



Cabinet

Title	Local Plan - Main Modifications
Date of meeting	12 March 2024
Report of	Councillor Ross Houston Deputy Leader and Cabinet Member - Homes and Regeneration
Wards	All
Status	Public
Key	Yes
Urgent	No
Appendices	Appendix A – Schedule of Main Modifications to Local Plan Appendix B – Schedule of Additional Modifications to Local Plan
Lead Officer	Cath Shaw - Deputy Chief Executive cath.shaw@barnet.gov.uk
Officer Contact Details	Neeru Kareer – Assistant Service Director Neeru.kareer@barnet.gov.uk Nick Lynch Planning Policy Manager nick.lynch@barnet.gov.uk

Summary

Following the submission of the Local Plan for Independent Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in November 2021, and the subsequent examination Hearing Sessions held between September and December 2022, the Inspectors have, at the request of the Council, recommended a number of Main Modifications to the Plan in order for it to be

found sound. To be found sound the Local Plan has to be positively prepared, justified, effective and consistent with national policy.

The purpose of this report is to present the Schedule of Proposed Main Modifications required to make the Plan sound.

Approval is also sought for the Main Modifications to be subject to public consultation, prior to the Inspectors making their final recommendations in their Report on whether the Local Plan can be adopted.

Recommendations

1. That Cabinet note the contents of this report and the Schedule of Main Modifications (Appendix A) and the Schedule of Additional Modifications (Appendix B).
2. That Cabinet consider in terms of any further changes to the Schedule of Main Modifications (Appendix A) the recommendations of Overview and Scrutiny Committee on March 5 2024. Any recommendations from Overview and Scrutiny will be reported in an addendum.
3. That Cabinet approve the Schedule of Main Modifications (Appendix A) for public consultation for a six week period commencing on 6th May 2024 in accordance with the Council's Statement of Community Involvement and Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended).
4. That Cabinet grant delegated authority to Deputy Chief Executive to:
 - i. Agree any necessary amendments to supporting documentation for consultation and any other typographical, presentational, and consequential wording changes to the Local Plan prior to publication, in consultation with the Cabinet Member for Homes and Regeneration.
 - ii. Following public consultation on the Proposed Main Modifications, consider and summarise the responses received and forward to the Inspectors for their consideration in producing their Report.
5. That following the receipt of the Report from the Inspector recommending adoption of the Local Plan, that the Plan be brought back to Cabinet and full Council for adoption.

1. Reasons for the Recommendations

- 1.1 The Policy and Resources Committee on September 30th 2021 and Council on October 19th 2021 approved the Draft Local Plan (Reg 19) for submission to the Planning Inspectorate for Examination in Public (EIP). The Schedule of Main Modifications at Appendix A represent a significant step towards adopting a Local Plan, that with modifications can demonstrate it is sound, in that it is positively prepared, justified, effective and consistent with national policy.
- 1.2 Following appointment of two Planning Inspectors, the EIP Hearings commenced in September 2022 and lasted until December 2022. Subsequent to these EIP hearings the Council have produced, at the request of the Planning Inspectors, an extensive series of Exam Notes in response to specific questions about the Plan. These Notes were subject to informal Inspector led consultation in Spring 2023. There followed a series of clarifications with the Inspectors on outstanding issues. In August 2023 the Inspectors published their Interim Findings and Next Steps letter which set out how the Council can through making Main Modifications to Local Plan address issues of legal compliance and deficiencies in soundness.

- 1.3 The interim findings provided a good indication of what the Local Plan, its 51 policies and 57 site proposals within may look like at adoption, subject to making the Inspector's suggested Main Modifications. The Inspector's letter has therefore been considered as a relevant material consideration in Council's decision making on planning applications.
- 1.4 The Council have been in discussions with the Planning Inspectors since September 2023 on producing and finally agreeing a Schedule of Main Modifications.
- 1.5 The format of the Main Modifications has been stipulated by the Inspectors and sets out through tracked changes what has been changed in the Plan together with the reason for the change. This will help focus public consultation on what has changed. There have been changes (to varying degrees) to all 51 policies and 57 proposals.
- 1.6 A fundamental change arising from the EIP was a commitment by the Council to an early review of the Plan. This was because the Local Plan (with adoption in 2024) will not have full 15 year period. This Plan covers 2021 to 2036. In order to address this the Council will facilitate the early review of the Local Plan through formal publication of a new Local Development Scheme within year of adoption. The review is most likely to focus on strategic policies such as those in the Growth and Spatial Strategy Chapter as well as other policies such as Design, Tall Buildings and Community Infrastructure. These are all identified in Appendix A (Chapter 12 – Table 24).
- 1.7 The document at Appendix A sets out all the main modifications to the Plan. The majority of changes help to make the Plan a clearer, more effective and user-friendly document. They help to provide more reliance on the evidence base such as the Tall Buildings Study, greater consistency between policies, improved cross-referencing to relevant Local Plan and London Plan policies as well as reflecting new corporate directions such as the Housing Strategy, and addressing national policy requirements such as the introduction of Biodiversity Net Gain in February 2024.
- 1.8 A summary of the key policy changes is set out below:
 - **Barnet's Spatial Strategy**

Barnet's Spatial Strategy for growth highlights that by focusing on sustainable locations the impacts of development on the climate will be better managed, green belt and prevailing suburban character protected. Policy BSS01 sets out Barnet's minimum housing requirement of 35,460 new homes by 2036. This remains unchanged whilst requirements and strategic approaches for the provision of other land uses such as office, industrial, retail and leisure have been clarified as has the role of the new Metropolitan Town Centre at Brent Cross. The approach to ensuring vitality and viability of Barnet's town centres is now based on having an appropriate mix of main town centre uses whilst on industrial land the focus is on intensification in safeguarded employment areas.
 - **Growth and Spatial Strategy**

This Chapter sets out in a suite of 13 strategic policies where Sustainable Growth (GSS01) will be focused. Policy GSS01 reflects BSS01 and with further changes more clearly sets out the distribution of economic and housing growth whilst also highlighting the specific public transport infrastructure such as West London Orbital to support it. GSS01 sets out the distribution of new homes. The Local Plan total for growth has decreased from 46,000 new homes to just under 44,000. This reflects reduced density requirements on site proposals and removal of general indicative capacities around West London Orbital as well as the deduction of windfalls from town centres. Further detail of the revisions is set out in Table 5 of Appendix A. Changes to GSS01 set the scene for the other GSS policies including Brent Cross (GSS02), Brent Cross West (Staples Corner) (GSS03), Cricklewood (GSS04), Edgware (GSS05)

and Colindale (GSS06) with an emphasis on optimising growth around a design-led approach. Changes also provide more clarity on a consistent approach to infrastructure requirements, the Healthy Streets Approach, flood risk and biodiversity as well as providing hooks for new more detailed planning frameworks to come forward as at Brent Cross West (Staples Corner). In terms of the wider Brent Cross Growth Area the Council sets out its intention to produce more detailed policy guidance on the regeneration as part of its early review of the Local Plan.

Modifications to GSS07 Mill Hill East reflect expected delivery of existing consents in the Mill Hill Area as well as proposal sites. The uplift in numbers reflects the revised Housing Trajectory which sets out delivery of new homes between 2021 and 2036. Further clarification is provided that proposals must account for cumulative impact as part of a Transport Assessment.

Modifications to GSS08 Barnet's District Town Centres reinforce the message that such locations are particularly suitable for mixed use growth including community, retail, office and leisure uses, and that residential led development has a key role to play in supporting public realm and infrastructure improvements making town centres more attractive places to live, visit and enjoy. The role of Planning Frameworks such as the North Finchley Town Centre SPD in providing additional layers of detail and improving the town centre 'offer' and overall diversification is further highlighted. Changes to the policy on Major Transport Infrastructure (GSS09) highlight that mixed use growth in such locations does not have an unacceptable impact on nearby town centres. At GSS09 (Estate Renewal and Infill) the policy has been reinforced by cross-references to London Plan policies H6 – Affordable Housing Tenure and H8 Loss of existing housing and estate development. Policy on Redevelopment of Car Parks (GSS12) has been further clarified in its support for redevelopment of publicly accessible surface level car parks and how the Council requires such proposals to demonstrate the suitability and arrangements for any retained or proposed parking. Changes to the policy on Strategic Parks and Recreation (GSS13) highlight the three destination hubs for sport and recreation that the Council is bringing forward as well as clarifying preferred locations for indoor facilities ie Growth Areas and town centres.

- **Housing**

The Chapter on Housing sets out how the Local Plan will respond to a changing population, building new homes to widen choice and ensure access to affordable, good quality housing as well as protecting existing stock. Within HOU01 – Affordable Housing changes clarify that the Council is seeking to maximise delivery of affordable housing in accordance with London Plan. In terms of Housing Mix policy HOU02 changes have been made to clarify that proposals will be supported where they provide a housing mix (including family housing) reflecting the Council's evidence-based priorities. Size priorities for affordable housing will be informed by the Housing Needs Register. Approach on Conversions and Redevelopment of Larger Houses (HOU03) has changed to make the policy less restrictive in terms of appropriate locations. This has been required to avoid conflict with the London Plan which seeks optimisation on housing delivery. However the revised policy is more positive on provision of new family accommodation as part of any conversion or redevelopment of a larger house. Policy on Specialist Housing (HOU04) has been revised to make distinction between older persons housing and wider housing choice for people with social care and support needs. Policy HOU04 covers Homes in Multiple Occupation (HMO). It is important that new HMOs do not undermine the approach in HOU03 of prioritising family housing. Policy has been strengthened in terms of outlining what a harmful concentration of HMOs is ie 3 or more of the 10 nearest properties are HMOs. Revisions have also been made to require HMO

Management Plans to protect living conditions for HMO residents and neighbours. Similar management plans are also now required for student accommodation. Revisions to the policy on ensuring the Efficient Use of the Housing Stock (HOU05) have been made to clearly outline the limited circumstances where loss of residential will be supported. It also clarifies expectations of temporary housing and the limits on short-stay accommodation. Policy HOU07 on Meeting Other Housing Needs has been deleted as the Council's approach on Build to Rent and self-build housing is now covered by the more strategic policy GSS01 – Delivering Sustainable Growth. Policy on Gypsies, Travellers and Travelling Showpeople (now HOU06) highlights that there is no objectively assessed need for plots and pitches within Barnet and has been revised to be more positive in that proposals for such accommodation will be supported provided that they meet the listed criteria in the policy.

- **Character, Design and Heritage**

The Character, Design and Heritage Chapter sets parameters for managing change ensuring positive benefits of growth and that Barnet does not lose the qualities that attract people to live, work and visit the Borough. The Council's main design requirements for development are set out in Promoting High Quality Design (CDH01). These have been strengthened and made more effective, repeating the message on optimising the capacity of sites through a design led approach as well as following the Healthy Streets Approach in terms of improving street safety and amenity as well as promote active travel. It introduces criteria on building design limiting light pollution. It also makes cross-reference to the Building Safety Act 2022 in terms of requirements for safe and secure environments. The introduction of a Design Review Panel and further clarification of the role of new guidance on sustainable design and development in achieving higher standards in new homes and the local environment. Revisions to policy on Sustainable and Inclusive Design (CDH02) sets out requirements for accessible housing as well as energy standards (reflecting the December 2023 Ministerial Statement on Energy which makes clear that planning policies should not set local energy efficiency standards that go beyond current or planned building regulations). Policy on Public Realm (CDH03) has been made more positive and effective with new opening statement that public realm should form an integral part of the design process and enhance the connection between publicly accessible space and the built environment. As part of the revisions cross-references to London Plan policies and Transport for London guidance have been added to the policy.

In order to manage and respond to pressures for tall buildings (8 storeys or more) the Tall Buildings policy (CDH04) has been revised to provide greater alignment with evidence (the Tall Buildings Study Update 2019) in removing the category of Very Tall Building (15 storeys or more) and setting out locations where tall buildings may be appropriate. Map 4 of Appendix A has been revised (in line with the 2019 Study) to show three types of location where tall buildings may be appropriate. Locations such as New Southgate, the Major Thoroughfares and the town centres of Finchley Central and North Finchley were previously identified as locations where tall buildings may be appropriate. This has been revised to focus more on Local Plan site proposals in such locations. Map 4 also clarifies the Locally Important Views. The policy has also been made more effective by making direct reference to London Plan Policy D9 – Tall Buildings rather than duplicating the criteria in that strategic policy. Cross reference has also been added to the requirements of the Building Safety Act 2022 in particular provision of two staircases in residential development of more than 30 metres in height. The supporting text for CDH04 sends a clear message that tall buildings are not the only way to deliver higher densities. A design led approach to optimising site capacity is required and the Council will carefully assess the design and townscape qualities of proposals

to ensure that the predominant suburban and historic character of the Borough is maintained. The role of the forthcoming Council guidance on Designing for Density is clarified in terms of how appropriateness will be assessed in terms of site specific and character considerations. This can include cumulative impact.

Policies on Extensions (CDH05) and Basements (CDH06) have been made more effective with revisions to provide closer alignment with the London Plan and Local Plan policies on high quality design (CDH01) and amenity space and landscaping (CDH07). Policy CDH07 has been revised to clarify requirements for hard and soft landscaping including retention of trees of value and the potential for providing biodiversity benefits such as habitat creation using native species. Changes also remove any off-site provision of amenity space. There is now a clear requirement for amenity space to form part of the design of proposals for residential development. This is in line with London Plan Policy S4. Policy on Barnet's Heritage (CDH08) has been comprehensively redrafted in order to align with the NPPF approach to the historic environment. Policy on Advertisements (CDH09) has been revised to clarify when the Council will support proposals and when it will resist.

- **Town Centres**

Policy TOW01 – Vibrant Town Centres has been revised to make it more effective and consistent with London Plan and other Local Plan policies on Brent Cross (GSS02), Cricklewood (GSS04), Edgware (GSS05) and other District Town Centres (GSS08). Repeats emphasis on the benefits of residential led mixed use development for investment in town centres, making them more attractive places to live, visit and enjoy. Revisions to TOW02 – Development Principle's in Barnet's Town Centres, Local Centres and Parades clarifies protection of main town centre uses with strong preference for retail use protection. This reflects changes to the Use Classes Order in 2020 which introduced a new extensive use class (Class E – Commercial, business and service). This was intended to help high streets adapt to changing circumstances and diversify within a larger use class. Policy TOW03 addresses the clustering of uses such as adult gaming centres, hot food takeaways, shisha bars, betting shops and money lenders. This has been revised to be more positively worded, setting out what criteria needs to be addressed in order for the Council to support proposals. Changes also include a clarification on the requirement of a Health Impact Assessment for all proposals covered by TOW03. Policy TOW04 – Night Time Economy has been revised to make it more effective and consistent with London Plan and other Local Plan policies (particularly those relating to town centres).

- **Community Uses, Health and Wellbeing**

The Community Uses, Health and Wellbeing Chapter sets out how Local Plan can help deliver new social infrastructure in more accessible locations while promoting healthier lives for residents. Revisions to the policy on Community Infrastructure (CHW01) clarify the need to make best use of land, including the public sector estate, in providing multi-purpose facilities and the requirement of larger developments for on-site provision of land or facilities in order to address need generated by growth. Clarification is also provided on loss of community infrastructure outlining when loss will be allowed when part of a wider public sector transformation plan which requires investment in modern fit-for-purpose infrastructure. If not part of such a transformation plan the Council will consider reuse for other forms of community infrastructure before any alternatives. Reflecting the impact of COVID19 policy CHW01 has also been revised to highlight potential role for public health deployment in the location and provision of new community infrastructure. Promoting health and wellbeing is a consistent theme across the Local Plan and Policy CHW02 has been revised to signpost

London Plan policies and to clarify that major developments will be expected to produce Health Impact Assessments in order to address their health and wellbeing impacts. Revisions to the policy on Making Barnet a Safer Place (CHW03) make the policy more effective and to encourage developers to address crime and fire safety within pre-application discussions so that it is addressed early in the design process. The Council will normally expect applicants with major proposals to engage with the Metropolitan Police at an early stage, however there may be some forms of minor development where consultation with the Secured by Design Officer is necessary because of concerns about community safety. Policy on Protecting Public Houses (CHW04) has been clarified to set out when the Council will protect such facilities either because of their heritage, economic, social or cultural value to local communities or their contribution to wider objectives for town centres. Clarification is also provided on how the Council will consider proposals involving the loss of a public house, ensuring consistency with London Plan Policy HC7 as well as Local Plan Policy CHWO1 with regard to reuse for other forms of community infrastructure before any alternatives.

- **Economy**

The Economy Chapter clarifies through changes to Policy ECY01 – A Vibrant Local Economy how employment opportunities will be prioritised in Growth Areas, District Town Centres and safeguarded employment locations. Policy has been made more effective through clarifications that ensure more consistency with other Local Plan policies as well as London Plan Policy E7 – Industrial Intensification, Co-Location and Substitution. Similar revisions have been made in terms of the priority locations for employment to the policy on Affordable Workspace (ECY02) where new employment development will be expected to contribute to affordable workspace subject to viability. Requirements on S106 contributions from major development are more clearly set out in the Local Jobs, Skills and Training (ECY03) policy with new guidance on Planning Obligations signposted.

- **Environment and Climate Change**

The Environment and Climate Change Chapter sets out how Council is seeking to mitigate climate change and improve access to, as well as to the quality of, parks and open spaces. Requirements for reducing carbon emissions from new development are clarified in policy on Mitigating Climate Change (ECC01) ensuring greater consistency with London Plan and highlighting Mayor's Energy Hierarchy as well as supporting the retrofit of buildings and retention of embedded carbon. London Plan Guidance on Whole Life cycle Carbon Assessment is highlighted in ECC01. The Policy also reflects the December 2023 Ministerial Statement on Energy which makes clear that planning policies should not set local energy efficiency standards that go beyond current or planned building regulations. Clarifications have been made to policy ECC02 on Environmental Considerations in terms of improving air quality and mitigating impacts from artificial light and odour. In terms of the policy on Water Management (ECC02A) this has been strengthened by clearly stating that proposals are located in areas at lowest risk of flooding from any source and highlighting the application of the sequential test. Clarity is also provided on managing surface water run-off as close to the source as possible. The policy also has a greater emphasis on the naturalisation of water courses and requires proposals on sites adjacent to a river corridor to provide an assessment of impacts (including cumulative ones) on the riverine environment and wildlife. Revisions to the policy on Dealing with Waste (ECC03) have reduced it considerably by making cross-reference to the North London Waste Plan and London Plan Policy SI 7.

Policy on Barnet's Parks and Open Spaces (ECC04) has been improved by removing any consideration for limited development of low quality, low value open spaces. ECC04 has been

restructured to clarify how the Council intends to protect and enhance existing open spaces and the expectations of developers for direct provision as well as the circumstances where off-site provision may be appropriate. Clarification is also provided on open space standards, with addition of standards on playing pitches as well as play and informal recreation, clearly setting out expectations of new provision from development. New text has been added to ECC04 to clarify how planning obligations will be used in respect of securing long term management and maintenance of open spaces.

Changes have been made to Policy ECC05 on Green Belt and Metropolitan Land in order to show that approach is consistent with national policy and the London Plan. Significant changes have been made to Policy ECC06 on Biodiversity to accord with the Environment Act 2021, the introduction of Biodiversity Net Gain (BNG) from February 2024 and requirements for Biodiversity Gain Plans to be submitted with planning applications. As well as BNG, all developments are expected to comply with Urban Greening Factor in accordance with the London Plan as part of the Local Plan's approach to maximise opportunities for nature and the positives they provide for communities. Further clarification is provided in ECC06 in how contributions from development within or adjacent to Barnet's Green Grid Areas (Brent Valley / Barnet Plateau, and Lea Valley / Finchley Ridge) will be used .

- **Transport and Communications**

This Chapter sets out how the Local Plan is seeking to improve connectivity in terms of sustainable and active travel as well as digital communication. Clarifications have been made to the policy on Sustainable and Active Travel (TRC01) to ensure that proposals support an improvement to sustainable and active travel, making contributions to orbital connectivity where necessary. Within specific site proposals, references have been added to ensure connectivity to the Strategic Walking Network is considered. It also clearly states how transport improvements or remedial actions will be secured through planning obligations or Section 278 agreements. The policy on Transport Infrastructure (TRC02) has been revised to further clarify priorities for transport infrastructure requirements. It also highlights how the Council will address capacity requirements identified in the Local Plan Strategic Transport Assessment as well as progress transport improvements identified in the Infrastructure Delivery Plan. The Council has been required to make revisions to the policy on Parking Management (TRC03) moving away from setting residential parking standards that better reflect local public transport accessibility in the context of Outer London as the Inspectors did not consider that there was robust evidence to justify this approach. As part of its approach to provision Barnet still retains its residential parking standards (Table 20), while using London Plan standards for non-residential development. Changes to TRC03 clarify that in Controlled Parking Zones there will be an allowance for permits in accordance with Table 20, taking account of any on-site provision and subject to any capacity for more on-street parking. It also clarifies that when sites are re-developed new parking provision should not be re-provided at previous levels. Parking Design and Management Plans have been added as a new requirement for all proposals that include car parking. Policy on Digital Communication and Connectivity (TRC04) has been changed to highlight support for the delivery of full-fibre or equivalent digital infrastructure, with particular focus on gaps in connectivity and barriers to digital access. emphasises the Council's aim to facilitate high speed broadband and clarifies requirements on the installation of telecommunications equipment.

- **Delivering the Local Plan**

This Chapter does not have policies but it does explain the mechanisms for ensuring the infrastructure to support growth is secured. This has been subject to revision to more clearly

explain the roles of planning obligations, CIL, the Infrastructure Payments Policy and other sources of funding for delivering infrastructure that supports growth. This Chapter now provides a more extensive list of what S106 planning contributions may be required from development. The Local Plan is supported by a framework (Table 25) consisting of 58 key performance indicators that clearly set out how the 51 policies in the Plan will be monitored, highlighting targets as well as identifying any triggers (such as a negative trend against the target) which will necessitate contingencies to improve performance. The monitoring framework highlights which policies are considered strategic enough to be within scope of the early review.

1.9 A summary of the changes to the site proposals is set out below :

The Schedule of Proposals previously set out 65 Local Plan policy compliant site proposals from across Barnet. This has been reduced to 57 site proposals, these have been removed for three main reasons: extensive flood risk issues, being non-policy compliant following revisions to Local Plan policies (such as ECC04), or completed / under construction. Changes to individual sites reflect updates on planning consents and the need for consistency between proposals. They also reflect changes in development timeframes based on realistic prospect of delivery, reductions in indicative capacities reflecting changes to context categorisation (from Central to Urban densities), changes to developable area due to identified constraints (such as flood risk or trees) or simple rounding down of numbers. Specific reference to a suite of appropriate policies has been removed as proposals will be assessed against all policies in the Local Plan. The main changes arise from the Main Modifications to the Local Plan policies. These are reflected in the Site Requirements and Development Guidelines where specific reference to policies is merited. Main changes reflect revisions to policies on Tall Buildings (CDH04), Parking Management (TRC03), Redevelopment of Car Parks (GSS12), Sustainable and Active Travel (TRC01), Biodiversity (ECC06), Barnet's Heritage (CDH07) and Amenity Space and Landscaping (CDH07) while reflecting the design led approach of London Plan policy D3. Overall the 57 site proposals are expected to contribute just over 13,300 new homes between 2021 and 2036, of which nearly 10,500 new homes will be located in Growth Areas or District Town Centres.

1.10 The Government has signalled how it intends to reform the plan making process as part of the Levelling Up and Regeneration Act 2023 (Sections 92 to 99). Further details will be released when Regulations are published. Reforms include the introduction of national development management policies. This will lead to more streamlined plans which restrict how local planning authorities can respond to local circumstances. It may also lead to faster planmaking with development plans expected to be produced within 30 months.

2. Alternative Options Considered and Not Recommended

- 2.1 In early 2020 the Local Plan Preferred Approach (Reg 18) was published. This set out and justified the Council's preferred policy approach. It also set out reasons why it is considered that there are no realistic alternatives.
- 2.2 In response to the Inspectors interim findings from the Local Plan EIP the Council could choose not to progress towards adoption. However, this decision would be contrary to national policy on speeding up plan making and could further risk Secretary of State intervention. This would leave Barnet with a current plan that is almost 12 years out of date and a planning strategy that no longer responds to the immediate pressures and challenges the Borough is facing.
- 2.3 It is considered that the Plan with Main Modifications will, subject to adoption, provide a clear and robust planning framework for planning decision making. It will also, subject to an early review, provide a sound basis for strengthening strategic policies as well as placing Barnet in a good position

with regard to further reforms to plan-making arising from the Levelling Up and Regeneration Act 2023.

3. Post Decision Implementation

- 3.1 Following approval of the Schedule of Main Modifications (Appendix A) and Schedule of Additional Modifications (Appendix B) by Cabinet on March 12th the Council will prepare for a 6 week period of public consultation commencing in May 2024 following Mayoral and London Assembly elections. Public consultation will include a package of supporting documents : Sustainability Appraisal, Habitats Regulation Assessment, Equalities Impact Assessment, Health Impact Assessment and Changes to the Policies Map as well as a Position Paper on Housing Supply.
- 3.2 The Additional Modifications at Appendix B comprise only minor changes such as factual corrections and updates and corrections to typographical errors and grammar. Additional modifications of that nature are not required for legal compliance or soundness and as such they are considered to fall outside of the Inspectors’ jurisdiction when examining the Plan. Additional modifications are intended to be made at the Council’s discretion, do not form part of the consultation and are provided for information only.
- 3.3 The Council will conduct the public consultation on behalf of the EIP Inspectors. It will have the opportunity to provide comments on the responses received to the consultation. The Inspectors will consider all representations and Council responses in preparing their Inspectors Report which they expect to publish in September 2024.
- 3.4 Subject to the Inspectors finding the Plan legally compliant, sound and capable of adoption, subject to the Main Modifications, the Council can then proceed to adoption through meetings of the Cabinet and Council later this year.

4. Corporate Priorities, Performance and Other Considerations

Corporate Plan

- 4.1 Overall, through having clear and consistent messaging, with the support of a comprehensive monitoring framework, an adopted Local Plan helps to make a significant contribution to delivering the themes and priorities of the Barnet Plan.
- 4.2 Within the Main Modifications changes have been made to the Local Plan which help in delivery of the three themes of the Barnet Plan.
- 4.3 Caring for our People :
- Changes to policies HOU02 – Housing Mix and HOU03 – Residential Conversions help support family friendly housing with a stronger and clearer position on managing existing stock whilst expecting new development to include proportion of family sized homes and reflect our dwelling size priorities;
 - Making the Plan more consistent with London Plan policy helps support the delivery of affordable housing (HOU01). While changes to HOU04 on Specialist Housing help reflect the priorities of the Housing Strategy in managing specialist housing needs;
 - Changes to policies CDH03 (Public Realm) and Policy CHW03 (Making Barnet a Safer Place) provide have made them more effective emphasising that public realm should form an integral

part of the design process and that issues of crime and fire safety should be addressed at pre-application stage; and

- Clearer messaging in Local Plan Chapter 12 of the Local Plan on how the Borough's growth will be supported by social, green and physical infrastructure and how such infrastructure will be funded with contributions from development.

4.4 Caring for our Planet

- Changes to Policy ECC01 Mitigating Climate Change provide a stronger and more effective policy with a clearer position on the approach to addressing embodied carbon and the whole life cycle of buildings. Policy ECC02 on Environmental Considerations has been strengthened in terms of improving air quality and mitigating impacts from artificial light and odour;
- Policy on Sustainable and Active Travel (TRC01) clarifies how improvements to sustainable and active travel, including orbital connectivity, will be secured. Within specific site proposals references have been added to ensure connectivity to the Strategic Walking Network is considered;
- Previous consideration for limited development of low quality, low value open spaces has been removed from the Plan at Policy ECC04; and
- Changes to policy on Biodiversity (ECC06) provide clearer and effective messaging within the Plan on Biodiversity Net Gain, Urban Greening Factor and protecting and enhancing the natural environment within Barnet.

4.5 Caring for our Places

- Clearer messaging throughout the Plan on the design led approach. How the Council promotes high quality design is further clarified within Policy CDH01. This includes a commitment to introduce the Barnet Design Review Panel This will enable design issues to be discussed at an early stage in the planning process when there is greater opportunity for change;
- Throughout the Plan there is stronger and clearer messaging on delivering the Healthy Streets Approach, helping to breathe life back into streets, town centres and neighbourhoods; and
- In managing Tall Buildings changes have been made to Policy CDH04 to provide greater alignment with evidence in removing the category of Very Tall Building (15 storeys or more) and setting out locations where tall buildings may be appropriate. Policy sets out greater expectations of urban design analysis and evidence to establish if proposals are appropriate in principle and meet all the policy tests.

4.6 Corporate Performance / Outcome Measures

The Local Plan is supported by a framework consisting of 58 key performance indicators that clearly set out how the 51 policies in the Plan will be monitored, highlighting targets as well as identifying any triggers (such as a negative trend against the target) which will necessitate contingencies to improve performance. The key London Plan target is to deliver 35,460 new homes between 2021 and 2036. This equates to 2,364 new homes per annum.

Sustainability

- 4.7 The Local Plan Main Modifications have been subject to a Sustainability Appraisal. This will be published for consultation as part of the package of supporting documents. The Sustainability Appraisal considers the environmental impact of the changes proposed through the Main

Modifications. It investigates the likely significant impacts arising in terms of the contribution towards sustainability from the Local Plan upon adoption.

Corporate Parenting

4.8 N/A

Risk Management

4.9 A risk management programme has been applied to the production of the Local Plan. The Plan has made significant progress in reaching a stage where subject to modifications the Plan is likely to be found legally compliant, sound and therefore capable of adoption. Risks still remain in terms of a lack of political and local support for the Local Plan. This can be addressed by briefing members, clarifying what the Plan can positively deliver whilst highlighting the consequences of not having an up-to-date planning framework for the Borough. Likewise the public consultation on the Main Modifications to the Local Plan can clarify that the Plan has progressed through two large scale consultations in 2020 and 2021 to get to this stage and that the Inspectors (and the Council) now invite comments on the Main Modifications ie the proposed changes to the Plan.

Insight

4.10 N/A

Social Value

4.11 The Local Plan will secure a range of social, economic and environmental benefits. As part of the Main Modifications a slight change has been made to the Vision (which provides the core of the Local Plan) to emphasise that the positive benefits of growth and investment are accessible to all to share in new social and community value and infrastructure with access to a range of housing types and a thriving jobs market while enjoying living in a safe, healthy and sustainable Borough.

5. Resource Implications (Finance and Value for Money, Procurement, Staffing, IT and Property)

5.1 The main costs associated with publication and consultation on the Main Modifications will be met within the budget for Planning and Building Control. Until publication of the Inspectors Report the Council will be invoiced by the Planning Inspectorate for the Inspector's remaining contributions on the Local Plan. This cost will be met within the budget for Planning and Building Control.

5.2 The Local Plan promotes a number of sites that have been put forward through the Council Assets Disposal Programme. These sites have predominantly provided community uses. Through the Local Plan the Council can ensure that any future redevelopment is policy compliant and benefits from community engagement prior to any future planning application.

6. Legal Implications and Constitution References

6.1 Planning decisions must be taken in accordance with the statutory development plan (which includes the Local Plan) unless material considerations indicate otherwise (s.38(6), Planning and Compulsory Purchase Act 2004 (PCPA 2004)). The Local Plan must be prepared in accordance with the "local development scheme" (s.19(1), PCPA 2004). The Local Plan must have regard to, amongst other matters, national planning policies and guidance, and the London Plan (s.19(2), PCPA 2004 and Reg. 10 Town and Country Planning (Local Planning) (England) Regulations 2012 (LPR 2012)).

- 6.2 The Council is required to submit each “development plan document”, e.g. its proposed Local Plan, to the Secretary of State for independent examination (s.20, PCPA 2004) by a person appointed by the Secretary of State. The purpose of the examination is for the Inspector to determine whether: (1) the plan has been prepared in accordance with the relevant plan-making legislation (ss. 19 and 24(1), PCPA 2004); (2) the plan is “sound” (para 35, NPPF) and (3) the Council has complied with the “duty to cooperate” (s33A, PCPA 2004).
- 6.3 Under Part 2D, paragraph 3.3 of the Council’s Constitution the Cabinet is responsible for recommending major new policies (and amendments to existing policies) to the Council for approval as part of the Council’s Policy Framework and implementing those approved by Council.
- 6.4 Under Article 3, the Full Council, the Policy Framework is set out at para 3.3.1. The Policy Framework includes plans and strategies which together comprise the Development Plan. Article 3 sets out that responsibility for adoption of plans and strategies that comprise the development plan lies with the Council.
- 6.5 Under Part 2D (Para 16.1) of the Council’s Constitution the Cabinet Member for Homes and Regeneration is responsible for leading on the adoption of the Local Plan.

7. Consultation

- 7.1 Early engagement on the Local Plan commenced in late 2017 with a series of workshops with community representatives, Councillors and Chief Officers. This helped create the vision and objectives for the Local Plan. The Council undertook extensive engagement on the Preferred Approach (Reg 18) in early 2020 and this feedback informed the Publication Local Plan (Reg 19) when representations were made on the ‘soundness of the plan’ as set out in the NPPF.
- 7.2 Representations on the soundness of the (Reg 19) Publication Local Plan were submitted in November 2021 to the SoS for the EIP along with the Local Plan and supporting evidence. Representors at Reg 19 stage were given the opportunity to participate in the EIP in 2022.
- 7.3 The Council has produced a Regulation 22(1)(c) Consultation Statement setting out an extensive engagement process for Local Plan production and showing how the Local Planning Authority has complied with Regulations 18 & 19.

8. Equalities and Diversity

- 8.1 The Equality Act 2010 (EqA 2010) provides a single general public sector equality duty (PSED) which applies to public authorities exercising public functions. The Council is such a public authority exercising its public function in preparing the Local Plan for its area in its capacity as the local planning authority. The PSED comprises three limbs (s.149(1)), namely, a public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the EqA 2010 (s.149(1)(a));
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (s.149(1)(b)). This involves having due regard to –
- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (section 149(4)); and
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. S.149(6) makes it clear that compliance with the PSED in s.149(1) may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the EqA 2010 (this includes breach of an equality clause or rule or breach of a non-discrimination rule (s.149(8))).

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not (s.149(3)). The relevant “protected characteristics” are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation (S 149(7)).

8.2 The EqA 2010 does not define what is required to “have due regard” for the purposes of the PSED. The courts have, however, set general principles to be followed if the duty is to be discharged, namely:

(a) decision-makers must be made aware of their duty to have due regard to the identified needs;
 (b) regard should be had to the duty (to have due regard) before, and at the time, a particular policy is considered.

(c) it is not a question of ticking boxes - the duty must be approached in substance, with rigour and with an open mind, and a failure to refer expressly to the duty whilst exercising a public function will not be determinative of whether due regard has been had;

(d) the duty is non-delegable;

(e) the duty is continuing;

(f) it is good practice for an authority to keep a record showing that it has considered the identified needs.

8.3 The EqA 2010 does not require public authorities to produce equality impact assessments (EQIAs) but it is common for these to be prepared as these documents are an effective method of demonstrating evidence that the appropriate systematic analysis has been conducted to establish whether a decision, for example a change in policies in the proposed Local Plan, will have an adverse impact in terms of equalities.

8.4 The Local Plan, once adopted, has the potential to impact on all of those who live, work and visit the Borough. An EQIA has been undertaken throughout the production of the Local Plan. The equalities impact of the changes identified in the Main Modifications in terms of significant effects on those individuals who share one or more of the protected characteristics (identified in s.149(7), EqA 2010) will be published for consultation as part of the package of supporting documents.

8.5 The Council recognises that (along with the other principles set out above) the duty to “have due regard” is a continuing duty and, accordingly, evidence gathered from the analysis of the potential effects of the proposed Main Modifications will be updated in the EQIA as the Local Plan progresses towards adoption. Decision makers should have due regard to the public sector equality duty in making their decisions. The equalities duties are continuing duties they are not duties to secure a particular outcome. The equalities impact will be revisited on each of the Local Plan site proposals as they are developed. Consideration of the duties should precede the decision.

9. Background Papers

9.1 Policy and Resources Committee September 30th 2021 (Item10) – Barnet’s Local Plan – Submission (Reg 22) <https://barnet.moderngov.co.uk/documents/s66653/Barnets%20Local%20Plan.pdf>

- 9.2 Policy & Resources Committee - 16th June 2021 (Item 8) – Barnet’s Local Plan – Publication - (Reg 19)
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=10888&Ver=4>
- 9.3 Policy & Resources Committee - 6th January 2020 (Item 13) – Barnet’s Local Plan – Preferred Approach - (Reg 18)
<https://barnet.moderngov.co.uk/documents/s56954/Local%20Development%20Scheme%202020.pdf>