently being developed as 86 affordable homes (100%). • <i>Site 56 - Woodside Park Station West:</i> For the reasons set out in our EXAM 36 representations above, we consider that the remainder of Site 56 has the capacity for 181 new homes (in addition to the 86 homes permitted and currently being built). Assuming 50% affordable provision, this part of the site could deliver 90 affordable homes (not 135). We hope that these comments are helpful and that they will assist the Council in refining its calculation of the future delivery of affordable homes in the borough. <p>EXAM 75 – LBB Note on Site Allocations We provide our comments in the order they are addressed in this document and discussed at the EiP hearings. Site 27 - Edgware Town Centre (Edgware Growth Area) Please see the Ballymore Group / TfL / Barnet Council SoCG for comments on this. Site 28 - Edgware Underground & Bus Stations (Edgware Growth Area)</p>	<p>modifications to the Plan and was produced at an early stage of the EIP Hearings. The Council do not intend to update EXAM 58 but welcome the clarifications provided by TTLP.</p> <p>EXAM 75 – LBB Note on Site Allocations The Council has set out its position on Colindale Station at point 114 of EXAM 75 and remains of the view that instead of a site allocation there is sufficient scope through the wider policies of the draft plan to support redevelopment coming</p>

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		<p>Please see the Ballymore Group / TfL / Barnet Council SoCG for comments on this. Colindale Station</p> <p>In their Week 4 Actions Note (EXAM 41), the Inspectors asked the Council to: <i>“Include consideration of TfL request for further allocation at Colindale station. Consider delivery and implications of infrastructure delivery options for plan.”</i></p> <p>As the Council has pointed out, TfL has worked with them to secure Levelling Up funding which will be combined with S106 monies to enable us to deliver the new station building and step free access. Both parties agree that the station works can be delivered via transport-related Permitted Development Rights.</p> <p>However, this site will not only deliver new and improved transport infrastructure. In addition to the station, both the Council and TfL also wish to see adjoining land comprehensively redeveloped to deliver new homes in an accessible and sustainable location, and also to provide an improved townscape and public realm setting for Colindale Avenue which links different parts of the Colindale Action Area. The Council's aspirations for this site include redevelopment up to the corner with Pasteur Close and achieving this will require acquisition of third party land, potentially requiring Compulsory Purchase Order (CPO).</p> <p>The Council has not allocated this site, principally on the basis that "... given the existence of the outline planning consent (19/0859/OUT), the site does not merit a specific allocation within the Local Plan, as there are sufficient residential numbers provided by the current schedule of site proposals". However, this is no longer the case; it important to note that this planning permission, dated 10 March 2020, has now expired and is no longer extant.</p> <p>The Council has reiterated its ambition to meet and then exceed the London Plan housing target for the borough (please see modifications to paragraph 4.4.5 and page 4 of EXAM 51). To achieve this, the Council relies on planning permissions and allocated sites. The 10 March 2020 Colindale planning permission is relied upon to meet the Council's targets for housing and affordable housing delivery in the draft Local Plan and a number of EiP documents including EXAM 51 (LBB Note on Affordable and Market Housing), EXAM 58 (Revised Affordable Housing Delivery table) and EXAM 87 (Revised Housing Trajectory). Now that the planning permission has expired, it is essential for the site to be allocated as it is an important component of the Local Plan's housing supply and housing trajectory which is capable of delivering 50% affordable housing.</p> <p>In the context of the potential need for CPO, the NPPF is clear that LPAs should take a proactive role in identifying land to meet development needs and assist in land assembly. Paragraph 35 says:</p> <p><i>“Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.”</i></p> <p>We ask the Council to take this pro-active approach in order to identify this land in the Local Plan as suitable for meeting the borough's development needs.</p> <p>Although the Council has adopted the Colindale Underground Station Supplementary Planning Document (SPD) we consider that it would help to strengthen the planning position,</p>	<p>forward, subject to a satisfactory balance of planning considerations.</p>

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		<p>including CPO, if the site benefitted from the additional weight that can be accorded to a site allocation within the adopted Local Plan. In our view, this should reflect the site and capacity of development that has been granted planning permission.</p> <p>Our position on this has also previously been set out in our Reg 19 representations (letter dated 6 August 2019), responses to Inspectors' Matters, Issues and Questions (letter dated 6 September 2022, also including a proposed site allocation boundary plan), information on the TfL TTLP homes programme capacity and timescales (P&C letter dated 30 November 2022) and in evidence given at the EIP.</p> <p>Site 24 - East Finchley station car park The Council suggests adding a requirement / guideline to mitigate the loss of the existing community garden through equivalent or improved re-provision. As explained at the EIP, the community garden is located outside of the site allocation boundary and we have no intention to remove or disturb it. Therefore we suggest a small amendment (additional / altered text in red): If development extends beyond the allocation boundary, proposals should protect mitigate the loss of the existing community garden or mitigate its loss through equivalent or improved re-provision, that is accessible to the community.</p> <p>Site 25: East Finchley Substation As above, we understand that the mixed-use scheme which could deliver nine homes as part of a retail and office scheme has been allowed on appeal. However, we agree with the Council that this would not preclude future schemes coming forward with a greater level of residential provision than the appeal scheme.</p> <p>Site 30: Finchley Central Station (Finchley Central/ Church End Town Centre) The Inspectors asked the Council to: <i>"Liaise with TfL regarding the design led approach that has informed calculation of the unit number and clarify the intended distribution of development across different parts of the site. Consider whether assumptions achievable. Review boundary to the site to ensure roadway running between west and east is included. Consider whether suitable for Very Tall buildings. Consider whether amendment required to remove text in brackets from MM359."</i> We agree that the site boundary plan should be amended to include Regents Park Road / Ballards lane running between the east and west sections of the site. We also support the removal of the text in brackets from MM359. The Council has not provided any further consideration of whether the site is suitable for Very Tall Buildings. We maintain our contention that the site allocation should be sufficiently flexible to enable the possible provision of both tall and very tall buildings that may be required to achieve the allocated density of development and for a viable scheme. Please see our representations on this matter in our Reg 19 representations letter (6 August 2021) and particularly in our letter responding to Inspectors' Matters, Issues and Questions dated 6 September 2022 (page 9).</p> <p>Site 55: Woodside Park Station East The Inspectors asked the Council to:</p>	<p>Site 24 - East Finchley station car park The Council acknowledges the merits of this small amendment to Site 24 under <i>Site requirements and development guidelines</i></p> <p><u>If development extends beyond the allocation boundary, proposals should protect mitigate the loss of the existing community garden or mitigate its loss through equivalent or improved re-provision, that is accessible to the community.</u></p> <p>Site 25: East Finchley Substation The new planning consent will be reflected in further modifications to Site 25 and an update to the Housing Trajectory.</p> <p>Site 30: Finchley Central Station The changes to the boundaries of Site 30 will form part of the revised Changes to the Policies Map document that will be published at Proposed Modifications stage.</p> <p>EXAM 79 has been prepared to provide responses to the questions raised by the Inspector with regards to the Local Plan's approach to tall buildings. The Council considers that through its responses and proposed modifications to CDH04 it has demonstrated that this approach is consistent with both the London Plan and the NPPF.</p> <p>Site 55: Woodside Park Station East</p>

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		<p><i>“Liaise with TfL on any design led work that informed capacity. Further justification for allocation, assumptions and deliverability required. Clarify any relationship with the planning permission 19/4293/FUL (southern part of site 56).”</i></p> <p>We note a minor discrepancy in the indicative site capacity which is given as 95 homes here but 96 in EXAM 36. We note the Council's comments on capacity and would simply say that we / our partner / appointed developer will prepare a scheme which optimises the potential of the site in relation to the local context.</p> <p>Site 56 - Woodside Park Station West The Inspectors asked the Council to: <i>“provide further justification on development and assumptions of northern part, liaising with TfL on early design work to mitigate any impacts to trees and access, including the footbridge over the Northern line.”</i></p> <p>We agree the Council's overall capacity of 270 homes for this site allocation (86 already permitted plus a further 184 on vacant land to the north). This accords with our P&C letter of 30 November 2022 and email of 20 December 2022. We also agree the other suggested modifications to the development guidelines in terms of loss of trees and mitigation. The Council's comments on access and potential modifications to the footbridge stairs are correct. Please note that the capacity of this site allocation needs to be updated in EXAM 36 to be consistent with this document.</p> <p>Site 44: High Barnet Station (Chipping Barnet Town Centre) The Inspectors asked the Council to: <i>“Resolve rounding issue. Liaise with TfL on early design work informing capacity, provide justification for the 1-5 year time period or consider modifications.”</i></p> <p>We do not consider the difference between the 292 and 293 homes capacity to be material and have no view either way. However, we would suggest that it should be consistent with EXAM 36. While we intend to secure planning permission for redevelopment of this site within the five year timeframe, we cannot be sure that it would be completed within that timescale; accordingly we do not demure from the suggested 6 – 10 years timeframe.</p> <p>Site 47: Mill Hill East Station The Inspectors asked the Council to: <i>“Resolve rounding issue. Provide commentary regarding appropriate building heights and the surrounding context. Check boundary of Map 3E in Exam 34 with regards to Waitrose and reflect on extent of that boundary and potential to make reference to adjoining site as part of a more comprehensive development.”</i></p> <p>The Council has not addressed the rounding issue. We maintain that the Council's suggested capacity of 130 homes is an underestimate. As set out in our P&C letter of 30 November 2022, we consider that the allocation (plus 51 Bittacy Hill, which we have suggested should be included within the allocation) has the capacity for around 200 new homes, informed by what has been achieved at Millbrook Park, nearby. This could increase with the addition of the Waitrose / John Lewis Partnership (JLP) land to this allocation. Site capacity in this document should be consistent with EXAM 36.</p>	<p>EXAM 36 sets out the assumptions behind the indicative capacities for the site proposals in the Plan. EXAM 36 does not set out any modifications to the Plan and was produced at an early stage of the EIP Hearings. The Council do not intend to update EXAM 36.</p> <p>Site 56 - Woodside Park Station West The Council do not intend to update EXAM 36.</p> <p>Site 44: High Barnet Station Rounding issues have been addressed in EXAM 75 and EXAM 90. The Council do not intend to update EXAM 36.</p> <p>Site 47: Mill Hill East Station The Council do not intend to update EXAM 36. EXAM 75 is the document that sets out proposed modifications to Site Allocations. Rounding issues have been addressed in EXAM 75 and EXAM 90.</p> <p>The Council refers to its responses to JLP's consultants with regards to any extension to Site 47.</p> <p>The Council consider that there are merits in revising the wording and making it clearer about requirements with regards to Biodiversity Net</p>

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		<p>Referring to the site allocation boundary, we said at the EiP, and in our P&C letter of 30 November 2022 that we would support the extension of the southern suite allocation boundary to include the Waitrose / JLP site as it would enable comprehensive redevelopment south of the railway. If that is not possible, we agree the additional text ie: <i>“Consideration should be given to whether there is an opportunity for the site to be redeveloped comprehensively with the neighbouring site occupied by Waitrose, to optimise the density and delivery of services and facilities for existing and future residents.”</i></p> <p>As previously set out at the EiP and in our P&C letter of 30 November 2022, we maintain that 51 Bittacy Hill should be included within the site allocation boundary to the north of the railway to enable comprehensive redevelopment, including greater flexibility for accommodating buses (should there be a requirement) and improved frontage to the main road. We consider that the reference to mature trees in the site allocation should be consistent with eg. Site 56: Woodside Park Station West. Therefore we suggest that the proposed wording: <i>“Preservation of mature trees is required.”</i> is replaced by: The impact of the loss of mature trees must be mitigated. Where retention or equivalent replacement cannot be achieved on site, then financial and/or non-financial contributions may be required to ensure that equivalent replanting is achieved nearby.</p> <p>We comment on the EXAM 34 map above.</p> <p>Site 50: Watford Way & Bunns Lane (Major Thoroughfare) The Inspectors asked the Council to: <i>“Provide justification for the site’s deliverability, particularly in view of the access issues. Clarify what the access solution could be to make the site developable.”</i></p> <p>In terms of access to this site, there is also a possible third option. This would involve a new entrance from Bunns Lane via a new roadway on land believed to be owned by the Department for Transport beneath the A1 Watford Way ‘flyover’. To provide necessary flexibility for delivery, this option should also be referred to in the site allocation. We suggest the following changes (suggested additional text in red): Proposals must demonstrate how adequate access to site will be secured. Possible accesses should be explored from: Bunns Lane, through the garage site adjacent to 19-24 Farm House Court; from Bunns Lane travelling beneath the A1 Watford Way ‘flyover’; and/or from Brancaster Drive.</p> <p>Site 53: Allum Way (Whetstone Town Centre) The Inspectors asked the Council to: <i>“Clarify wording regarding guidance on building heights. Consider whether need for operational infrastructure should be based on more conservative figure. Scenario setting could provide context for any future opportunities to increase capacities if infrastructure not needed.”</i></p> <p>As we have set out above, for the reasons set out in our P&C letter of 30 November 2022, we consider the 599 homes capacity to be a significant underestimate if train stabling is not</p>	<p>Gain. This will also be made to Site 56 as well as other sites where trees and wildlife habitats are present. The Council proposes the following modifications to Site 47.</p> <p><i>Site requirements and development guidelines:</i></p> <p>Preservation of mature trees is required. Any development of the land must seek to retain important wildlife habitats and trees that are present on the north and south sides of the railway line. A Biodiversity Net Gain assessment is to be undertaken using an approved DEFRA metric, and appropriate habitat enhancement and/or creation undertaken to deliver the mandatory minimum 10% net gain within the site boundary or on adjoining land. Any loss of habitat, trees and other vegetation must be sufficiently avoided or mitigated where possible. Where retention or equivalent replacement cannot be achieved on site, then financial and/or non-financial contributions will be required to ensure that equivalent replanting is achieved nearby plus at least a 10% net gain in biodiversity as required by the Environment Act 2021.</p> <p>Site 50: Watford Way & Bunns Lane The Council proposes to make the following modifications to Site 50. <i>Site requirements and development guidelines:</i></p> <p>Proposals must demonstrate how adequate access to site will be secured. <u>Possible accesses should be explored from Bunns Lane, through the garage site adjacent to 19-24 Farm House Court, travelling beneath the A1 Watford Way ‘flyover’; and/or from Brancaster Drive.</u></p> <p>Site 53: Allum Way</p>

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		<p>required at this 4.27ha site with high PTAL. Recent discussions with planning officers suggest capacity for 700 – 800 if stabling is not required. We have no further comments on revised main modification MM376.</p> <p>EXAM 87 – Revised Housing Trajectory 2 The housing trajectory as it relates to TTLP sites is in general accordance with the figures and delivery timings set out in our email dated 20 December 2022 and the attachment table. The exceptions to this are:</p> <ul style="list-style-type: none"> • <i>Site 47 - Mill Hill East Station:</i> As above we consider this site to have the capacity for 200 new homes (not 135). • <i>Site 50 – Watford Way & Bunns Lane:</i> We consider that development could be brought forward on this site within a ten years timeframe (not 15). It is within our housing programme of sites on which we will start the construction of 20,000 new homes within the next eight years. 	<p>The Council considers that there is sufficient flexibility provided by EXAM 75 with regards to Site 53 not being required for train stabling.</p> <p>EXAM 87 – Revised Housing Trajectory 2 The Council refers to its previous responses with regards to Site 47.</p> <p>Earlier delivery of Site 50 will be reflected in an update to the Housing Trajectory.</p>
TfL Spatial Planning	<p>EB_ SoCG_19 BXSLP and Habrdrn</p> <p>EXAM 14 & 14A – Theresa Villiers MP</p>	<p>SoCG 19 – BXSLP and H/abrdn (Brent Cross)</p> <ol style="list-style-type: none"> 1. It is not clear why the following bullet point has been deleted on page 13: 'A new rail freight facility to replace the existing Strategic Rail Freight Site'. 2. The rail freight site is a protected land use. A new rail freight facility has been built on site by DB Cargo and forms an important component in the list of transport improvements. For clarity, this bullet point should be retained with '(already constructed)' added. 3. In the amended paragraph at the end of the list of transport improvements on pages 13 – 14 it should be noted that the funding of works on the Transport for London Road Network (TLRN) and delivery of the new interchange and new bus station is secured in kind via a series of Grampian planning conditions, Indicative Construction Programme and other controls in the s106 agreement, such as Phase Transport Reports. These works include new and replacement bridges over the A406 and major junction works, costing circa £100 million. The only exceptions were to the London Underground step free access scheme and bus subsidy where TfL accepted limited risks with legal safeguards. When TfL agreed the scope of works, the risks of cost escalation rested with the developer, not TfL nor the local authority. This was a fundamental principle of the original planning consent and section 73 amendments. 4. The revised wording could be read to imply that the developer will be able to pass on the financial risk of delivering agreed works to TfL or Barnet, which is not acceptable. The revised wording in the SoCG should be redrafted to make it clear that all financial risk and any cost escalation in the scope of works already agreed will remain with the developer. <p>EXAM 14 & 14A – Theresa Villiers MP</p>	<p>SoCG 19 – BXSLP and H/abrdn (Brent Cross) This bullet point was deleted from GSS02 because the rail freight facility had been delivered.</p> <p>Following proposed modifications Policy GSS02 will highlight transport improvements that are proposed within the Brent Cross Growth Area and will be delivered pursuant to the 2014 outline planning permission or through future permissions, planning conditions and/ or Section 106 agreements:</p> <p>The proposed changes within EB_SoCG_19 reflect implementation of the 2014 consent whilst also recognising that parts of the scheme at Brent Cross may come forward under new applications which will require any infrastructure requirement to be secure through new S106 agreements. No changes to EB_SoCG_19 are necessary.</p>

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		<p>5. We would like to reiterate the points made in our written statement on Matter 6, which address many of the points raised in EXAM 14 & 14A. Key points from that statement are set out below for convenience.</p> <p><i>Car-free development</i></p> <p>6. As set out in Policy T6A of the London Plan, the starting point for all developments in locations which are or are expected to be well-connected is car-free, with all other developments being car-lite. To accommodate the expected growth in London, it is not possible to accommodate more cars on London's fixed road network. Indeed, one of the expected outcomes of the Mayor's Transport Strategy (MTS) is for a quarter of a million cars to be removed from London's roads by 2041. Alongside the mode shift target set out in the MTS and Policy T1 of the London Plan, these strategic objectives can only be achieved through new developments around London being in line with the London Plan's car parking standards. Except for concerns previously raised in our written statement to the examination (para.24-41) and addressed at the Matter 6 hearing, Table 23 and Policy TRC03 of the draft Barnet Local Plan are in line with London Plan policy and are supported.</p> <p>7. EXAM 14A raises concerns in relation to car-free developments that 'Residents of these new blocks will inevitably own cars and so building without off-street parking will only displace vehicles on to neighbouring roads.' This concern is adequately addressed through both London Plan policies and policies in the draft Barnet Local Plan.</p> <p>8. Policy T6C of the London Plan states that 'An absence of local on-street parking controls should not be a barrier to new development, and boroughs should look to implement these controls wherever necessary to allow existing residents to maintain safe and efficient use of their streets.' We are satisfied that TRC03.b and TRC03.c are in line with London Plan Policy T6 and more than adequately address concerns related to car-free developments leading to 'parking stress' in their vicinity.</p> <p><i>Development on station and town centre car parks</i></p> <p>9. Car parks in town centres and at transport hubs, including rail stations are appropriate locations for car-free development due to their inherently well-connected nature.</p> <p>10. Since the Barnet Local Plan EiP hearings, the Mayor has published the Sustainable Transport Walking and Cycling London Plan Guidance¹ which states that 'Development Plans should identify opportunities generated by declining demand for car-based infrastructure/land and/or where land could be used more efficiently for other uses as well as incentivising mode shift. This includes the redevelopment of car parks for suitable development in line with Policy SD7, Policy H1 and Policy H2 of the London Plan, particularly where these have good access to public transport connections.'</p> <p>11. Car parks in town centres and at transport hubs, including rail stations and Underground stations, such as High Barnet, are by definition well-connected and typically have a high</p>	<p>EXAM 14 & 14A – Theresa Villiers MP</p> <p>The Council notes these comments from TfL which are in response to the statement of Theresa Villiers MP and not relating to any specific proposed modifications to the Plan as proposed by the Council in the EXAM Notes.</p>

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		<p>PTAL2 commensurate with the characteristics of that location. Prioritising development in these locations enables people to make their day-to-day journeys by sustainable modes and supports the Mayor's target for 80 per cent of all journeys to be made by sustainable modes by 2041, as set out in the MTS and Policy T1 of the London Plan.</p> <p>12. In the case of High Barnet, the car park only has 155 spaces. Given during the week many of those spaces will be occupied for extended periods, this does not significantly increase access to the Underground network. A typical weekday in 2019 saw 12,000 passengers use High Barnet station while a typical Saturday in 2019 saw 8,000 passengers use the station. Additionally, 92 per cent of passengers accessed the station by sustainable modes. Over half of those that drove to the station live outside the borough and would likely be able to use a local rail connection. This demonstrates that the car park does not have a material impact on the overall ridership of the station, particularly during the week.</p> <p>1 Sustainable Transport, Walking and Cycling LPG: https://www.london.gov.uk/sites/default/files/2022-12/A%20Sustainable%20Transport%20Walking%20and%20Cycling%20LPG.pdf</p> <p>2 High Barnet and vicinity, for example, has a PTAL of 5-6a.</p> <p>13. The assertion that 'bus services are limited, especially outside peak hours' is false. High Barnet is served by seven bus routes, all but one of which are served by at least four buses per hour from before the morning peak until after the evening peak, ie 7:00-20:00, and most services running at least three buses per hour and up to six per hour after 20:00 during the week, with regular services during the weekend as well. Increasing numbers of residents living car free around High Barnet would also make additional services more viable, thus improving the public transport network for existing residents and enabling more people to live car-free or car-lite lifestyles. In the 2021 Census, 29.9 per cent of Barnet households reported living without a car or van which is an increase from 28.7 per cent in 2011. Further, in the 2021 Census, 45.0 per cent of households reported living with only one car or van which is an increase from 44.1 per cent in 2011. This demonstrates that Barnet's residents are increasingly choosing to live either without a car or only one car. Supportive planning policy will enable this trend to continue and accelerate.</p> <p>EXAM 23 – LBB Note Action 33 – Transport Infrastructure</p> <p>14. For entries 2,3,4 and 5 in the table (Hendon Central, High Barnet and Finchley Central and additional gates at the named stations) the cost and funding source states 'Likely to be funded by TfL with some funding from surrounding developments under s106 if in accordance with regulation 122 tests and demonstrated in Transport Assessments.' The reference to TfL funding should be removed unless there are prior commitments in place or funding has already been secured as in the case of Colindale. Where demand for station improvements is generated by development eg additional ticket gates the cost should be met by the relevant developers. In other cases, gap funding may need to be secured, eg from the Housing Infrastructure Fund. It is misleading to suggest that general TfL funding is likely to be available given the current funding situation and as such, this should be removed.</p>	<p>EXAM 23 – LBB Note Action 33 – Transport Infrastructure</p> <p>EXAM 23 provides the Note on Transport Infrastructure and signposts that modifications will be put forward in another Note (EXAM 49) for Policy TRC02 – Transport Infrastructure that include the requirements in Table 1. EXAM 23 also highlights that the next iteration of the IDP will reflect this update within Table 1 as well as the supporting text.</p>

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		<p>EXAM 49 – Barnet Local Plan EIP - Note on Policy TRC02 (Transport Infrastructure) 15. TfL supports the proposed modifications set out in EXAM 49.</p> <p>EXAM 50 – Barnet Local Plan EIP – Note on TRC01 (Sustainable and Active Travel) 16. TfL supports the proposed modifications set out in EXAM 50.</p> <p>EXAM 52 – Barnet Local Plan EIP – Note on Parking Management (Policy TRC03) 17. As noted in EXAM 52, TfL supports the proposed modifications to Paras 11.12.2 and 11.12.3, as well as the proposed modifications to Table 23 agreed at a meeting with LBB on 27 October 2022.</p> <p>18. We additionally support the proposed modifications to TRC03(b) (MM299) and Paras 11.11.1, 11.12.4, 11.12.6 and 11.12.7A, particularly the statement that developments should 'limit' parking in accordance with the relevant London Plan standards. The proposed approach to capping permits in CPZs appears to be sound and does not conflict with London Plan policy. Overall, the amendments result in the policy and supporting text more appropriately align with the spirit of Policy T6 of the London Plan.</p> <p>19. However, proposed new paragraph 11.12.6A runs counter to the above approach of limiting car parking in line with London Plan car parking standards in Policy T6. While we support the modified wording in TRC03(d) which is more nuanced than the original text, TfL specifically objects to the supporting text linking car parking to town centre vitality and viability without supporting evidence. TfL evidence 3 shows that investment in high street walking, cycling and public realm improvements increase retail sales by up to 30 per cent, and over the course of a month, people who walk to the high street spend up to 40 per cent more than people who drive to the high street. As stated in our written statement to the EiP, 'reducing car parking in well-connected locations, such as town centres, will encourage mode shift consistent with the Mayor's mode shift targets and is an essential element of encouraging sustainable travel, consistent with Policy TRC01.'</p> <p>3 TfL, 'Walking and Cycling: The economic benefits'. https://content.tfl.gov.uk/walking-cycling-economic-benefits-summary-pack.pdf.</p> <p>20. Reducing destination car parking provision, including in town centres is a key element of ensuring sustainable development in London and provides a complex set of benefits which leads to a virtuous cycle of increasing sustainable mode share. We direct the Inspectors' attention to Paras 1-6 of our written statement. Additionally, studies highlighted in the London Plan evidence base demonstrate that mode shift away from cars and to sustainable modes</p>	<p>EXAM 49 – Barnet Local Plan EIP - Note on Policy TRC02 (Transport Infrastructure) There are no references to likely funding by TfL in the proposed modifications set out in EXAM 49. Clarification on the funding can be set out in the next update of the IDP.</p> <p>The Council welcomes this support for EXAM 50.</p> <p>The Council welcomes this support for the modifications outlined in EXAM 52 with regards to paras 11.12.2, 11.12.3 and Table 23 as well as TRC03(b), paras 11.11.1, 11.12.4, 11.12.6 and 11.12.7A.</p> <p>In terms of proposed modifications to the first line of TRC03 the Council accepts the proposed changes from TfL : 'The Council will expect development to provide limit car and motorcycle parking in accordance with the London Plan Standards ...'</p> <p>The Council does not intend to change 11.12.6A. However, with regards to the proposed modification to TRC03D (as set out in EXAM52) and GSS12 (where it cross-refers to TRC03) as set out in EXAM 57 the Council will consider modifications at TRC03D and GSS12 that are more positively worded.</p>

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		<p>occurs when destination car parking is reduced. To support the shift towards sustainable modes, the draft Barnet Local Plan should take a positive approach to restricting car parking in town centres. As stated in TfL's Written Statement to the London Plan EiP (M84), 'The retail parking standards...do not seek to cater for higher provision that might be sought in less well-connected areas, which would generate additional car trips (and the associated congestion and emissions) and undermine the Plan's town centre first approach. Car dependent retail poses significant and particular problems in the London context.'</p> <p>21. TfL generally supports the other proposed changes to TRC03, except for the minor proposed change below which will ensure consistency with Policy T6 of the London Plan and internal consistency within the policy. a. Suggested text: 'The Council will expect development to provide limit car and motorcycle parking in accordance with the London Plan Standards ...'</p> <p>EXAM 57 – Barnet Local Plan EIP – Strategic Policies GSS11 & GSS12</p> <p>22. TfL supports the proposed modifications set out in EXAM 57, however we maintain our objection to linking car parking provision with the vitality and viability of town centres and 'thriving and competitive' town centres as shown in Para 4.27.2, and discussed above in Paras 19-20 of this response</p>	<p>The Council welcomes this support for EXAM 57 and refers to its response above with regards to GSS12.</p>
<p>Professor Brad Blitz</p>	<p>EXAM 18 – Note on Early Review</p> <p>EXAM 19 – Note on Small Sites</p> <p>EXAM 25 Note on Development Frameworks</p> <p>EXAM 58 Affordable Housing Delivery Table</p> <p>EXAM 63 Note on Viability</p> <p>EXAM 68</p>	<p>I have reviewed documents EXAM 11, EXAM 13 – 19, EXAM 21, EXAM 23 -40, and EXAM 42-137 in light of the Inspector's comments on the Draft Local Plan [Exam 7: Inspectors' Matters, Issues and Questions for Hearing Sessions], and LBB response, as advised by Nick Lynch, Policy Planning Manager by email on 22 March 2023. This response has been prepared further to consultation with the Hendon Residents Planning Forum, which includes the community living in the Hendon Hub development area.</p> <p>GENERAL COMMENTS</p> <p><input type="checkbox"/> The documents submitted to the Inspector state that the Council's development policies place a presumption in favour of 'sustainable development'. There is little substantive discussion of what that means, and why certain developments may not be sustainable [EXAM 16].</p> <p><input type="checkbox"/> Throughout the Plan what is proposed is ambitious growth, including on small sites in residential areas, which the Council justifies by support from the GLA [EB SoCG 10]. The push for above target development is challenged in the representations and in exam documents [EXAM 14] and is at odds with existing planning regulations [EXAM 19], including the revised NPPF, and national laws detailed below [EXAM 7]. The overemphasis on growth as evidenced by claims of 'windfalls' [EXAM 36] introduces significant planning issues [EXAM 51, EXAM 62], which affect the soundness of the overall Plan.</p> <p><input type="checkbox"/> Particular attention should be drawn to sites 35, 36, 38, 40, 41 relating to the Hendon Hub [EXAM 75] which have an ambiguous status in this Plan. Planning applications are described</p>	<p>The Council's response to individual EXAM documents is set out below.</p>

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	<p>Note on Providing High Quality Design</p> <p>EXAM 69 Note on Heritage</p> <p>EXAM 70 Note on Mitigating Climate Change</p> <p>EXAM 75 Note on Site Allocations</p>	<p>as having 'received committee resolutions to Grant' but permission has not been published and the applications are being re-presented on the Hendon Hub website. The exam documents fail to clarify the status of the Hendon Hub applications and it appears the Council is trying to both have its cake and eat it, a pattern that has prompted further judicial challenge (See: UA-2022-001392-GIA Lourenco v The Information Commissioner and London Borough of Barnet).</p> <p><input type="checkbox"/> Contrary to the claims of the Leader of the Council, this Local Plan as it stands will not ensure that LBB gets the right development in the right places and at the right time [EXAM 11]. The proposed modifications of existing policies in this current version [EXAM 68, EXAM 70] remain inadequate. Consideration should also be given to the revised NPPF and Levelling Up and Regeneration Bill (HL Bill 84), in light of potential future legal challenges.</p> <p>PLANNING AND LEGAL ISSUES</p> <p>Documents included for inspection seek to promote 'sustainable development' both through revisions of policy, and through suggested developments [EXAM 19, EXAM, 51, EXAM 75], but do not take into sufficient consideration NPPF 2021 which states at 2.8 that 'achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).' These objectives relate to: a) economic; b) social; and c) environmental matters. The notion of mutually supportive ways is emphasised in para 2.9 which states that these should guide development 'towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'. Yet, local circumstances have not been adequately taken into account regarding site allocations [EXAM 14, EXAM 75], heritage [EXAM 69], car parks [EXAM 57] and viability [EXAM 63] as informed by the IIA [Core_Gen_25]. Questions regarding non-compliance with the London Plan (SD1) [EXAM 57] and its guidance [EXAM 70] on matter of climate change and viability [EXAM 51], a point previously raised by the Inspector on 22 September 2022 [EXAM 12], remain unanswered. The Sustainability Appraisal (SA) included in the Integrated Impact Assessment (IIA) [Core_Gen_25] provides blanket assessments with respect to heritage and conservation for vastly different sites, including those located in densely historic areas with listed buildings. The approach as explained [EXAM 72, EXAM 72A] does not meet the substantive requirements of the London Plan SD1 as previously noted by the examiner who found that, 'Examples given that tests are inconsistent and repetitive in places with CDH08 having separate sections for different types of designated heritage assets' [EXAM 69]. Also, Historic England recommends that proposals should reinforce local distinctiveness, with consideration given to the location within the conservation area [EB_SoCG_11]. Throughout the IIA, the Council has simply marked the impact of development on sites in proximity to conservation areas and listed buildings as 'unknown' (see: sites 1, 5-11, 16-19, 21, 23-25, 27, 30-44, 46, 48-50, 53, 54, 57, 58, 59, 60-63, 65-66). Further evidence of the inattention given to heritage and conservation that calls into question the soundness of the SA and IIA can be found in the description of sites with close proximity to Hampstead Health (p. 226.), Hampstead Garden Suburb (p. 233) and Finchley Conservation Area (p. 280). The approach in EXAM 72 and EXAM 72A remains inadequate.</p>	<p>The issue of Legal Compliance and the Duty to Co-operate was addressed as Matter 1 of the Examination in Public on Day 1 (September 20th 2022).</p> <p>As part of the actions from Matter 1 the Inspector asked the Council to produce a Sustainability Appraisal Technical Paper that signposted and set out the location of evidence and the role of that evidence within the Sustainability Appraisal. For example: schedule 2 SEA regulations, cumulative impacts (economic, social and environmental); mitigation measures; risks; and, climate change. He also requested a summary of the approach taken to reasonable alternatives, including the chosen methodology, the relationship with the London Plan, and the provision of further narrative relating to the process undertaken. The Council have produced EXAM72 and EXAM72A in response to this request.</p> <ul style="list-style-type: none"> • Another action arising from Matter 1 was to produce a Habitats Regulation Assessment Technical Note, concerning, among other things the relationship between the Barnet Plan and other plans, in particular explanation of what the baseline is for the Barnet HRA and why that has been chosen.

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		<p>In response to Matter 1 [EXAM 7], the Council has not complied with its legal responsibilities and duty to cooperate, including with the Equality Act 2010. Multiple complaints were submitted to the Council, the ICO, LSGO regarding procedural failures [ID021, ID040], with the question of 'adequate opportunities' [EXAM 18] still unanswered. Attention should be given to the many public statements made by the former leader of Barnet Council who dismissed the results of a consultation, arguing that '88% of respondents is not the same as 88% of all residents'. Further such practices cannot be retrospectively corrected as proposed, but require further modification including new consultations. This was the logic behind the application for judicial review of the now withdrawn SPD on the Burroughs and Middlesex University [EB_E_26] (see: Richard Lecoat v London Borough of Barnet and Middlesex University). Barnet Council should be reminded that the duty to consult in light of amended plans [EXAM 63] is required by Section 3(2) of the Local Government Act 1999 and must be taken seriously. It should be brought to the inspector's attention that unlawful practices have been raised before the Aarhus Convention Compliance Committee which considered violations of the Convention regarding: Access to information; Public participation; Access to justice (See: ACCC/C/2021/185 and ACCC/C/2021/190). Additional unlawful procedural errors are the subject of a new communication to be heard on 13–16 June 2023 and matter UA-2022-001392-GIA Lourenco v The Information Commissioner and London Borough of Barnet is set to be heard in the Upper Tribunal in October 2023.</p> <p>Localism Act 2011 Given the appearance of conflicts of interest, and undeclared interests by several councillors who were on the Strategic Planning Committee that voted to approve the Hendon Hub applications, a complaint was filed with the LGSCO (Ref. 22 004 821) regarding breaches of the Localism Act 2011 and which concluded that this was a 'potentially criminal matter'. This matter is now being reported to the Metropolitan Police.</p> <p>Equality Act 2010 Section 149 provides further detail as to what having due regard to the need to "advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it" and "foster good relations between persons who share a relevant protected characteristic and persons who do not share it" means (see section 149(3) and (5)). The key legal principles summarised by the Court of Appeal in Bracking et ors v SSWP [2013] EWCA Civ 1345 (see at [25]) include the fact that:</p> <ul style="list-style-type: none"> (i) The duty must be "exercised in substance, with rigour, and with an open mind". (ii) The duty must be fulfilled before and at the time when a particular policy is being considered. (iii) An important evidential element in the demonstration of the discharge of the duty is the recording of the steps taken by the decision maker in seeking to meet the statutory requirements. <p>The draft Local Plan includes a top-level 'methodology' for assessing the impact on Equalities Categories [Core_Gen_25], which was applied retrospectively to the Hendon Hub development sites 35, 36, 38, 40, 41, and is not consistently applied here, a point previously noted by the inspector [EXAM 7]. In addition, the EqlA relied upon with reference to Hendon Hub sites repeatedly underestimates the impact on certain protected categories, and makes no mention of other protected characteristics, notably marriage and civil partnership, and</p>	<ul style="list-style-type: none"> • The principles underlying the selection of pathways between Barnet and relevant sites. <p>The Council have produced EXAM39 in response to this request.</p>

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		<p>religion or belief. We recall that the EqIA carried out in relation to the now withdrawn SPD and referenced in the Hendon Hub planning documents submitted for examination found that:</p> <p>(i) There were no significant impacts identified under the protected characteristic of age, noting that “[t]here is nothing proposed within the draft SPD that will benefit or disadvantage one age group over another.”</p> <p>(ii) There were no significant impacts identified under the category of disability and, again, it noted that “[t]he draft proposals in the SPD are not expected to disadvantage any disability groups over another”.</p> <p>(iii) There were no impacts identified in relation to race.</p> <p>With respect to the protected characteristics of religion or belief, Site 35 currently provides car parking for hundreds of congregants who collectively attend, Our Lady of Dolours Catholic Church, and its church hall, the Hendon Methodist Church and Chinmaya Mission. Some of these groups were never consulted and no consideration has been given to the fact that the proposed development on site 35 would completely obscure these religious sites from view. Given both the congregants’ age, religion and also race, there is a potential claim of indirect discrimination. Also, there is not sufficient consideration of the impacts of developing site 40 which currently provides a community service for elderly people. It has been home to inter alia the Citizens Advice Bureau, African Cultural Association, MENCAP, Meridian (formerly Chinese Mental Health), the Hendon Scout Troop, Barnet Wellbeing Hub, a newsagent, PDSA, a community legal service, and a community hall. The planning applications envisage redevelopment of this site and the relocation of the above to a development on sites 36 & 38 [EXAM 75], but this is contrary to NPPF 86b [EXAM 38], and there is no evaluation whatsoever of the impacts that all of this may have on people with protected characteristics and how, for example, elderly, pregnant women or disabled people will use a space along side Middlesex University students, and the general public. While the 2021 EqIA recognised ‘Potential negative perception/impact of studentification of the area (could upset the elderly/cause disruption)’, none of the actions taken or anticipated in the examination documents address the very real impact that studentification will bring to the area nor the impact that it may have on other groups with protected characteristics, including children and married couples/civil partnerships, and some religious groups (e.g. the Orthodox Jewish community) who fear the increased resident student presence will encourage yet more antisocial behaviour. Also, no consideration has been the potential impacts that the use of CPO powers might have on people with protected characteristics, especially in relation to sites 35-39, where some residential properties and local businesses may be affected. The evidence included in the IIA [EXAM 70] is also out of date and many sections now redundant. The EqIA used addresses in large part the redevelopment of the Library which has been withdrawn from the Hendon Hub plan [EXAM75]. There is also no mention made of the impact of the pandemic on the community. The impact the that proposed development will have on the right to respect for private and family life has not been sufficiently addressed, leaving the Council open to further legal challenge.</p> <p>SPECIFIC ISSUES REGARDING LISTED DOCUMENTS SUBMITTED FOR EXAMINATION</p> <p>EXAM 18 raises a number of issues that have not been addressed in the exam documents, including with respect to Matter 1 [EXAM 7]. In particular, the public consultation during the plan-making process failed to comply with the Council's SCI [Core_Gen_03] and the Duty to</p>	<p>EXAM 18 has been produced in response to</p>

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		<p>Cooperate [Core_Gen_05]. The Duty to Cooperate states at para 2.1.5. that 'The duty requires a proactive, ongoing and focussed approach to strategic matters'. Several sites included on this draft Local Plan were included in a now withdrawn SPD [EXAM 75], that was the subject of numerous complaints regarding improper and inadequate consultation, but which still received planning permission. This Local Plan is an attempt to retrospectively correct for those actions where the Council failed to follow procedure e.g. by relying on transport data collected during a period of lockdown, and by failing to notify local businesses and other stakeholders in advance, contrary to SCI 11.2.2. Also statutory bodies like Historic England and Natural England were not consulted early in the planning process (11.2.3).</p> <p>EXAM 19 emphasises London Plan Policy H1 (i.e. housing supply) at the expense of other requirements included in TOW02. Yet, the proposed revision of GSS01 here does not balance other interests reflected in NPPF 2021 which states at para 2.8 that 'achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).' These include a) an economic objective; b) a social objective; and c) an environmental objective, including mitigating and adapting to climate change, including moving to a low carbon economy. The notion of mutually supportive ways, is further emphasised in para 2.9 which states that these should guide development 'towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'. Hence, there is a presumption for localism.</p> <p>The emphasis on net gains across the three objectives should reflect community needs, priorities and genuinely collaborative engagement, which has been absent from this process. Local circumstances have not been adequately taken into account regarding site allocations [EXAM 14, EXAM 75], heritage [EXAM 69]. There are further questions regarding non-compliance with the London Plan guidance [EXAM 70] on matter of climate change and viability [EXAM 51], a point previously raised by the Inspector on 22 September 2022 [EXAM 12], and which conflict with the London Plan [EXAM 57].</p> <p>EXAM 25 raises important questions about the viability, not only of site 7 in the Colindale AAP, but also for the Hendon Hub sites 35, 36, 38, 40, and 41. The Council's proposal for additional housing [EXAM 36] including in the Hendon Hub, is called into question by the fact that Middlesex University has not made an application for development to increase the supply of student housing here, even though this site lies in the 2010 Colindale Growth Area [Core_Gen_11] and has excellent transport links. This fact challenges EXAM 11 and the consistency of logic applied in EXAM 75. It also undermines the Council's claim in ECC01 to address climate change and specifically embodied carbon [EXAM 70].</p>	<p>Inspector Wildgoose's request for a note concerning the Council's commitment to an early review of the plan. This Note was to:</p> <ul style="list-style-type: none"> • Include any actions required if there is a firm commitment to embed a review in the Local Plan; and, • Consider the impact of any review on Local Development Scheme. <p>The Council produced EXAM 19 at the request of Inspector Wildgoose who asked for a note explaining the Council's approach to Small Sites. The Note should set out the Council's position on provision of small sites; appropriate wording for Policy GSS01 – Delivering Sustainable Growth via a Proposed Modification – as set out in the Statement of Common Ground (EB_SoCG_10) with the Greater London Authority; a breakdown of the 14 Small Sites which form part of the contribution to housing delivery from the Schedule of Site Proposals and as referred to in Table 5A (MM37); and, a table setting out small and medium sized sites (no larger than one hectare) which form part of the contribution to housing delivery from the Schedule of Site Proposals and as referred to in Table 5A (MM37).</p> <p>The Council considers that EXAM 19 is consistent with the NPPF and in general conformity with the London Plan.</p> <p>The Council produced EXAM 25 in response to Inspector Wildgoose's request to clarify those sites that are included in a development framework (and already covered by SPD) that have not been allocated and why they are not included in the plan. This Note should draw together previous development frameworks, including consideration of issues bringing sites forward (for example, why some sites in SPDs have not been brought forward and proposed as site allocations); and consider sites in Growth Areas and Opportunity Areas; and, also explain</p>

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		<p>EXAM 58 proposes to deliver 209 units, further to planning applications 21/4722FUL and 21/4709FUL where approval was granted in the absence of a viability assessment [EXAM 7; EXAM 63] and which are now at odds with TOW02 [See EXAM 38]. EXAM 58 should be modified to demonstrate viability and to reflect NPPF 2.6 regarding the relevance of character, need and opportunities [EXAM 14, EXAM 19]. The above applications should be withdrawn until those these requirements are met proactively.</p> <p>EXAM 63 was revised in March 2023 but fails to respond to the Inspector's request for a viability assessment of student housing sites 35, 36, 38, 39, 40, 41 which suggests a deliberate omission. NB. Councillor Barry Rawlings on 4 April 2023 advised a group of Hendon residents that he was unsure of the viability of the Hendon Hub in spite of [Exam 58]. Further viability is in question given the failure to development site 7 in the 2010 Colindale AAP [EXAM 25], as noted above.</p> <p>EXAM 68 seeks to revise CDH01 and includes a provision that the Council will seek to optimise rather than simply maximise housing density. This claim is contradicted by the inclusion of so many small sites [EXAM 19], and the suggestion of 'windfalls' generating an additional 50 homes as a result of intensive redevelopment of residential sites [EXAM 36]. The emphasis on above target redevelopment of small sites as recorded in EB_SoCG_10 misrepresents the LGA guidance which refers principally to brownfield sites, not residential sites including essential car parks. Barnet has exceeded its minimum target by 9510 homes and CHH01 should therefore be modified to safeguard against such intensive overdevelopment in residential areas, in line with EXAM 16.</p> <p>EXAM 69 provides text that is inconsistent with NPPF 2021 regarding the single approach to harm with respect to heritage, and London Plan Policy SD1 which emphasises the role of heritage in place-making [EXAM 27]. There are several inconsistencies reflected in the site selection and allocations [EXAM 75]. Also relevant is EXAM 4 [MM 181] which recognises inconsistencies in language, but claims these are justified with no reason given for the proposed revisions to CDH08. These inconsistencies with respect to heritage further challenge the soundness of the Hendon Hub decisions for sites 35, 36, 38, 40, 41.</p> <p>EXAM 70 suggests modifying the policy to strengthen the resolve for climate change mitigation, in particular by clarifying practices regarding embodied carbon. Specifically, it proposes to amend ECC01:</p>	<p>the site selection process methodology applied to date in those regards.</p> <p>Inspector Wildgoose requested provision of a Table (with explanation) considering the gross margin of affordable housing when comparing 35% provision to the 10,600 home target over plan period to show theoretical margin over minimum of 10,600. This Table should seek to demonstrate that, subject to viability issues, capacity to meet target via 35%. EXAM 58 provides this Affordable Housing Delivery Table. It does not set out any modifications to the Plan and was produced at an early stage of the EIP Hearings. The Council do not intend to update EXAM 58</p> <p>EXAM 63 relates to Viability and was produced at the request of Inspectors Wildgoose and Philpott. There is no specific request to consider student housing. However, the issue of the viability of student housing is addressed in EXAM 51 at Point 20. The Council refers to EXAM 90 – Note on Housing and Employment Land. This represents the most recent Note requested by the Inspectors and reflects the latter stages of the EIP hearings. EXAM 90 clarifies the Plan's approach to uplift and use of windfalls in calculating housing numbers. EXAM 36 does not set out any modifications to the Plan and was produced at an early stage of the EIP Hearings. EXAM 75 is the document that sets out proposed modifications to Site Allocations.</p> <p>Inspector Wildgoose requested provision of a Note on Heritage that, amongst other things, was consistent with the NPPF and the London Plan. The Council have produced EXAM 69 on that basis.</p>

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		<p>'(k) Support the retrofit of buildings where there is a benefit to the environment through the retention of embodied carbon. Where demolition is preferred the developers should undertake a Whole Life-cycle Carbon Assessment in accordance with London Plan Guidance.'</p> <p>This policy therefore raises substantive questions over the soundness of the current inclusion of site 36 in the Hendon Hub plans. There is no justification given for the demolition of the existing structure, instead of site 42, which is simply planned for 'intensification' (ECC01). Also, ECC02 is relevant given the impact of demolition on air quality. If this policy is amended as proposed, then a Whole Life-cycle Carbon Assessment should be conducted before planning permission is granted.</p> <p>EXAM 75 introduces a number of inconsistencies that call for substantial modification to the current Plan. The key issues are summarised below. This exam document provides a note on the Hendon Hub, including the withdrawal of the SPD the Burroughs and Middlesex University on 19 July 2022, however, the discussion on reduction in residential capacity raises further questions about viability of these sites that has not been addressed.</p> <p>The proposed development of sites 34 and 39 is in conflict with ECC01, CDH08 and in particular GSS01, GSS12 rendering the development unsound. The London Plan states that authorities can be flexible in their support for vitality and viability, and should take into consideration local car ownership levels [EXAM 57]. Site 34 the Burroughs Gardens Car Park is extremely small and cannot be developed as planned since this area is bounded by listed buildings, set in a conservation area, and owned by families who purchased them with the expectation that they would be able to use parking as currently provided, thus raising further equality issues that have not been addressed These sites are unnecessary and do not support affordable housing targets are only considered 'developable' [See MM37], and should therefore be removed from the Local Plan, as they were the now withdrawn SPD, not least because there is no demonstrated need [EXAM 36]. Regarding Egerton Gardens Car Park site 35, there is no justification given why this site should be developed [EXAM 16] for housing as opposed to sites 37 Middlesex University Car Park as included in the Draft Local Plan Reg. 19 and Platt Hall [AAP Site 7] which sits within the Colindale Growth Area (GSS06), is and currently used by Middlesex University [EXAM 25]). The proposed development does not take into consideration the local context [EXAM 14, EXAM 16], advance other strategic policies [EXAM 58] and is therefore unnecessary. The intensification of student housing in a residential and conservation area raises further planning issues regarding CDH01, TW03, CHH08 and as noted by Historic England [EB_SoCG_11] which further questions the appropriateness of the designs [EB_SoCG_11]. With respect to the Hendon Hub sites it says at 6.10.</p> <p>'Historic England consider that any buildings proposed to replace the existing Meritage Centre should be low-rise to avoid adverse impacts on the conservation area. Historic England advised that the allocation policy should highlight that the historic environment in this area is particularly vulnerable to increased building heights.'</p> <p>And at 6.11</p> <p>'The site requirements set out that any proposals need to be sensitive in relation to the heritage assets and should reinforce local distinctiveness, with consideration given to</p>	<p>These comments relate to the Hendon Hub planning applications and not proposals in the Local Plan. There is no specific reference to demolition of Site 36 – Fenella in the Local Plan.</p> <p>The issue of Site Allocations was addressed as Matter 10 of the Examination in Public. Following the EIP hearing sessions that considered Matter 10 (days 11 and 12 (Friday 4th November 2022 and Tuesday 8th November 2022)) the Inspector asked the Council to produce a note on Site Allocations. In response to the Inspectors questions the Council have produced EXAM 75.</p> <p>At Point 6 the Inspector asked the Council with regards to Hendon Hub sites 35, 36, 38, 40, 41 for clarification on the planning status. He also asked the Council to consider the impact, if any, arising from this status on the proposed allocation and assumptions for housing numbers.</p> <p>The Council's response to the Inspectors questions about the Hendon Hub is set out at pages 25 to 28 of EXAM 75.</p>

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		<p>the location within the conservation area and directly adjoining the Grade II* listed St Mary's Parish Church.'</p> <p>The proposed development does not highlight the historic environment and the plans are unsympathetic to the area. The proposed development would obscure the area, and bring about the loss of essential car parking for three faith groups (the Methodist Church, Our Lady of Dolores Church, and Chinmaya Mission) and has been contested by residents and faith groups, most importantly the Diocese of London [ID038]. As noted above, the development also does not comply with PSED Section 149 (3) and (5) -- having due regard to the need to "foster good relations between persons who share a relevant protected characteristic and persons who do not share it". Site 35 should therefore be removed and site 38 modified and reduced in mass to address the above concerns.</p>	
Ropemaker Properties Ltd	<p>EXAM 26 - Policy BSS01 & Industrial Land</p> <p>EXAM 74 - Table 14 – Locally Significant Industrial Sites</p> <p>EXAM 76 - Employment</p> <p>EXAM 36 - Note on Housing Numbers</p> <p>EXAM 79 Note on Tall Buildings</p> <p>EXAM 90 Note on Employment and Housing Land</p>	<p>Barton Willmore now Stantec are instructed to make representations to the Examination Documents published by London Borough of Barnet in relation to the Local Plan Review on behalf of our client, Ropemaker Properties Limited. Representations have previously been submitted on behalf of Ropemaker Properties Limited to the Council's Regulation 19 Local Plan consultation and the Examination Hearings. Our client welcomes the opportunity to provide comment on the additional examination documents prepared by the Council in order to address the Inspector's Action Lists.</p> <p>Context Ropemaker Properties is the freehold owner of the Garrick Road Industrial Estate (GRIE) as defined in the Site Location Plan provided at Appendix 1. The GRIE occupies 6ha of land and forms the majority part of the locally designated Garrick Industrial Centre and Connaught Business Centre</p> <p>Locally Significant Industrial Site (LSIS). The GRIE is made up of 26 industrial units providing approximately 35,000sqm floorspace in Class E(g)(iii), B2 and B8 uses. The GRIE has a public transport accessibility level (PTAL) of part-3 / part-2 / part-1 and this is not projected to change up to 2031. The closest stations are Hendon train station (Thameslink), located approximately 300m south-east of the Site, and Hendon Central underground station (Northern line), located approximately 900m east of the Site. Bus stops are located along the A5, to the west of the Site, providing regular services including to Alperton, Pinner, Watford, Brent Cross and Kilburn. The Site is also well connected to the local and strategic highway network, including to the A5, M1, Watford Way and North Circular. The West London Orbital (WLO) is a major infrastructure project which will deliver a passenger service along existing rail tracks between Hounslow/Kew Bridge and Hendon/West Hampstead by 2029 at the earliest. To our knowledge, the forecast PTAL rating does not factor in the planned WLO railway service which will further improve local public transport accessibility; in our view this is an instance where the PTAL methodology provides a misleading impression of the ability to use public transport to access workplaces, shops and services.</p> <p>Representations</p> <p>Notes on Employment and Industrial Land (EXAM 26, 74 and 76) Policy EY01 "A Vibrant Local Economy" states at part g "Where co-location of residential uses is proposed in an LSIS the development should be employment led and the Agent of Change Principle</p>	<p>The Council produced EXAM 76 on Employment at the request of Inspector Wildgoose. The Inspector asked the Council to reflect on the consistency of the Plan with respect to "no net loss" requirement and employment led approaches in terms of co-location, and the</p>

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		<p>used in favour of existing and proposed employment uses. The introduction of residential uses into an LSIS should not prejudice its ability function as an industrial area ". Policy E7 of the London Plan "Industrial Intensification, Co-Location and Substitution" requires Development Plans to be "proactive " and consider where parts of LSIS can be intensified, consolidated and co-located with residential and other uses.</p> <p>The requirement for co-location development to be "employment led" within Policy ECY01 should be amended as co-location may incorporate more residential floorspace whilst providing no net loss of industrial floorspace. The inclusion of "employment-led" is not considered to be in accordance with Policy E7 of the London Plan, which requires that development provide equivalent industrial floorspace only. Whilst the current wording of Policy ECY01 implies co-location schemes can come forward, there is no information provided and no allocations identifying where co-location schemes should come forward within Barnet, as encouraged by London Plan Policy E7. It is requested that existing industrial sites that are considered suitable for co-location of industrial uses with residential are identified through the Local Plan at Policy ECY01. The proposed changes in EXAM 76 do not address this. GRIE is a designated LSIS and is sustainably located within 400m of Hendon station, which will be served by the WLO major infrastructure project, and within 900m of Hendon town centre. WLO stations, including Hendon, are supported for intensification to provide 950 homes through Policies GSS01 and GSS09 of the submission Plan. NPPF Chapter 11 and London Plan Policy GG2 support making the best use of and optimising previously developed land for new homes, especially where they are sustainably located and provide access to services and amenities by public transport, walking and cycling. Therefore, it is considered the GRIE is a suitable development site to provide co-location of industrial uses with residential, in accordance with sustainable development principles within the NPPF and London Plan, London Plan Policy E7 and to support the delivery of other Local Plan policies including Policies GSS01 and GSS09. However, if the GRIE site cannot be allocated at this stage, it should be made clear that a co-location scheme can come forward through a future Supplementary Planning Document or a comprehensive advance or parallel masterplan in collaboration with Barnet and the GLA, in accordance with part B of London Plan Policy E7 and the Industrial Intensification and Co-Location Through Plan-Led and Masterplan Approaches Practice Note (2018). We note the clarification of LSIS areas in EXAM 74 and welcome this update.</p> <p>Note on Housing Numbers (EXAM 36) - Our client strongly supports the intensification of uses around WLO stations, including Hendon, for 950 homes, as set out within Policy GSS01 "Delivering Sustainable Growth" and GSS09 "Existing and Major New Transport Infrastructure"; this is a key part of the Local Plan strategy and agreed with Transport for London Spatial Planning within the Statement of Common Ground (ref. EB_SoCG_12) at paragraphs 3.1 to 3.3. However, at the Hearing we raised the issue that Policies GSS01 and GSS09 provide no information or proposed allocations identifying where the 950 homes will be located around these WLO stations, including Hendon. The Inspector's Actions List required a note to address how housing numbers have been arrived at and how it contributes towards overall position, including site allocations and other sources not proposed as allocations but are intended to contribute. The Note on Housing Numbers (EXAM 36), prepared by the Council, provides no further</p>	<p>master planning requirements in the London Plan. The Council has indicated that it proposes to make modifications within Policy ECY01G and the supporting text by stating that proposals for co-location / intensification within LSIS would be expected to demonstrate compliance with London Plan policy E7 and a masterplan-led approach.</p> <p>Inspector Wildgoose requested provision of a note addressing how housing numbers (anything covered by a GSS policy with a requirement to deliver in it) have been arrived at (with reference to the density matrix where appropriate) and how they contribute towards overall provision. EXAM 36 sets out the assumptions behind the indicative capacities for the site proposals in the Plan. EXAM 36 does not set out any modifications to the Plan and was produced at an early stage of the EIP Hearings.</p>

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		<p>information on how or where the 950 homes at WLO stations will be delivered. Out of the three WLO stations (Cricklewood, Hendon and Brent Cross), Cricklewood and Brent Cross are already Special Policy Areas with defined housing requirements and therefore the only suitable WLO station to deliver the 950 homes is Hendon. Yet there is no assessment or consideration of what sites could come forward around Hendon station, including no site allocations for housing delivery. We are now aware that through EXAM 90 that it is intended to remove reference to the allocation of 950 homes at WLO stations. This is not considered reflective of Policy GSS01 and the wider strategy of the submission Local Plan, or in accordance with the agreed position with TFL.</p> <p>Note on Tall Buildings (EXAM 79) Our client maintains their position in that the current wording of Policy CDH04 "Tall Buildings" and associated policy map designations do not include all the areas in which development is to be directed, including in areas within proximity to Hendon WLO station, as set out within Policies GSS01 and GSS09. The WLO stations of Brent Cross and Cricklewood are supported for tall buildings through individual policies for growth. However, the current wording of Policy CDH04 does not support tall buildings at Hendon WLO station and therefore does not reflect the aspiration for growth and development for 950 homes at WLO stations as set out within Policies GSS01 and GSS09. Map 4 of the submission Local Plan identifies existing tall buildings through black dots and strategic tall building locations through red circles. The exact locations of existing tall buildings and strategic tall building locations are unclear through Map 4, and it is considered that GRIE should be located within a strategic tall building location due to its surrounding (tall building) context, its locations adjacent to an existing railway line and lack of site constraints. A number of tall buildings have been consented along Edgware Road Major Thoroughfare, in close proximity of GRIE, including Silk Park development (ref. 18/4661/FUL) for up to 28-storeys, Telephone Exchange development (reg. 18/0352/FUL) for up to 17-storeys and former Homebase site (ref. H/05828/F14) for up to 14-storeys. The changing context in relation to townscape and height, scale and massing surrounding the GRIE provides opportunity for tall buildings to be suitable in this location and assist in the delivery of growth at WLO stations to meet policy aspirations. Therefore, it is considered that the strategic tall building locations should be further considered in relation to enabling growth and high-density development at Hendon WLO station to deliver other Local Plan policy considerations, specifically Policies GSS01 and GSS09. Failure to do so may result in housing delivery not being met and the Local Plan being unsound. Where the GRIE is not included within a strategic tall building location, Policy CDH04 of the submission Local Plan should be clear in that tall buildings are not restricted to strategic tall building locations and that tall and very tall buildings may be justified outside of strategic tall building locations where they meet the requirements of Policy D9 of the London Plan, in accordance with the High Court case London Borough of Hillingdon v Mayor of London [2021].</p>	<p>EXAM 90 represents the most recent Note requested by the Inspectors and reflects the latter stages of the EIP hearings.</p> <p>EXAM 90 shows modifications to GSS Policies with regards to expectations of housing delivery</p> <p>The Council has prepared EXAM 79 on the basis of providing responses to the questions raised by the Inspector with regards to the Local Plan's approach to tall buildings. The Council has carefully considered the wording of CDH04 to ensure consistency with London Plan Policy D9. It considers that through its responses and proposed modifications to CDH04 it has demonstrated that this approach is consistent with both the London Plan and the NPPF.</p> <p>Hendon Station is not in a Growth Area. The Local Plan (as clarified by EXAM 79) through Policy CDH04 and the Policies Map provides direction on locations that may be appropriate for Tall Buildings as well as those places i.e. not in the Growth Areas where Very Tall Buildings are not considered acceptable. Further proposed modifications to the supporting text for CDH04 will re-iterate the strategic importance of the Growth Areas, reflecting policies GSS01 to GSS06 in the Growth and Spatial Strategy section of the Plan.</p> <p>EXAM 79 Point 3 highlights that the presence of tall buildings in an area is not meant to set a precedent as each proposal should be considered in terms of its compliance with policy and the cumulative impacts of development.</p> <p>EXAM 79 reflects at some length on the Master Brewer case. Point 2 of the Note states Policy CDH04(d) also makes clear that all proposals for tall or very tall buildings (therefore irrespective of their location), need to be assessed in accordance with the impacts outlined in London Plan Policy D9</p>

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		<p>Note on Delivering the Identified Requirements over the Plan Period (Housing and Employment) (EXAM 90)</p> <p>The removal of the allocation for 950 homes at WLO stations is a significant proposed amendment and is not something that should be considered through minor modifications to the submission Local Plan. The strategy of the Local Plan is based on a housing distribution to various growth areas and areas where infrastructure improvements will provide opportunities for housing intensification. The removal of the allocation as proposed via EXAM 90 is not supported by our client. If the strategy for the Local Plan remains the same, housing should be identified at WLO stations to provide opportunities for more housing in these sustainable locations, especially at Hendon station, in accordance with Policy GG2 and H1 of the London Plan and paragraph 120 of the NPPF.</p> <p>Next Steps</p> <p>Our client is keen to work proactively with the Council to update the Local Plan as per the representations above. We are very happy to arrange a meeting to discuss Officers' responses to these representations and how our client can assist.</p>	<p>Part C as well as other relevant Local Plan policies. This also accords with the decision of the Court in Hillingdon.</p> <p>The further proposed modifications to CDH04 (in terms of the criteria that any tall building proposals must address, regardless of location) makes it consistent with London Plan Policy D9C. CDH04 does not prevent tall buildings where the policy tests are satisfactorily addressed. This is consistent with the proper application of Policy D9 following Master Brewer.</p> <p>EXAM 90 has been produced in response to Inspector Wildgoose's request for a note covering a issues relating to Delivery on Housing Land as well as Land for Employment, Retail and Leisure. At Point 10 the Council provided clarification on the 950 homes from the Reg 19 Local Plan in relation to the WLO. Upon reflection the Council considers that the WLO station locations that would realise this capacity are undefined and that it would not be justified to consider them as broad locations for growth in the same way as Brent Cross West (Staples Corner) and New Southgate.</p>
Casa Bella Developments	EXAM 79 Note on Tall Buildings	<p>We write on behalf of Casa Bella Developments Ltd to make written comments on document EXAM79 (Note on Tall Buildings). This follows on from representations made in Summer 2021 at Regulation 19 stage, as well as Matter 8 (Design, Tall Buildings and Heritage) of the Barnet Local Plan Examination (respondent reference: 027) (both within a Hearing Statement1 and through participation at the public hearing). Within EXAM79 the Council confirm that following discussions at the EIP hearing session, there are a number of further proposed modifications that they propose to the wording of both Policy CDH04 and supporting text as well as designations on the Policies Map. We provide our comments on these below.</p> <p>Major Thoroughfare - A5 Edgware Road In their response to Section 3, the Council states that: "<i>Barnet's historical and suburban character is generally not considered suitable for tall buildings outside the strategic locations outlined in Policy CDH04</i>". The Council reaffirm this position in their response to Section 18, suggesting that tall buildings are therefore not the preferred model of housing delivery. The Council go on to suggest that historic routes such as the Edgware Road (A5) and the Great North Road (A1000) comprise of "<i>more sensitive</i></p>	<p>The Council considers that this is a misreading of point 18 in EXAM79 which does not state that the Edgware Road (A5) and Great North Road (A1000) are sensitive townscapes. The sensitive townscapes are the town centres of Finchley Central and North Finchley while the Edgware</p>

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		<p><i>townscapes</i>" and that tall building developments along these locations would therefore present "<i>greater challenges</i>". As such, the Council conclude that tall buildings along these routes should be restricted to the "<i>specific site opportunities</i>". The Council outline the evidence that they consider supports this approach in their answer to Section 5; however, for the reasons set out within our Hearing Statement and below, the evidence is inadequate and does not justify the restrictive approach proposed by the Council for the A5 Edgware Road. This position stands in contrast to Barnet's Tall Buildings Update (2019) which acknowledges the significant change in character that has occurred along the A5 Edgware Road, and the need for change and significant growth along it. The Tall Buildings Update (2019) recognises that "<i>Reflecting development since 2010 new tall buildings have now become a feature of Barnet's townscape</i>" and demonstrates the following in respect of the A5 Edgware Road:</p> <ul style="list-style-type: none"> • It has been the focus of continual renewal and intensification and includes a spread of tall buildings (page 12) (also acknowledged in Section 10 of EXAM79); • It lies in a valley floor where taller buildings are less likely to have a significant impact on key views (page 19); • The two Locally Important Views affect small areas. The assessment also confirms that tall buildings in key views may be appropriate (page 17 and 18); • It is located in the more accessible part of the borough (page 20 and 24); • Whilst it is noted that there are two conservation areas (CA's) adjacent to the A5 Edgware Road, Both CA's take up a very small proportion of the total length of the thoroughfare. Further the assessment does not exclude the possibility of tall buildings within a CA (page 21 and 25); • A number of town centres and OA's are located along it and there is capacity for additional growth along the A5 Edgware Road (page 22, 26 and 27); and • Tall buildings are part of the character (page 28 and 29). <p>Barnet's Growth Strategy (2020-2030) also identifies the key role of the A5 Edgware Road in delivering growth: "<i>The A5 Corridor links all the growth areas across the west of the borough, presenting a key initial corridor of change that should be the focus of a healthier approach to placemaking and streetscape</i>".</p> <p>The A5 Edgware Road is therefore not a sensitive location. It is suitable for growth, and high density development inclusive of tall buildings. It is also pertinent to note that as outlined within our Hearing Statement, the Tall Buildings Study Update is dated as it does not accurately reflect the existing and emerging character of the major thoroughfare which has been transforming, and will further transform over the coming years, due to significantly sized schemes which have been approved since the study was prepared². The evidence base does not account for these fundamental changes to the character of the thoroughfare.</p> <p>² In addition to the schemes listed in Appendix 1 of the Hearing Statement, Planning Permission ref: 22/1065 has also received a resolution to grant planning permission from Brent Council for a 20 storey development at Symal House and 421 Edgware Road, London NW9.</p> <p>Taking account of the above, the Councils assertion that that the A5 Edgware Road is a "<i>more sensitive townscape..</i>" is not justified.</p>	<p>Road and Great North Road are referenced as historic routes. Point 18 also acknowledges that constrained site locations present great challenges in delivering tall buildings. It should also be noted that EXAM 57, which covers GSS11 – Major Thoroughfare, highlights that the Healthy Streets approach puts human health and experience at the heart of planning the city. Development along the Edgware Road has a key role in facilitating this healthier approach.</p> <p>The Council also considers that low rise high density development is achievable and that Tall Buildings are not the only way to deliver higher densities and optimise the potential of brownfield sites.</p> <p>The Local Plan (as clarified by EXAM 79) through Policy CDH04 and the Policies Map provides direction on locations that may be appropriate for Tall Buildings as well as those places i.e. not in the Growth Areas where Very Tall Buildings are not considered acceptable. Further proposed modifications to the supporting text for CDH04 will re-iterate the strategic importance of the Growth Areas, reflecting policies GSS01 to GSS06 in the Growth and Spatial Strategy section of the Plan.</p> <p>The A5 may have a spread of tall buildings. However, as EXAM 79 Point 3 highlights, the presence of tall buildings in an area is not meant to set a precedent as each proposal should be considered in terms of its compliance with policy and the cumulative impacts of development.</p> <p>Cassa Bella's focus on tall buildings on the A5 is noted as is the absence of any reference to facilitating delivery of healthy streets which is a key element of GSS11 – Major Thoroughfares.</p>

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		<p>The Council are intending to maintain their approach to removing reference to Major Thoroughfares as a broad location where tall buildings may be acceptable, as per the main modifications proposed in EXAM4. For the reasons outlined within our Hearing Statement and this letter, the Council's suggested modifications are not justified. The further modifications within EXAM79 do not go far enough with regards to recognising the suitability of the A5 Edgware Road major thoroughfare for tall buildings. Despite the Council's assertion in their response in Section 11 and consistent with their response to Section 13, the evidence base has not led to the determination of exact site locations for tall buildings along the A5. The evidence base does not provide a site by site analysis along the A5 therefore it does not justify restricting the tall buildings locations to only allocated sites. Indeed this conflicts with Policy GSS11 which confirms that <i>"further sites will come forward..."</i>. Policy CDH04 should therefore revert back to its submitted wording insofar as recognising that tall buildings may be appropriate along the Edgware Road (A5) Major Thoroughfare.</p> <p>In Section 15 of EXAM79, the Council states that whilst their Characterisation Study is over 10 years old, <i>"most of the character areas have not changed much over the years so the Study remains relevant"</i>. This implies that there are indeed areas across the Borough which have changed. Over 10,000 new homes have been built in the borough since 2011/13, with higher density development, including tall buildings and flatted developments, now forming established parts of the character of parts of the borough including along the A5. The LBB Characterisation Study fails to capture the significant change in character that has occurred; neither does it capture the necessary need for change and significant growth. Neither does it identify suitable locations for growth, and the potential scale of growth.</p> <p>The change in character along the A5 Edgware Road is recognised within the Officer Report4 for the Crown Honda site, in which Officers commented that a key material planning consideration was that <i>"the character of surrounding area has been subject to a fundamental change in terms of the prevailing architectural typologies and in terms of the scale of development"</i>. The Characterisation Study is therefore dated in relation to the A5 Edgware Road. The reliance of the tall buildings evidence on it means that the evidence base supporting Policy CDH04 is not sufficient to justify the Council's policy approach.</p> <p>The approach proposed by the Council for the A5 Edgware Road is not justified. The evidence base is not as detailed as expected by the London Plan. As a consequence, the draft policy and proposed modifications are not sound. The potential for tall buildings along the length of major thoroughfare should be recognised as appropriate, subject to a design-led approach.</p> <p>Tall Building Proposals Outside of Identified Locations</p> <p>In Section 3, the Council confirms that they have reviewed approaches to tall buildings outside of strategic locations taken by two recently adopted Local Plans in London (Lambeth and Brent). The Council recognise that as per London Plan Policy D9, in areas where tall buildings already exist, there may be sites appropriate to introduce further tall buildings which fall outside of the strategic locations. As such, they acknowledge within their response that: <i>"Development proposals for tall buildings that come forward outside the strategic locations identified in CDH04 should provide a clear justification and demonstrate appropriateness in terms of following a design-led approach that will consider siting, scale, height and form, together with visual, functional, environmental and cumulative impact in accordance with the London Plan Policy D9"</i></p>	<p>EXAM 4 MM162 was produced to clarify approach and reflect constraints within North Finchley and Finchley Central as well as along the Major Thoroughfares, separating them from the other strategic locations for tall buildings. The exact locations are the site proposals (identified in Annex 1 of the Local Plan) within these town centres and along the Major Thoroughfares.</p> <p>It is not unrealistic for the Plan to say in GSS11 that further sites will come forward for growth along the Major Thoroughfares. It does not imply that such sites may be appropriate for tall buildings.</p> <p>Any proposal for a tall building in the Borough be it in an identified strategic location or not will be considered in accordance with Policy CDH04 which is consistent with London Plan Policy D9.</p> <p>The Council has carefully considered the wording of CDH04 to ensure consistency with London Plan Policy D9. EXAM 79 reflects at some length on the Master Brewer case. Point 2 of the Note states Policy CDH04(d) also makes clear that all proposals for tall or very tall buildings (therefore irrespective of their location), need to be assessed in accordance with the impacts outlined in London Plan Policy D9 Part C as well as other relevant</p>

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		<p>This is the correct approach to apply having regard to the outcome of the High Court case R (LB of Hillingdon) v Mayor of London [2021] which found that tall buildings outside of a strategic location can be acceptable. The Council also acknowledge in their response to Section 14 that the policy wording is drafted intentionally using 'may', because the locations listed are not automatically considered appropriate for tall buildings. In a similar way they state that <i>"nor is the possibility precluded of a tall building being allowed elsewhere provided that the criteria in London part c are met"</i>. Further, their response to Section 18 acknowledges that there may be opportunities for windfall sites or other development opportunities to come forward in locations that have not been anticipated through the plan-led process.</p> <p>The Councils acknowledgement of these principles in their responses is welcome; however, in order for the Plan to be positively prepared, the potential for tall buildings coming forward outside of identified locations should be explicitly expressed within the Local Plan policy. This is necessary to address the requirements of NPPF paragraph 16 which requires policies to be clearly written and unambiguous, so that it is evident how a decision maker should react to development proposals. It would not be appropriate to leave this for a future SPD to outline as suggested by the Councils response in Section 20. Further modifications are therefore considered necessary to confirm how development proposals for tall buildings outside of strategic locations would be assessed. Acknowledgement of how tall buildings would be considered outside of identified location would also help to overcome the shortfalls identified in the Councils evidence base.</p> <p>Other Matters</p> <p>Very Tall Buildings - The Council propose to direct very tall buildings of 15 or more storeys to Growth Areas through further modifications outlined in Section 19. However, this is at odds with other responses within EXAM79 where the Council express that massing should be informed by site specific analysis, visual impact assessment and individual assessment of proposals. As expressed by the Council in a number of their responses in EXAM79, where heights have been indicated in the evidence base, these are indicative and the final determination on heights should be informed by detailed site specific analysis and visual impact assessment. The same principles should apply to all tall buildings proposals, such that the final height should be the output of a design-led approach.</p> <p>Fire Safety (Second Staircases) - As outlined within the Councils response to Section 22, they propose that Policy CDH04 requires all residential buildings over 30 metres to have two staircases. This is in light of the Mayor's statement on fire safety released in January 2023. It is noted that the Government consulted on the requirement for second staircases between December 2022 and March 2023. The outcomes of the consultation are not yet known; therefore, it would be more appropriate for the policy to refer to the need for tall buildings to meet relevant Building Regulations standards on fire safety. If the regulations evolve over the plan period, the policy will become outdated and therefore, the policy should simply refer to the need to meet Building Regulations as relevant at the time of the application.</p> <p>Conclusions</p>	<p>Local Plan policies. This also accords with the decision of the Court in Hillingdon.</p> <p>The Council considers that the further proposed modifications to CDH04 (in terms of the criteria that any tall building proposals must address, regardless of location) makes it consistent with London Plan Policy D9C. CDH04 does not prevent tall buildings where the policy tests are satisfactorily addressed.</p> <p>The Council considers that through its responses and proposed modifications to CDH04 it has demonstrated that this approach is consistent with both the London Plan and the NPPF.</p> <p>The Council has clarified the role of the Designing for Density SPD at point 20 of EXAM 79. SPD guidance will apply boroughwide rather than just 'within the identified strategic locations' as indicated in point 20 of the Council's Note.</p> <p>There is no inconsistency in EXAM 79. CDH04 as drafted will ensure proposals for Tall and Very Tall Buildings must adequately address the criteria in London Plan policy D9C in terms of acceptable cumulative visual, environmental and functional impacts including siting, microclimate, wind turbulence, noise, daylight and sunlight, reflective glare, aviation, navigation and electronic communication or broadcast interference.</p> <p>It is not unreasonable for the Local Plan to provide direction on where tall or very tall buildings should go. The Local Plan (as clarified by EXAM 79) through Policy CDH04 and the Policies Map provides direction on locations that may be appropriate for Tall Buildings as well as those places i.e. not in the Growth Areas where Very Tall Buildings are not considered acceptable. Further proposed modifications to the supporting</p>

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		<p>Thank you for the opportunity to provide further comments as part of the Local Plan Examination process. We have reviewed EXAM79 (Note on Tall Buildings) which has been produced by the Council following the public hearing sessions. For the reasons outlined above, it is considered that the further modifications proposed by the Council do not go far enough to address the concerns raised within our Hearing Statement and during the public hearing. The modifications proposed are not justified having regard to the evidence base that has been produced in respect of tall buildings, particularly in relation to the A5 Edgware Road. This Major Thoroughfare should be re-instated as a location where tall buildings may be appropriate, and further clarity should be added into the policy in relation to how sites outside of tall buildings locations should be treated.</p> <p>1 Matter 8 Written Statement - Savills for Casa Bella Developments.pdf (barnet.gov.uk) 2 In addition to the schemes listed in Appendix 1 of the Hearing Statement, Planning Permission ref: 22/1065 has also received a resolution to grant planning permission from Brent Council for a 20 storey development at Symal House and 421 Edgware Road, London NW9. 3 Key Facts Evidence Paper (June 2021) – Document reference: Core_Gen_20 4 See Appendix 3 - Officers Report for Application ref: 20/3906/FUL, for erection of three buildings ranging in height from 20 to 24 storeys providing a range of uses including up to 470 residential units, office and workspace, self-storage, flexible community space and a café.</p>	<p>text for CDH04 will re-iterate the strategic importance of the Growth Areas, reflecting policies GSS01 to GSS06 in the Growth and Spatial Strategy section of the Plan.</p> <p>The Council considers it right and proper, because of the design implications, to flag the need to have 2 staircases on residential buildings over 30 metres. This helps to reassure residents.</p>
DTZ Investors UK Ltd	EXAM 18 – Early Review EXAM 25 – Development Frameworks EXAM 27 – Local Plan Mapping EXAM 36 – Housing Numbers (Including Supporting Table AA) EXAM 38 – Retail	<p>These Representations are made on behalf of “DTZ Investors UK Ltd” (“DTZ”), in response to the following London Borough of Barnet’s (“LBB”) Examination notes, which were requested by the Inspector and provide further justification on various matters:</p> <p>EXAM 18 – Note on Council’s Commitment To An Early Review EXAM 25 – Note on Sites in Development Frameworks EXAM 27 – Note on Local Plan Mapping EXAM 36 – Note on Housing Numbers (Including Supporting Table AA) EXAM 38 – Note on Retail EXAM 76 – Employment Land EXAM 79 – Note on Tall Buildings</p> <p>DTZ previously submitted written representations to the Regulation 19 Consultation of the Barnet Draft Local Plan in August 2021, in relation to the New Southgate Opportunity Area (“NSOA”) and their development interests at Friern Bridge Retail Park. DTZ also submitted written representations to the Examination in August and September 2022, and attended the Examination hearings.</p> <p>RESPONSE TO EXAM 18 – NOTE ON COUNCIL’S COMMITMENT TO AN EARLY REVIEW</p>	<p>EXAM 18 The Council is disappointed that DTZ are unhappy on how the Council has expressed its commitment</p>

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	<p>EXAM 76 – Employment Land EXAM 79 – Tall Buildings</p>	<p>The Inspectors requested a note concerning LBB's commitment to an early review of the Plan because the Emerging Local Plan (EP) does not have a full 15-year period from the date of adoption (if found to be sound). LBB <i>expects</i> to publish the LDS within a year of the Local Plan adoption, which will set out a new timetable for the review. LBB therefore proposes to modify the supporting text of Chapter 1 to include:</p> <p><i>“The Council will facilitate the early review of the Local Plan through formal publication of a new Local Development Scheme... the process for review will be informed by the contents of the Local Plan Monitoring Framework set out at Table 24... The Council will formally publish a new Local Development Scheme within a year of the date of adoption of this Plan.”</i></p> <p>LBB's response is ambiguous and vague and there is no commitment to when an early review will take place. An early review might reasonably be undertaken within 12 months of adoption but to take 12 months to decide the timetable for undertaking the substantive the Early Review will, by definition, unreasonably delay the Review, and prevent it from being “Early”. An early review (i.e. well before the statutory 5-year review) should be undertaken and this should specifically include adoption of a strategic framework for the NSOA, particularly in the event this framework is not embedded as part of this current (EP). This would accord with London Plan Policy SD1₁, which confirms that Development Plans are expected to set out how growth potential of Opportunity Areas will be encouraged, and importantly, delivered. It cannot be demonstrated, in the current Local Plan, that LBB have adhered to this requirement, raising doubts as to the deliverability of the Plan and therefore it's soundness. Furthermore, part A of London Plan Policy SD1 states that the Mayor will provide support for the implementation of planning frameworks that are prepared in an open and timely manner. The Mayor is unable to fulfil this role as LBB continue to delay progression of the planning framework for the NSOA, which is a strategic regional allocation that should receive higher priority from the LPA and in the EP. If the current EP does not include a strategic framework for the NSOA then the Local Plan would immediately be inconsistent with the London Plan, and would not therefore be sound. The EP is not positively prepared and is ineffective, as it is inconsistent with the London Plan and the lack of any timetable makes the anticipated London Plan development yields less likely to be delivered. For these reasons, the EP is likely to be ineffective and is therefore unsound.</p> <p>RESPONSE TO EXAM 25 – NOTE ON SITES IN DEVELOPMENT FRAMEWORKS The Inspectors requested LBB prepare a note concerning sites that are included in a development framework (and already covered by SPD) that have not been allocated. The Inspector requested consideration of sites in Growth and</p>	<p>to an early review of the Local Plan. EXAM 18 was produced in response to the Inspector's request to: include any actions required if there is a firm commitment to embed a review in the Local Plan; and consider the impact of any review on Local Development Scheme.</p> <p>Progress is now being made with New Southgate.</p> <p>In delivering for New Southgate the Council is working with LB Enfield and LB Haringey to address strategic matters relating to housing growth, infrastructure provision and place making around the New Southgate area. With the support of funding from the GLA the authorities have recently jointly commissioned a high-level capacity study and site assessment to consider development opportunities in New Southgate. This will provide a spatial and qualitative analysis of the existing area, and help inform the guiding principles needed to steer transformation within New Southgate.</p> <p>EXAM 25 The Council acknowledges that the sentence “This includes consideration of all Growth Areas and New Southgate Opportunity Area” has been added in error to the Background paragraph of EXAM 25. Reference to New Southgate Opportunity Area should not have been added as there is no planning framework in place.</p>

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		<p>Opportunity Areas as part of this note. LBB identify the site allocations have been sourced from planning frameworks as follows: Area Action Plans, Supplementary Planning Documents, Town Centre Strategies/ Frameworks. The resultant document Exam 25 sets out why some sites from these frameworks are not included in the Schedule of Proposals. Whilst the NSOA is not subject to an adopted planning framework, site allocations within this designated sustainable area should be considered by the Council – as requested by the Inspector. However, the note produced by LBB does not consider any sites within the NSOA, despite LBB stating it does. To comply with the Inspectors' request, LBB should explain how sites within the OA have been considered for development, and a justification for why no sites have been allocated should be provided. The absence of site allocations within the OA contravenes the London Plan requirement for Development Plans to encourage and deliver growth potential within Opportunity Areas² as well as establishing capacity for growth in OAs³. The EP has therefore not been positively prepared and, for this reason, is unsound.</p> <p>RESPONSE TO EXAM 27 – NOTE ON LOCAL PLAN MAPPING</p> <p>These comments relate to definition of NSOA boundaries, which is discussed throughout Notes EXAM 27 and EXAM 79. EXAM 27 states that: The London Plan contains indicative locations for opportunity areas only; The boundaries of the Opportunity Area will be established through a planning framework produced jointly between the Council, LB Enfield and LB Haringey with the GLA; and A future Local Plan will then define the boundaries of the Opportunity Area. Whilst the London Plan does not define the boundaries of Opportunity Areas, it does require Development Plans to set out how they will encourage and deliver growth in an Opportunity Area⁴, which LBB clearly has not done. Failing to define the boundaries of the NSOA within the current EP not only conflicts with the London Plan, but it also creates uncertainty for landowners as well the ability of the Local Plan to meet objectively assessed need. The boundaries of the NSOA have been defined by the London Borough of Enfield (LBE) since 2010 in the New Southgate Masterplan SPD, and more recently as a "Place Making Area" in its draft Local Plan (June 2021)⁵. It also proposes a strategic policy for New Southgate⁶ which seeks to facilitate dense forms of residential development including tall buildings. Therefore, there should be a strategic policy relating to the NSOA in the current EP. The wording of such a policy⁷ is proposed in our previous representations to the Local Plan⁸ and would fully resolve the issue. The policy should also be linked to a defined boundary on the associated Policies Map, so LBB should clearly define the boundaries of the NSOA within the current EP, in order to establish the capacity for growth, to ensure optimised sustainable development, and to provide certainty. The failure to define the boundary of the NSOA is inconsistent with the London Plan and is therefore not effective or positively prepared.</p>	<p>The Council acknowledges that DTZ does not claim that the Local Plan process has not afforded them a number of opportunities to provide for information gathered in respect of their site. The dates of these opportunities are set out in para 4.1.3 of the Site Selection Background Paper (Core_Gen_07).</p> <p>EXAM 27</p> <p>The Council refers to its previous response on the progress of joint working with regards to delivering for New Southgate. DTZ appear to be suggesting that Barnet produces its own standalone planning framework. This is at odds with the following:</p> <p>The Council's Statement of Common Ground with LB Enfield (EB_SoCG_03) clearly states:</p> <p>Both boroughs agree to work on the joint planning framework for New Southgate and meet their neighbouring, strategic and London Plan commitments and ensure any infrastructure requirements arising from the framework are captured within the boroughs' Infrastructure Delivery Plans.</p> <p>There is therefore no material conflict with the London Plan.</p> <p>Whilst that with LB Haringey (EB_SoCG_04) states:</p> <p>Both parties agree to work together on progressing the joint planning framework for the New Southgate Opportunity Area with strategic partners and meet their neighbouring, strategic and London Plan commitments.</p>

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		<p>RESPONSE TO EXAM 36 – NOTE ON HOUSING NUMBERS (INCLUDING SUPPORTING TABLE AA)</p> <p>The Inspectors requested a note addressing how housing numbers (anything covered by GSS policy with housing delivery requirement) have been derived. This is to include consideration of housing allocations in OAs that could not be proposed as allocations but are intended to contribute to supply. LBB has revised the minimum housing delivery quantum from 44,000 to 44,970, and highlighted that this target is a minimum. LBB explain that housing numbers have been calculated in two ways. First where a site has an extant consent, the quantum of housing approved has been used, and second, for sites without permission, the density matrix has been applied. Exam 36 does not explain why the NSOA has such a low housing delivery target (250 homes), compared to the London Plan's estimated capacity which is 2,500 new homes. London Plan Policy SD1 also stipulates that initial estimates indicate that this figure could be significantly greater than the current estimated capacity. Table AA provides no explanation on how LBB have derived the 250 new homes figure for the NSOA. The table states this figure is an estimate for phase 3 of the Plan, based on progress of the NSOA. No sites within the OA have been assessed for by application of the density matrix – which has been done for the other two London Plan designated OAs</p>	<p>It is also worth highlighting the support of the NPPF for joint-working at paras 26 and 27.</p> <p>26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.</p> <p>27. In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.</p> <p>EXAM 36 This is a misreading of EXAM 36. Figures for the Growth Areas at Brent Cross and Cricklewood are based on a combination of planning consents and proposals in this Local Plan. NSOA has neither proposals nor consents. As highlighted above DTZ did not put forward their site as a potential Local Plan proposal.</p> <p>EXAM 90 explains the use of uplifts at New Southgate OA and Brent Cross West (Staples Corner) Growth Area in years 11 to 15 of the Plan. Unlike Brent Cross West there are no defined boundaries for NSOA.</p> <p>As an indicative figure the Council agrees that 250 homes delivered in 5 years is a reasonable assumption for an uplift in relation to NSOA.</p>

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		<p>(Cricklewood and Brent Cross). This inconsistency is likely to result in significant under-provision of housing and a failure to optimise the potential yield of the area. This is not addressed by this Local Plan, and sites within the NSOA have not been assessed against the density matrix to derive appropriate indicative housing capacity. Both of these faults mean that Policy GSS01 does not provide a strategy which, as a minimum, will meet the area's objectively assessed needs. By definition therefore, this element of the EP is not positively prepared, and so is not sound.</p> <p>RESPONSE TO EXAM 38 – NOTE ON RETAIL The Inspectors requested a note covering issues relating to LBB's consideration of retail and other main town centre uses in the plan. In particular justification was requested for setting the requirement of an impact assessment at 500 sqm. Exam 38 does not provide a justification for setting the requirement of an impact assessment at 500 sqm, other than to state the adopted Local Plan requires a retail impact assessment for schemes over 500 sqm and this has operated successfully since its adoption in 2012. In addition, neighbouring boroughs have used similar approaches in recently adopted Local Plans. Policy TOW01 needs to be amended to make clear that any impact assessments must be proportionate to the scale and nature of the proposal. For example, a full detailed impact assessment should not be required for smaller schemes below 2,500 sq. This is not a positive approach to retail development and the need to protect centres. The current wording would unnecessarily restrict new retail development, and there is no justification for departing from the default threshold of 2,500sqm in the NPPF as LBB does not have an up-to-date retail study to support this. This approach is not supported by evidence, conflicts with national policy, and so is not sound.</p> <p>RESPONSE TO EXAM 76 – NOTE ON EMPLOYMENT LAND The Inspectors requested a note in relation to Policy GSS01 and the rationale behind the 27,000 employment figure and any associated inputs, job densities and job ratios. LBB state that the source for the 27,000 new jobs is the Annual Regeneration Report 2018/19, and this figure has been repeated in the most recent ARR 2020/21 and the 2019 Growth Strategy. The Growth Strategy states that development at Brent Cross will deliver 19,000 jobs at Brent Cross Town and 8,000 at Brent Cross North. This is based on the implementation of the Brent Cross hybrid consent. Because the Burnt Oak/Colindale and New Southgate OAs are not fully within Barnet, the Council considers it pragmatic to keep the 27,000 jobs target, though it seems reasonable to express the figure as a range considering the new GLA economic projections of 12,000 new jobs. LBB proposes to modify para 4.5.1 to change the new jobs delivery target from 'more than 27,000' to 'between 12,000 and 27,000 new jobs across the borough'. The NSOA is designated within the London Plan as one of the capital's principal opportunities for accommodating large scale development. To not mention the indicative number of jobs to be provided within the NSOA is a major gap, which causes uncertainty, and fails to create a mechanism to identify employment locations and job totals and bring them forward. A new policy should be introduced specifically for the NSOA which would set out the job targets it is to provide. A</p>	<p>In addition, the Council refers to its previous response concerning work currently being undertaken on a high level capacity assessment.</p> <p>EXAM 38 Friern Barnet Retail Park is an out of centre location. The Council's justification is set out in EXAM 38 and supports the 500m² threshold and provides a positive approach to protect Barnet's town centres from out-of-centre development.</p> <p>EXAM 76 The Council refers to its previous response on the progress of joint working with regards to delivering for New Southgate.</p>

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		<p>suggested draft policy is set out in previous representations made on behalf of DTZ Investors UK Ltd9 – Planning for the Borough's economy, including employment, retail and other main town centre uses, would address the problem and make the Plan sound. The absence of an identified, indicative number of jobs to be provided within the NSOA provides uncertainty with respect to the delivery of jobs within this strategic designation over the Plan period. To this extent the current EP is not effective, and therefore it is not sound.</p> <p>RESPONSE TO EXAM 79 – NOTE ON TALL BUILDINGS</p> <p>The Inspectors requested a note, rather than a footnote, to clarify within policy CDH04, the appropriateness of the NSOA as a location for tall buildings. It was also queried how proposals should be considered in the NSOA in advance of a joint area planning framework. These representations comment specifically on the following matters discussed in EXAM 79: The removal of reference to the NSOA in draft Policy CDH04; and Defining the boundary of the NSOA.</p> <p>The removal of reference to the NSOA in draft Policy CDH04</p> <p>At Item 17, LBB stated that: Tall and very tall buildings in the NSOA will not be supported prior to production of a joint area planning framework with LB Enfield, LB Haringey and Mayor of London; The joint area planning the NSOA be removed from Policy CDH04;</p> <p>Proposals that come forward in advance of the Opportunity Area Framework will be considered in accordance with Policy GSS01 and London Plan Policy SD1.</p> <p>At Item 17, LBB states that the following supporting text is proposed to draft Policy CDH04 instead: <i>"The Council has signalled its intention at Section 1.7 to facilitate ...a strategic policy and joint area planning framework with LB Enfield and LB Haringey for the New Southgate Opportunity Area...On the basis of this strategic policy parameters will be set for the consideration of tall buildings in the Opportunity Area."</i></p> <p>The removal of reference to the NSOA from draft Policy CDH04 conflicts with London Plan Policy SD1, which defines opportunity areas as London's principal opportunities for accommodating large scale sustainable development. Not only has the NSOA been identified as an Opportunity Area in the London Plan since the 'Intend to Publish' version (December 2019), but it was also first designated in 2004/10, and a New Southgate Masterplan Supplementary Planning Document (SPD) was prepared for by the LBE in 2010/11, and so the potential for tall buildings in New Southgate (up to 10 storeys) has been recognised and an established policy objective, for at least the last 13 years. It is not appropriate to consider proposals in the NSOA in accordance with Policy GSS01, which identifies the capacity of the NSOA as only 250 homes. This level of development is inconsistent with the potential that an Opportunity Area offers and therefore this is a clear conflict with Policy SD1. The development of tall buildings within the NSOA should be facilitated by local policy in order to optimise the development potential of an Opportunity Area. The wording of draft Policy CDH04 part (e) provides criteria to assess proposals that come forward for tall buildings in any event. Therefore, assessments still need to take place to establish whether tall buildings are appropriate on the site and so there is no reason to remove the NSOA as a potentially appropriate strategic location for tall buildings. Whilst the introduction of a strategic policy and joint planning framework for the NSOA is supported, timings for it and for a Local Plan</p>	<p>EXAM 79</p> <p>The Council is unsure what DTZ are alluding to as it is clear from EXAM79 that it is proposed to delete the footnote to CDH04. The Council also makes it clear that in the absence of a planning framework for New Southgate it cannot through this Local Plan direct tall or very tall buildings to this location. EXAM 79 reflects at some length on the Master Brewer case. Point 2 of the Note states Policy CDH04(d) also makes clear that all proposals for tall or very tall buildings (therefore irrespective of their location), need to be assessed in accordance with the impacts outlined in London Plan Policy D9 Part C as well as other relevant Local Plan policies. This also accords with the decision of the Court in Hillingdon.</p> <p>The Council is not sure why DTZ are highlighting a SPD adopted by LB Enfield in 2011. The New Southgate Masterplan SPD was adopted in 2011 and covers a mix of residential and industrial land including the Ladderswood Estate and the New Southgate Industrial Estate. The character of the New Southgate area of LB Enfield is different to that of LB Barnet and LB Haringey. It is larger, has higher residential densities and fewer green spaces than either the LB Barnet or LB Haringey sections of what is known as New Southgate. To assist the Inspectors the Council considers there are merits in adding LB Enfield's New Southgate SPD to the examination library.</p> <p>The Council refers to its previous response with regards to the merits of joint working.</p>

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		<p>review, are vague and ambiguous, creating further uncertainty for landowners and the ability of the emerging plan to meet objectively assessed needs within the area.</p> <p>LBB should therefore use the current EP as an opportunity to define, deliver and maximise the strategic sustainable development potential of the NSOA, rather than delay it. The reference to the NSOA as a potentially appropriate location for tall buildings should therefore remain in draft Policy CDH04. In addition, draft Policy GSS0X – New Southgate Opportunity Area, as set out in our previous representations¹², should be included in the EP to make it sound. The removal of the NSOA from draft Policy CDH04 is inconsistent with the London Plan, is therefore not effective or positively prepared and makes the EP unsound.</p> <p>Defining the boundary of the NSOA</p> <p>Our comments regarding the need to define the boundary of the NSOA are set out above in full in our response to EXAM 27 – Note on Local Plan Mapping.</p> <p>1 Part B 1) of London Plan Policy SD1 2 Per Part B 1) of London Plan Policy SD1 3 Per Part B 5) of London Plan Policy SD1 4 Per Part B 1) of London Plan Policy SD1 5 Draft LBE Policies Map (June 2021) https://www.enfield.gov.uk/__data/assets/pdf_file/0022/12667/Draft-Policies-Map-Planning.pdf 6 Draft Strategic Policy SP PL7: New Southgate in emerging Draft LBE Local Plan – Main Issues and Preferred Approaches (June 2021) 7 Policy GSS0X - New Southgate Opportunity Area 8 DTZ Representations to Matter 8, Examination into London Borough of Barnet Local Plan Stage 2 (September 2022) 9 DTZ Representations to Matter 4, Examination into London Borough of Barnet Local Plan Stage 2 (August 2022) 10 New Southgate Opportunity Area – GLA Website New Southgate Opportunity Area London City Hall 11 LBE New Southgate Masterplan SPD (2010) 101119_Final_Masterplan.indd (enfield.gov.uk) 12 DTZ Representations to Matter 8, Examination into London Borough of Barnet Local Plan Stage 2 (September 2022)</p>	