



## Examination into London Borough of Barnet Local Plan

### Stage 1 (Matters 1 – 7)

Matter 4 – Planning for the Borough’s economy, including employment, retail and other main town centre uses

Representations on behalf of  
DTZ Investors UK Ltd (on behalf of Strathclyde Pension Fund)

(Respondent reference number 41)

## MATTER 4: PLANNING FOR THE BOROUGH'S ECONOMY, INCLUDING EMPLOYMENT, RETAIL AND OTHER MAIN TOWN CENTRE USES

---

### MATTER STATEMENT – MATTER 4

1. These Representations are made on behalf of our client, “DTZ Investors UK Ltd” (“DTZ”), in response to the Inspectors’ Matters, Issues and Questions published on 12 July 2022. DTZ submitted written representations to the Regulation 19 Consultation of the Barnet Draft Local Plan in August 2021, in relation to the vitality and viability of the Borough’s town centres. The points raised in this Matter Statement relate to Issue 1 and Issue 2.

### ISSUE 1:

**MIQ 4.1.5 Should the Plan be clearer as to the requirements (if any) for employment floorspace within specific designations or locations identified in the Plan such as Growth Areas; District Town Centre; areas of Existing and Major New Public Transport Infrastructure; areas of Estate Renewal and Infill; Major thoroughfares, or elsewhere?**

**MIQ 4.1.3 Is the Plan sufficiently clear as to the amounts and location of office and general industrial floorspace (and those otherwise falling within Classes B1 (B), B1 (C) and B8) that it intends to allocate or identify?**

*What particular part of the Plan is not legally compliant and/or unsound?*

2. The indicative job totals for New Southgate Opportunity Area (NSOA) set out in the London Plan<sup>1</sup> is not identified in Policy GSS01 and Policy GSS09.

*What legal compliance issue or soundness test(s) does it fail and why?*

3. The absence of identified future arrangements to secure the job totals identified for the NSOA makes it uncertain that it can be delivered in the Plan period by this strategic designation, and to this extent, the current Plan is not effective.
4. London Plan Policy E4 requires a sufficient supply of land and premises to meet current and future demands for industrial and related functions should be provided and maintained.
5. Paragraph 4.5.1 states that ‘during the plan period Barnet will deliver more than 27,000 new jobs....’;
6. However, there are no policies or tables in the supporting text which show a breakdown of the location of the employment sites and how much floorspace could be accommodated on each site.
7. The NSOA is designated within the London Plan as one of the capital’s principal opportunities for accommodating large scale development. Paragraph 3.4.3 of the Draft Barnet Local Plan states that ‘Opportunity Areas have the highest expectations for delivering homes and new jobs, as well as supporting infrastructure.’ It is a prime area for Use Class E and B8 uses, to bring forward 3,000 jobs, split across three authorities.

---

<sup>1</sup> London Plan Policy SD1 and Table 2.1

8. However, this is unclear in the draft Barnet Local Plan. Policies GSS01 and GSS09 state the number of homes to be provided in the NSOA but do not mention the indicative number of jobs to be provided. This is a major gap, which causes uncertainty, as it does not create a mechanism to identify employment locations and job totals and bring them forward.

*How could the Plan be made legally compliant or sound?*

9. For the Plan to be positively prepared, the distinct and prioritised role of the NSOA needs to be explicitly recognised by the Adopted Plan. This is to reflect the indicative job target within the London Plan, recognising that this total is split between three boroughs.
10. This should be addressed in Draft Policies GSS01 and in a new policy, introduced specifically for the NSOA which would set out the job targets for NSOA.

*What is the precise change that is sought?*

11. In Policy GSS01 the NSOA should be taken out of GSS01 (c) and placed in GSS01(a) so it is treated on the same basis as other OAs (eg the Colindale OA);
12. A new policy should be introduced setting out the indicative job target for the NSOA, given by the London Plan total, reflecting the LB Barnet's share of that total. A suggested draft policy is set out below:

***POLICY GSS0X New Southgate Opportunity Area***

*The New Southgate Opportunity Areas is designated within the London Plan as one the capital's principal opportunities for accommodating large scale development. The New Southgate Opportunity Area provides an opportunity for regeneration and intensification, supported by high existing PTALs and potential future transport infrastructure improvements, along with the availability of substantial underused sites. The Council will support planning proposals that optimise residential and employment density, including co-location, on suitable sites while delivering improvements to the amenity of the area.*

*To deliver growth and regeneration at New Southgate, the Council will seek the following from development within the part of the Opportunity Area which lies within LB Barnet:*

- ***Up to 1,000*** new homes throughout the Plan period, with the potential to increase further upon delivery of public transit infrastructure improvements;
- ***Up to 1,000*** new jobs throughout the Plan period, across a range of employment uses including distribution and logistics, and retail; and
- ***Appropriate levels of floorspace for community, leisure, and commercial uses.***

*The Council will seek to prepare a more detailed planning framework for this area, such as through an Area Action Plan or Supplementary Planning Document, working with LB Haringey and LB Enfield to achieve a comprehensive approach.*



**MIQ 4.1.8 Is the approach of Policy ECY01 with respect to the employment-led focus upon co-location of industrial premises with new homes in LSIS justified and in general conformity with Policy E7 of the London Plan? Does the Plan appropriately account for circumstances where co-location of existing employment land may be proposed and there would be no net loss of employment floorspace?**

*What particular part of the Plan is not legally compliant and/or unsound?*

13. The policies map and site allocation for NSOA is not consistent with Policy E7 of the London Plan.

*What legal compliance issue or soundness test(s) does it fail and why?*

14. Co-location introduces flexibility and sustainable mixed-use developments. Co-location would enhance the NSOA and sites within, but there is not policy in place at present to encourage this.

*What is the precise change that is sought?*

15. A new policy should be introduced for the NSOA with reference to co-location. A suggested draft policy is set out in response to question 3.

**MIQ 4.1.9 Is the proposed location-based approach of and associated requirements in Policy ECY02 with respect to affordable workspace, including the provision of 10% of proposed gross employment floorspace for such purposes (or equivalent cash-in lieu payment for off-site provision); justified, effective, consistent with national policy and general conformity with the London Plan? .....**

*What particular part of the Plan is not legally compliant and/or unsound?*

16. Policy ECY02 of the draft Barnet Local Plan should be dealt with by CIL.

*What legal compliance issue or soundness test(s) does it fail and why?*

17. This is a matter better dealt with by CIL in order to free up the site from excessive bureaucracy and viability assessments to support and assist policy in the Borough. Requiring schemes to submit viability assessments simply produces slower decisions and inconsistent results across different sites. It is far better to levy this as part of CIL where it is clear, transparent and can be applied on a consistent basis.

*What is the precise change that is sought?*

18. Delete Policy ECY02 and include in CIL.

**MIQ 4.1.10 Are the requirements of Policy ECY03 in terms of local jobs, skills and training for qualifying development, seeking to deliver construction phase training in conjunction with Council recognised providers and requiring compliance with guidance in future SPDs; justified, effective, consistent with national policy and in general conformity with the London Plan?.....**

19. See response to question 9.

## ISSUE 2:

**MIQ 4.2.4 Would Policy TOW01 be effective, justified and consistent with national policy in all other respects, including with regard to the sequential test and the 500 square metres locally set threshold for impact assessments?**

**MIQ 4.2.5 Are any changes to Policy TOW01 or its supporting text, including the proposed modifications suggested by the Council, necessary to achieve soundness?**

*What particular part of the Plan is not legally compliant and/or unsound?*

20. Policy TOW01 is unsound because it has not been positively prepared, and the Plan does not provide justification for the local threshold requirement for retail impact assessments.

*What legal compliance issue or soundness test(s) does it fail, and why?*

21. Having regard to the relevant tests, the current wording of draft Policy TOW01 is **unsound** for the following reasons:

- First, it does not represent a **positive approach** to retail development and the need to protect centres. The current wording would unnecessarily restrict new retail development; and
  - Second, there is no **justification** for departing from the default threshold of 2,500sqm in the NPPF as the Council does not have an up-to-date retail study (the most recent document is the Town Centre Floorspace Needs Assessment (2017)) to support this.
22. Policy TOW01 sets a local threshold for the requirement of retail impact assessments, for retail, leisure, and office proposals over 500sqm which is significantly below the 2,500sqm threshold set out in the NPPF (2021). There is also no evidence that existing centres in the borough are in decline or particularly vulnerable to the impact of small-scale main town centre use proposals such that an exceptional local policy approach is required.
23. This local threshold is, however, not supported by an up-to-date evidence base. The 2017 Study, at paragraph 10.9, merely states that the local impact threshold of 500sqm is mentioned in the supporting text of Development Management DPD (2012). It goes on to recommend that this threshold should be retained and 'that it should be enshrined in a specific policy rather than in supporting text.' The draft Local Plan provides no further explanation behind the reasoning for such a low threshold.
24. Given the intention of the NPPF to positively plan for, and encourage appropriate and sustainable new economic development, there needs to be a sound justification for applying a lower threshold than that set out in the NPPF.
25. Indeed, the NPPF is clear that there is a presumption in favour of sustainable development and the role of planning is not to unnecessarily restrict, burden or delay appropriate development.
26. Such a low threshold is overly restrictive for new retail and leisure development and, given the lack of justification or evidence to support it, the policy should adopt the 2,500sqm threshold set out in the NPPF. It should not include the requirement for smaller scale retail and leisure development outside existing centres to demonstrate that they would not have an adverse impact on the vitality and viability of designated centres.

27. In addition, paragraph 90 of the NPPF only refers to a requirement for impact assessments for retail and leisure proposals, and not offices as required by Policy TOW01. As such the policy is not consistent with the wording of the NPPF.
28. Furthermore, the current wording of Policy TOW01 is not consistent with the wording in the NPPF or paragraph 7.6.8 of the Draft Local Plan, given it refers to the need to demonstrate that there would be 'no harm' to the vitality and viability of the centres by the approval of edge-of centre and out of centre development. Paragraph 91 of the NPPF and paragraph 7.6.8 of the Draft Local Plan state that only proposals which would have a 'significant adverse impact' should be refused.
29. Draft Policy TOW01 is not consistent with national policy given it refers to needing to demonstrate that proposals would not 'harm' designated centres rather than result in a 'significant adverse impact' on them and it includes a requirement for impact assessments for office development.

*How could the Plan be made legally compliant or sound?*

30. Draft Policy TOW01 should be amended as below, to enable consistency with national policy.
31. What is the precise change that is sought?
32. In its current form, draft Policy TOW01 is **unsound**, and criterion (d) of Policy TOW01 should be amended as follows:

(d) Following a 'town centres first approach', the sequential test will be applied to ensure sustainable patterns of development are achieved; therefore, outside of town centres any development of main town centre uses will not be permitted unless it can be demonstrated through the NPPF sequential approach that there are no suitable premises/sites available in the designated centres as set out in Table 13 and **that there would be no significant adverse impact** on the vitality and viability of these centres by the approval of edge-of centre and out of centre development. The application of the sequential test must be proportionate and appropriate for the scale and nature of the given proposal. In addition, any proposal of more than **2,500 m<sup>2</sup> of retail or leisure** development in an edge or out of centre location must be supported by an impact assessment.

**MIQ 4.2.2 Are there sufficient allocations/permissions to meet the identified needs of each type of main town centre use set out in the Barnet Town Centre Floorspace Needs Assessment 2017 (EB\_E-02)? If not, is the approach of the Plan justified and consistent with national policy insofar as it is required to look forward at least 10 years, or is there a net requirement still to be identified for each type of main town centre use?**

**MIQ 4.2.3 Is the Plan sufficiently clear, including when taking Policies GSS08 and TOW1 together, as to the overall amount of each type of main town centre use being planned for during the plan period and**



**would the approach of the relevant policies be effective for the purposes of decision making on future development proposals?**

33. Whilst we do not wish to make any specific comments about the level of retail capacity identified within the Barnet Town Centre Floorspace Needs Assessment 2017 (the 2017 Study), it should be highlighted that this document is now 5 years old and is clearly out of date. In fact, the Draft Barnet Local Plan at paragraph 4.5.5 states that the Council is working on a new study to establish how much additional retail provision may be needed over the plan period. The 2017 Study did, however, identify a need for a significant amount of new retail and leisure floorspace across the borough with demand for another 77,000sqm of comparison floorspace and 33,330sqm of food and drink uses up to 2036.
34. Some of this requirement could be accommodated at existing accessible retail parks such as Friern Bridge Retail Park, which should be recognised in the Draft Local Plan. Sites such as Friern Bridge Retail Park already accommodate retail and other main town centre uses and, therefore, they represent a sustainable location for further development. The maintenance and/or enhancement of the retail function of this site would be consistent with its location in the NSOA and will help promote that policy objective too. The Local Plan should, therefore, recognise that such accessible and well-established retail sites are more appropriate to accommodate new retail and leisure development than other out of centre sites.
35. Friern Bridge Retail Park is also within walking distance of nearby residents and is well served by public transport being within 300m of the nearest bus stop on the North Circular (A406) and 800m of New Southgate train station. In this regard, the site is well suited for a range of uses including retaining and/or intensifying the current retail provision, or co-locating retail alongside new residential provision, or a comprehensive redevelopment to a residential only scheme.