

## Appendix I

### Submission for Re: Review

It is difficult as a member of the public to be able to distinguish what functions of Barnet Council are contracted to Re: particularly with regard to the authors of Strategic Planning documents as they contain no 'author'. I presume that the Cophall Planning Brief, An Open Spaces Strategy for Barnet and the like are part of Strategic Planning and so written by Re: staff. Other functions are more obvious as they are identified as Re: or signed by Re: staff. Developments are required to be considered against the NPPF, London Plan, Barnet Plan and other relevant document, but there is a tendency to only choose those clauses/statements in these that the development in question will satisfy and ignore others that should be considered with equal or greater merit. If these were reported equally, more planning applications may be refused. Additionally, other organisations appear to have too close a relationship with Barnet Council, giving them a privileged position. My submission concerns Dollis Valley Greenwalk, Barnet Cophall in the Green Belt, trees and the infrastructure for pedestrians.

### Dollis Valley Greenwalk (DVGW)

In 2009, DVGW won £400,000 funding from the Mayor of London in the 'Help a London Park' initiative (See [open\\_space\\_assessment\\_dec09\\_4.pdf](#), page 36 – 5.3.2 and 5.3.3 or GLA's DD367 Funding Agreement for DVGW). You will note that in October 2009 there is no mention of cycling along DVGW as it was a green and pedestrian only corridor.

But in December 2013 Planning Application B/05752/13 was submitted by a Re: employee and then deemed to be 'permitted' and 'lawful' by the Assistant Director – Development Management & Building Control, another Re: employee. This was using Class A of Part 12 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The result of this was a 'Certificate of Lawful Use or Development' was issued for DVGW (section between Oakdene Park & Fursby Ave) N3. (Please note that 'Oakdene Park' is a suburban street in West Finchley not associated with DVGW, that seems to have been transposed somewhere along DVGW!). The plans are from the footbridge below Rocklands to Fursby Avenue – Phase 2. Phase 1 from Dollis Road to the footbridge was 'upgraded' the previous summer, when many residents were on holiday, and as far as I can ascertain, the public was not aware of these plans until a sign was placed at either end to state that the footpath was closed for works.

If you look up part 12 of the above you will note that it only covers "any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic meters in capacity". But this project involved materials far in excess of 200 cubic meters so could not be approved under Class A of part 12 of the above! (Calculation: For the asphalt paths alone, they are 621 meters, the width of 2.5m gives 1552 square meters. The concrete edging was 15cm (the minimum height as the path was raised) gives 232.8 cubic meters. But this is the minimum the path was raised – in some places it was raised by 0.8m, and does not take into account the 132m pedestrian-only path, the new 3m wide bridge or the topsoil brought in to attempt to raise the surrounding ground to the height of the path. The volume was likely to be over 400 cubic meters).

Hence this 'Certificate of Lawful Use or Development' could not be considered such.

The 'Re: Limited Conflicts of Interest Register' has Reference Planning003 in Feb 2013 where Re: was involved with both the submitting of the application and the determination of the application and although this is mentioned in this register, why did none of these Re: planning team staff do a few calculations and reject this project being able to receive a 'Certificate of Lawful Use or Development'?

It was not until April 2014 that the public were made aware of these plans, by way of some notices along this area of DVGW. There would be some Parks staff available for information on three days for a couple of hours. As part of this information they carried out an impromptu survey, which was later referred to as the 'consultation'. This did not mention the introduction of cycling but rather a 'shared path', something that every public footpath is. When I asked if they were going to permit cycling I was told that if cycling was not agreed to they would have to close this section of DVGW for Health and Safety. But there are sections of footpaths much worse than this was that continue to be

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open and are not upgraded because they cannot become cycleways so this was more of a threat if you do not agree to the inclusion of cycling. There was very little information available and I was not directed to the Planning Application above. I am unsure if this was available online before the works began as in an email to a councillor it stated they were not online due to purdah. I was later to find that the contracts for the works were let before the information days.

There would appear to be no evaluation of the impact of the new path or the change of use of the other paths. Additionally, there was no consideration of this being a SINC as the new path went straight through a regenerating small wooded area when a slightly longer path could have skirted this. The path has become a mini-dam as it affords little drainage through it. The area behind the tennis courts was unique along lower Dollis Brook as it was a natural, non-thoroughfare area that has now been severely compromised in a SINC.

Being in the area of a SINC there was an ecological report which stated no trees were to be felled. The plans indicated that apart from the new path behind the tennis courts, the other paths would be over the present path, but wider. However, the physical works did not see the new path being placed over the present path, as in the plans. At the Finchley and Golders Green Residents Forum in June 2014 I had asked some questions regarding this 'upgrade' and at the meeting I asked where the path was to go at the little bridge as there was not the 2.5m required between the oak tree and the brook bank. But there was silence – no one on the panel would answer! I suspect that the decision had already been made as within two weeks works began on cutting a path between the oak tree and the golf club fence, cutting down three hawthorn trees and other vegetation in the process. Being concerned I contacted my ward councillor who gave me the number to contact the Assistant Director – Development Management & Building Control, who had given the project a Certificate of Lawfulness.

On contacting the Assistant Director by phone I expressed my concerns that the project was too big for the 'Certificate of Lawful Use or Development' and that there had been a deviation from the plans. His reply was that once they had that certificate they could please themselves what they did there – they could cut down as many trees as they liked and they could deviate from the plans as much as they wanted so long as there was no 'demonstrable harm'!

While they progressed with these works the 'no cycling' sign remained at the Fursby Avenue entrance. Elderly residents had told me that other 'no cycling' signs had not been replaced by the council. There were no 'cycling permitted' signs as the designated cycling route was via Gordon Road and Brent Way, along quiet streets parallel to DVGW. People would not be denied access to enjoy DVGW if cycling is not permitted.

Both 'Department for Transport Shared Use Paths' and 'London Cycling Design Standards' requirements could not be met as the environment along this section did not permit the width, visibility and other requirements for the cycle standards required for 'shared paths'. An example being the fences either side at the allotments, with fences later extended as the widened path was then so close to the brook. This section is about 150m with a curve in it, so reduced visibility. The fences on either side are well over a metre tall and between 2.5, and 3m apart. But the design requirement is that they be 4m apart! There are also corners of little visibility. If they had fully considered the requirements detailed in the Department for Transport document, they would have concluded that this footpath should not be converted to 'shared path'. There was no consideration of the effect this wider path designed for cyclists would have on present and future pedestrian users or wildlife of this SINC which is also part of 'green chains'. In fact there was so little regard for the effect on the environment that unsterilized materials were brought in, particularly soil, so the next summer many plants were growing that were not previously present.

Design standards have been ignored. So has the Equalities Act as vulnerable pedestrians have not been considered. If free money was not available from Transport for London for off-road cycling, this would not have occurred. DVGW is being downgraded to a transport corridor when what is needed to maintain it as a health, wellbeing and ecology corridor for the benefit of pedestrians, flora and fauna. The Re: 'Dollis Valley Walk / Oakdene Park Shared Footpath Phase 2 Pre-Construction Information 14<sup>th</sup> May 2014' has

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### 3.12 There is no recorded presence of any invasive species such as Japanese Knotweed or Himalayan Balsam, or any Giant hogweed.

These species are now all present and Himalayan Balsam was definitely spread during these works. Spear thistle, creeping thistle, hemlock, common hogweed, ragweed, and other weeds not previously in this area were introduced during these works.

DVGW has been frequently raised at Residents' Forums since as many DVGW users and nearby residents are not happy with this scheme but appear to be ignored. An internal Audit was undertaken in April 2015 but it was limited in scope and did not address the decision to introduce cycling without any consultation and the disregard of the environment and pedestrians.

Recently other sections of DVGW have been subject to 'upgrades' or these are planned. Whetstone Stray has recently had the path widened from between 1 – 1.5m to 3m. There was no consultation as I was told it was not needed as was like for like, but, if it was like for like how could LIP funding be used as this is not available for maintenance. The plans were drawn by Re: staff with them being designed, drawn, checked and approved by three different people on the same day. The resulting path would suggest this was a desk job where safety and the environment were not considered. The finished path has some blind corners on a path that cyclists can speed on. The side path to Longland Drive was also to be upgraded without any consultation even though it passes meters from residential properties. After the works began in wet weather there was a threat of Dollis Brook becoming contaminated by spoil, so I contacted the Environment Agency. They required a geotextile barrier to be erected as the works were so close to the brook, but this should have been in place before the works began – why did Re: not highlight this in plans? Again with free money from Transport for London for off-road cycleways, there was little if any consideration of the environment or pedestrians, the scheme title being "Whetstone Stray Cycle Route". This is part of DVGW and in a SINC.

There were also plans to convert the Riverside Walk and Brookside Walk (which is part of the Capital Ring) to permit cycling. Again the plans were designed, drawn, checked and approved the same day. Again it was hidden behind the terminology of 'shared path' even to the extent of having a notice about a 'shared path' next to a 'no cycling sign'. So I put up notices explaining what was planned, to be told by a Park's staff member that I was fly-posting and he was taking them all down!

Please read Freedom of Information request 3656999 and note all the requirements to be considered that have been completely ignored. How are the elderly and young children being considered in the Equalities Act? Where are the Health and Safety considerations? With no count of present numbers or profile of present users, how can it be justified that their plans will be beneficial? Given that DVGW goes through SINC's in these places, where are the environment impact reports?

The widening of the path and additional infrastructure, like fences for cycle safety and the introduction of plants not previously growing in these areas, are compromising this area of nature conservation and also making it more urbanised. The effect of these projects involving Re: will affect the Health and Wellbeing of the majority of residents as 26% of journeys originating in Barnet are by pedestrians, whereas only 1% are cycling. The pedestrian infrastructure is being downgraded in favour of cyclists and the ecology of the SINC's along DVGW are being similarly downgraded.

It would be great if the Council would look to the future and consider the health and wellbeing of residents and the ecology of natural areas within the borough, rather than make decisions purely for financial reasons. The challenge should be to encourage more pedestrian activities on pedestrian-friendly infrastructure. The NHS guidelines for adults are met by more adults when doing pedestrian activities than swimming, cycling or other sports. Contrary to the opinion of engineers, cyclists and pedestrians prefer very different surfaces as cycles have wheels to roll over the surface whereas pedestrians interact with the surface by foot-strike. A softer surface does not generate as much force through the body. While concrete and asphalt may be hard wearing, the wear and tear on our bodies from

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these surfaces is more painful. With so many bus stops and tube stations near, the DVGW route it is accessible to many residents and is an activity nearly everyone can participate in. So please in this review of Re: encourage some strategic planning to enhance DVGW for more pedestrians. Some safe (no corridors and outward opening cubicle doors directly to the surroundings – no corridors) toilets, lockers to leave bags/shopping while out for a stroll, pedestrian-friendly surfaces on DVGW would be better for health and well-being than converting it to a transport corridor.

### **Trees and the infrastructure for pedestrians**

Many trees are street trees but there are also trees in parks. It is concerning that trees are often cut down without a notice being placed on them when it the requirement is that a notice is placed on a tree for at least seven days before it is cut down. Sometimes a notice is placed at a tree stating it is necessary to remove it but by then only the trunk may be left. It appears there is a tendency to cut down a tree just in case. Park trees often do not have a notice placed on them, yet are likely to be less of a risk. Seven days seems insufficient time for residents to be able to argue a case for retention of a tree, where justification for its removal is not always evident. It is hoped that Re: will give greater value to trees and that trees will be replaced the next planting season. There was a claim at the last Finchley and Golders Green Residents Forum that there was not sufficient money to replace trees the next planting season so some tree pits will remain empty for another year (example: Fursby Avenue).

Pavements up until about two years ago generally had at least 2/3rds of the pavement flat with up to a third slanted at driveways for vehicles to cross the pavement. But now every driveway is slanted so that all the pavement is at a slope. Why? Can there be some 'strategic planning' to improve the pedestrian infrastructure to make it easier and more pleasant for pedestrians? This is not a financial consideration, rather it is more an acknowledgement that pedestrian activities should be encouraged by improving the infrastructure for them. In my street there are hundreds of people who walk along the pavement daily, with most property vehicle crossings having two to four movements a day, yet the design is to give these vehicles priority. People are now expected to live on average of over 80 years so please develop pedestrian infrastructure so their joints will last that long. Softer surfaces for pedestrians need to be investigated too. Concrete and asphalt need to be replaced with more pedestrian-friendly materials, particularly on pavements that have high volumes of pedestrians. Pedestrian activities are healthy and environmentally friendly forms of travel that is cheap, plus it improves health and well-being so please modernise the pedestrian infrastructure to make it more pedestrian-friendly.

Trees are also in the street usually in the pavement. But they are now asphalted close to the trunk. As the asphalt has no give, it often is not long after the asphalt is applied that the asphalt develops cracks. Please investigate using porous, non-black material with some stretch as an improvement over asphalt.