



## Policy and Resources Committee

**September 30<sup>th</sup> 2021**

<b>Title</b>	Barnet's Local Plan – Submission - Town and Country Planning (Local Planning) (England) Regulations (Reg 22) and Barnet's Local Development Scheme.
<b>Report of</b>	Chairman of the Policy and Resources Committee
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	Yes
<b>Key</b>	Yes
<b>Enclosures</b>	<p>Appendix A - Barnet's Draft Local Plan</p> <p>Appendix B - Barnet's Local Plan – Schedule of Representations on Publication Regulation 19 Town and Country Planning (Local Planning) (England) Regulations 2012 (Reg 19)</p> <p>Appendix C – Barnet's Local Development Scheme.</p>
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### Summary

Setting out a planning policy framework which the Council will use to make decisions about how Barnet will change as a place over the next 15 years, the Local Plan is one of the most important statutory documents that must be produced for the Borough. This importance is reflected in the Government's deadline of December 2023 for all authorities to have up-to-

date Local Plans in place.

The Draft Local Plan has now undergone public consultation and is ready to be submitted for Examination in Public (EIP) by an Inspector appointed by the Secretary of State. The Council must produce a local plan which is 'sound'. To be found sound the Local Plan has to be positively prepared, justified, effective and consistent with national policy. Following approval, by Committee and the Council, officers will submit representations to the (Reg 19) Draft Local Plan together with the Local Plan and supporting evidence to the Secretary of State for EIP. As part of the EIP process it is anticipated that modifications to the Local Plan will be proposed by the Council and other stakeholders. Subject to agreement by the Inspector these modifications will undergo further public consultation, the response to which is taken account of in the EIP Inspector's Report. The EIP is expected to take place in 2022 and, subject to the Inspector's Report of that examination adoption of the new Local Plan is not expected until early 2023.

The Local Plan must be prepared in accordance with the Local Development Scheme (LDS) which sets out the programme for the Local Plan and supporting documents as well as the Community Infrastructure Levy Charging Schedule. An up-to-date LDS should accompany submission of the Local Plan.

## **Officers Recommendations**

**That the Policy and Resources Committee:**

- 1. Note the responses to consultation on the Local Plan – Publication - Regulation 19 (as set out in Appendix B);**
- 2. Agree to refer the Draft Local Plan (at Appendix A) to the Council meeting of October 19<sup>th</sup> 2021 with the recommendation that the Plan (and its supporting documents) be submitted to the Secretary of State for independent examination in public;**
- 3. Delegate authority to the Deputy Chief Executive in consultation with the Chairman of the Policy and Resources Committee to make modifications to the Draft Local Plan as part of the Examination in Public and prior to public consultation and publication of the Inspector's Report; and**
- 4. Approve the Local Development Scheme (as set out in Appendix C) as the new programme for production of the Local Plan, supporting documents and the Community Infrastructure Levy Charging Schedule.**

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Policy and Resources Committee on June 16th 2021 approved the Draft Local Plan (Reg 19) for public consultation and as the document that will be submitted to the Planning Inspectorate for Examination in Public (EIP). The document at Appendix A is the

version of the Local Plan that the Council seeks to adopt, subject to that examination, as the framework for planning decision making from 2021 until 2036.

- 1.2 Following completion of the Reg 19 public consultation and assessment of the representations received the draft Local Plan is now ready for submission to the Secretary of State (SoS).
- 1.3 When submitting the Local Plan the Council must send to the SoS: the draft Local Plan and supporting evidence base documents; all documents sent electronically and appropriately referenced; all responses to the Reg 19 Local Plan in full together with a schedule of representations received; and a statement of the main issues raised in the representations made. The updated LDS will be amongst the documents to be submitted.
- 1.4 In their assessment of the Local Plan the Inspector will raise a series of Matters & Issues & Questions (MIQs) for the Council and respondents to the Reg 19 consultation to consider. Largely based on the responses on the MIQs the Inspector will set a date for the hearing sessions of the Examination in Public (EIP). The hearing sessions will be inquisitorial with the Inspector asking further questions of the Council and Reg 19 respondents who have asked to appear at the EIP. The arrangements for the EIP hearing sessions will be determined by the Planning Inspectorate acting on behalf of the SoS. These inquisitorial sessions are not expected to happen until Summer 2022.
- 1.5 As the EIP progresses a series of main and minor modifications will be required. The minor modifications will mostly cover corrections and improvements to phrasing while the main modifications will be needed to make the Local Plan sound and legally compliant. These EIP modifications will be established through: clarifications, refinements and corrections identified by the Council; accepting changes made in response to representations at the Reg 19 stage; agreeing changes with key stakeholders such as the GLA, statutory bodies and neighbouring authorities through Statements of Common Ground; and making changes as suggested by the Inspector. All main modifications will be subject to approval by the Inspector before they are published for public consultation. The Inspector will consider the responses to the main modifications consultation in finalising their report which will be submitted to the Council.
- 1.6 Subject to the Inspector finding, on examination, that the proposed Local Plan satisfies the tests of soundness (being positively prepared, justified, effective and consistent with national policy) (as well as any recommended objections being accepted by the Council), the Council can proceed to adoption of the Plan. It is anticipated that adoption can happen before the Government's deadline of December 2023 for up-to-date plans to be adopted. Although the Local Plan looks ahead to 2036, it will be reviewed, as recommended by the National Planning Policy Framework (NPPF) within five years in order to reflect changing circumstances locally or changes to national policy. Evidence of the long-term impact of policy changes and external events (for example Brexit and COVID19) on Barnet and London, in particular on demographic projections, will feed into the review of the Local Plan as well as the London Plan.
- 1.7 The Government plans to introduce a Planning Bill to fundamentally reform the planning system in England. Further clarification from the Government is awaited and it is acknowledged that proposals for Local Plan reform will take considerable time including

primary and secondary legislation. In order to meet the 2023 statutory deadline, it remains important to progress the Local Plan as a replacement for the 2012 version, with a now agreed, albeit still challenging housing target, and the desire to deliver not only Corporate Plan outcomes but also more urgently the Council's Covid Recovery Framework and help facilitate social and economic recovery.

### **Response to Local Plan Reg 19**

- 1.8 The Local Plan Reg 19 was subject to extensive public consultation during the summer of 2021. This provided the opportunity for interested parties and statutory consultees to respond on the soundness and legality of the Local Plan helping to frame scrutiny of the document at the EIP. Boroughwide engagement events were held online with regular outputs on social media to publicise the Plan and the opportunity to make comments on it. The Council's 'Engage Barnet' was also used as an engagement tool to help explain how to get involved at the more focused Reg 19 stage consultation. A six minute video explaining the Local Plan was also produced as part of the Reg 19 publicity.
- 1.9 Consultation on the Reg 19 Local Plan generated around 800 representations from 150 individual representors including statutory agencies, neighbouring boroughs, developers and landowners. Both Barnet Labour and Liberal Democrat groups submitted responses. There has been a good response across the Borough from residents associations, amenity societies, community and environmental groups as well as individual residents. Their representations at Reg 19 will give them the opportunity to request participation in the EIP from the Inspector and thereby focus the debate at hearing sessions on any outstanding matters.
- 1.10 The Schedule of Representations is set out in Appendix B. As part of the EIP process the Council will be responding to the issues raised by these representations. It will also produce a series of Statements of Common Ground to help clarify and resolve issues before the EIP. These will be submitted as part of the EIP and help form the basis of certain proposed modifications.
- 1.11 The Mayor of London has confirmed that Barnet's Local Plan is in general conformity with the London Plan. This includes our approach on parking standards. The Mayor has requested a small number of changes to be more consistent with the London Plan. The Environment Agency have raised strong concerns on site proposals subject to flood risk and have also requested a Sequential Test justification for the proposals. Historic England have expressed concerns about the Tall Buildings policy (CDH04) being ambiguous if the proposed Designing for Density SPD is set to provide further detail on heights. We will seek to resolve these strategic issues in the lead up to the EIP through Statements of Common Ground. These will also be used for clarifying and resolving issues raised by neighbouring boroughs and helping to demonstrate Barnet having met the Duty to Co-operate.
- 1.12 It is important to note that the Reg 19 response to the 52 policies and 65 site proposals generated about 70 supporting comments as well as objections. However it is the consideration of the objections that will form the main focus of the EIP. A summary of the policies are set out below together with a brief overview of the policy areas that generated the most responses:

## **Vision, Growth and Spatial Strategy**

- Barnet's **Vision and Objectives** sets out the spine of the Local Plan outlining the benefits of well planned growth between 2021 and 2036. They reflect the four overarching principles of the Barnet Plan (Clean, safe and well-run, Family friendly, Healthy and Thriving) with the Local Plan providing the spatial expression of these priorities.
- 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 (reduced from 46,000). It also removes boroughwide targets for new retail space in response to national changes to the Town and Country Planning (Use Classes) Order 1987 from September 2020. There is more emphasis on the distribution of growth to Opportunity Areas (Brent Cross, Colindale and New Southgate) together with Barnet's Growth Areas and Town Centres.
- The **Growth and Spatial Strategy** Chapter sets out in a suite of 13 strategic policies where Sustainable Growth (**GSS01**) will be focused. This policy framework further shapes the regeneration of **Brent Cross (GSS02)** and **Colindale (GSS06)**, as well as identifying new areas of significant growth in main town centres at **Cricklewood (GSS04)** and **Edgware (GSS05)** and around new (as at **Brent Cross West – GSS03**) and existing public transport nodes. Policies for these Growth Areas provide the strategic basis for more detailed area planning frameworks to come forward as well as further safeguards on the contributions of small sites and the use of area wide design codes in delivering new homes.
- The Local Plan's approach to **Brent Cross (GSS02)** is reflective of a large and complex scheme which will need to deal with changes in economic and market conditions in particular retail trends. Therefore, the Council's approach is to create a policy framework for the Brent Cross Growth Area capable of responding to change in the long-term. Highlights that the Council seeks comprehensive development of the Brent Cross Growth Area. The approach reflects that although Brent Cross North, Town and West (Thameslink) remain in different land ownerships the Council will seek to ensure that development and delivery of these strategic areas is co-ordinated. This entails that the development and delivery of these strategic areas is not delayed or fettered by the other. Progress on Brent Cross will be measured against appropriate milestones in the Local Plan.
- **Mill Hill East (GSS07)**, in particular Millbrook Park, is an example of good suburban growth which the Council promotes with new Local Plan proposals at Mill Hill East Station and Watchtower House. The Plan emphasises that growth must support public transport improvements and demonstrate how sustainable transport options will be provided. It also makes clear that there will be no development on Green Belt unless the land is previously developed land.
- In addition to Cricklewood and Edgware Main **Town Centres (GSS08)** at Burnt Oak, Chipping Barnet, Finchley Central / Church End, Golders Green and North Finchley form the Council's priorities for investment and revitalisation, supporting local businesses and delivering mixed use development in accordance with the place making policies of the Local Plan. To pursue objectives for individual town centres the Council will utilise more detailed area frameworks similar to the Supplementary Planning Document (SPD) at Edgware. These frameworks will reflect their distinctive local character and outline unique opportunities in responding to the challenges faced. This section emphasises locational

opportunities for these Growth Areas, highlights the Healthy Streets Approach and the need for more flexible planning policy to support COVID19 recovery. Emphasises vital role in delivering thriving town centres and providing a focus for cohesive communities, while delivering new jobs and homes.

- Policy on **Major Transport Infrastructure (GSS09)** highlights the opportunity to deliver a density and quantum of residential units which optimise potential of locations around stations including West London Orbital stations (services not expected until 2027, at the earliest). Re-provision of car parking spaces is supported through a more land efficient design approach as reflected in the policy on **Redevelopment of Car Parks (GSS12)** with requirements set out on how public transport usage and active modes of travel will reduce demands for station car parks. Importance of car parking supply to thriving town centres is balanced with potential for more land-efficient design.
- The Local Plan sets out an approach to **Estate Renewal and Infill (GSS10)** providing opportunities for improving accommodation and quality of the urban form ensuring that estate regeneration and infill is carried out in collaboration with local residents.
- Policy on **Major Thoroughfares (GSS11)** is a response to unmanaged growth along main road corridors such as the A5, A1000, A504 and an opportunity to promote design solutions to mitigate noise and air pollution. The Local Plan identifies the A5 and A1000 as new strategic locations that may be appropriate for tall buildings in certain places (and not in others) and emphasises that development must have a positive impact on thoroughfares and design should relate to suburban streets behind it. The Council will produce SPD on Designing for Density which amongst detailed consideration will set out, within such locations, further design guidance for optimising density and design guidance for considering that appropriateness or otherwise of tall building proposals.
- Policy for **Strategic Parks and Recreation (GSS13)** supports outdoor facilities that encourage physical activity and assist mental well-being.

#### **Overview of Reg 19 response to Vision, Growth and Spatial Strategy**

- *As the core of the Local Plan the Vision, Growth and Spatial Strategy generated attracted the most objections (around 200). Whilst the majority of these focused on Delivering Sustainable Growth significant local concerns were expressed about Town Centres, Mill Hill East and the Redevelopment of Car Parks.*

#### **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. The Council's approach to securing **Affordable Housing (HOU01)** and seeking a minimum level of 35 per cent delivery is set within the context of the London Plan. The Council's approach to First Homes including level of discount will be firmed up and clarified as part of the EIP. Priorities for ensuring an appropriate **Housing Mix (HOU02)** emphasise the number of bedspaces in terms of size priorities and highlights that in delivering against priorities for 2 bed and 3 bed homes that the smallest 2 bedroom property provides a minimum of 4 bed spaces in accordance with London Plan residential space standards. In terms of protecting family homes the **Residential Conversions and Redevelopment of Larger Homes (HOU03)** policy restricts such changes to areas around town centres or areas with good public transport accessibility.

- In terms of **Specialist Housing (HOU04)** the Local Plan highlights support for helping people with social care and health support needs to live independently as well as providing tenure choice. This policy also sets out how the Council will manage student accommodation and HMOs to prevent harmful concentrations of such uses. To reduce demands on pressures for new build, policy on ensuring the **Efficient Use of the Housing Stock (HOU05)** resists loss of existing homes and set out how the impact of short term holiday lets is to be managed.
- Policy on **Meeting Other Housing Needs (HOU06)** sets out the approach to widening choice in terms of Build to Rent and Self-Build housing. Policy on **Gypsies, Travellers and Travelling Showpeople (HOU07)** highlights that there is no identified need for plots and pitches within Barnet and sets out how any proposals will be considered.

#### ***Overview of Reg 19 response to Housing Chapter***

- *All policies attracted objections with the most contentious policy being the Local Plan's approach on housing mix which attracted representations from developers in terms of the policy being too restrictive and residents groups wanting more family sized accommodation.*

### **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)** and **Sustainable and Inclusive Design (CDH02)** as well as **Amenity Space and Landscaping (CDH07)**. Minimum requirements for residential space, internal layout and design as well as outdoor amenity space are clearly set out while policy CDH01 sets out requirements for Design Codes for small sites and further emphasises the Healthy Streets Approach. Policy on **Public Realm (CDH03)** emphasises the importance of development contributing to sense of place, community cohesiveness, health and wellbeing and highlights the use of town centre public realm strategies for addressing individual locations.
- In order to manage and respond to pressures for very tall buildings (15 storeys or more) the **Tall Buildings** policy (**CDH04**) sets out those strategic locations where tall and very tall buildings may be appropriate. The Council will produce SPD on Designing for Density which will set out, within such locations, further design guidance for assessing the appropriateness of tall and very tall buildings.
- Policies on **Extensions (CDH05)** and **Basements (CDH06)** have been introduced to guide proposals that exceed permitted development rights. Policy on **Advertisements (CDH09)** helps to better manage their impact on character and residential amenity.

#### ***Overview of Reg 19 response to Character, Design and Heritage Chapter***

- *This Chapter attracted the second largest number of objections, the majority of which were from local amenity groups and residents focused on the Local Plan's approach to Tall Buildings. The approach to design also attracted significant objections from local groups.*

### **Town Centres**

- The Chapter on **Town Centres** sets out how these locations will remain the focus for inward investment, vitality and viability despite retail change. The Local Plan

emphasises how the Council will promote vitality and viability of town centres and enable their economic recovery by managing them as the priority location for commercial, business and service uses with retail functions safeguarded in primary frontages. Local parades enhanced and protected with stronger safeguarding for local community shops. Agent of Change principle emphasised in order to protect residential amenity from new development and to protect existing businesses from residential development introduced nearby. The **Vibrant Town Centres (TOW01)** policy sets out the role that these locations play in delivering growth and improving their overall offer. Policy **TOW02** emphasises importance of protecting local parades of shops to ensure services are available for less mobile residents.

- Policy **TOW03** addresses the clustering of uses such as adult gaming centres, hot food takeaways, shisha bars, betting shops and money lenders. Having greater control over the location and numbers of such uses will have positive benefits for health and wellbeing. Similarly, policy on the **Night Time Economy (TOW04)** enables the Local Plan to ensure that this growing sector is successful and contributes to safer and more welcoming town centres for visitors as well as residents.

#### ***Overview of Reg 19 response to Town Centres Chapter***

- *Local groups are largely supportive of the Local Plan's approach on town centres but express concerns about implementation given the widening of permitted development rules in 2020. By contrast developers and landowners have called for further flexibility with town centre policy.*

### **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. Within policy on **Community Infrastructure (CHW01)** there is a greater focus on town centre locations for multi-purpose community hubs. Robust justification is required for other locations. **Promoting health and wellbeing** is a consistent theme across the Local Plan and Policy **CHW02** signposts specific policies which contribute to positive benefits for Barnet's residents, workers and visitors. It highlights that to recover, restore and thrive and make positive difference to health and wellbeing post COVID19 the Council will promote creation of healthy environments as safe, accessible, sustainable and high-quality places which improve physical and mental health and reduce health inequalities.
- In **Making Barnet a Safer Place (CHW03)** the Local Plan sets out the measures that the planning system can take to improve community safety. **Public Houses (CHW04)** also contribute to community wellbeing. In response to the loss of such assets the Local Plan seeks to better safeguard them.

#### ***Overview of Reg 19 response to Community Uses, Health and Wellbeing Chapter***

- *The Local Plan approach on Community Uses, Health and Wellbeing had a more positive reception than other chapters with supporting comments and suggestions for improvement and clarifications to providing community infrastructure, promoting health and wellbeing and making Barnet a safer place.*

### **Economy**

- The **Economy** Chapter sets out in **ECY01** how enterprises will be supported and access to employment opportunities secured. It highlights that any proposals including co-



location of residential uses within designated employment areas should be employment led. Agent of Change Principle used in favour of existing and proposed employment uses. A more robust position on protecting employment space in particular for offices, as well as promoting new job opportunities is set out.

- Policy on **Affordable Workspace (ECY02)** will ensure that new employment development will contribute to floorspace in a variety of formats to support start-ups and SMEs. Requirements on S106 contributions from major development are more clearly expressed in the **Local Jobs, Skills and Training (ECY03)** policy.

***Overview of Reg 19 response to Community Uses, Health and Wellbeing Chapter***

- *The Local Plan approach on safeguarding employment land generated objections from landowners and developers. Concerns also expressed by developers about the justification for seeking affordable workspace while local groups wanted more action on job creation.*

## **Environment and Climate Change**

- **Environment and Climate Change** 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)** while requirements on air and noise quality as well as water efficiency, flood risk and sustainable urban drainage systems are set out in **Environmental Considerations and Water Management (ECC02 and ECC02A)**. The **Dealing with Waste (ECC03)** policy provides linkage with the North London Waste Plan and sets out proposal for utilising additional capacity at an existing waste management facility at Scratchwood Quarry.
- Policy on **Barnet's Parks and Open Spaces (ECC04)** emphasises improving the quality of spaces of low quality and low amenity as identified in the Parks and Open Spaces Strategy. Barnet's **Green Belt and Metropolitan Open Land (ECC05)** policy continues the robust protection of this land in accordance with NPPF and the London Plan. Policy on **Biodiversity (ECC06)** sets out Local Plan requirements from development that has an impact on biodiversity and habitat quality. Requirements for biodiversity net gain are clarified through on-site measures and by contribution to local biodiversity improvements.

***Overview of Reg 19 response to Environment and Climate Change Chapter***

- *This Chapter attracted a significant response from Barnet environmental groups and local residents expressing the view that policies on mitigating climate change, combatting pollution and promoting biodiversity do not go far enough. The Environment Agency have requested further changes to the policy on Water Management.*

## **Transport and Communications**

- **Transport and Communications** sets out how the Local Plan is seeking to improve connectivity in terms of sustainable and active travel as well as digital communication. Policy on **Sustainable and Active Travel (TRC01)** supports an improved transport network where dependency on the car is much reduced, requiring developments to provide healthy, safe attractive walking and cycling environments and advocates application of the Healthy Streets Approach in making non car travel more attractive. The **Transport Infrastructure (TRC02)** policy sets out Local Plan expectations for new or improved stations as well as West London Orbital and Crossrail 2 at New Southgate.

- A robust justification for setting residential parking standards that better reflect local public transport accessibility in the context of Outer London is set out in the **Parking Management (TRC03)** policy which also sets out the Council's process for establishing new Controlled Parking Zones. Zero car parking may be appropriate in areas with high Public Transport Accessibility Levels. Policy on **Digital Communication and Connectivity (TRC04)** emphasises the Council's aim to facilitate high speed broadband and clarifies requirements on the installation of telecommunications equipment.

#### ***Overview of Reg 19 response to Transport and Communications Chapter***

- *Concerns continue to be expressed about the approach to parking management with residents associations, environmental groups, developers and Transport for London objecting to the proposed residential parking standards for a range of (sometimes conflicting) reasons.*

#### **Delivering the Local Plan**

- **Delivering the Local Plan** explains mechanisms for ensuring the infrastructure to support growth is secured. This reflects progress on the Community Infrastructure Levy Charging Schedule which has been submitted for examination and to outline role of the annual Infrastructure Funding Statement in identifying projects that will receive CIL and S106 funding.

#### ***Overview of Reg 19 response to Delivering the Local Plan Chapter***

- *This Chapter does not have any specific policies and attracted few objections on soundness.*

#### **Schedule of Proposals**

- The **Schedule of Proposals** sets out 65 Local Plan policy compliant site proposals from across Barnet. These proposals all contribute to the delivery of the Local Plan's strategy and spatial vision, playing an important role in getting the right balance of development. and are also set out in a summary table within Annex 1 of the Local Plan.
- A site proposal sets out parameters - the expectations of development to which more detailed design led proposals should respond as part of a planning application. A proposal in the Local Plan carries significant weight and signals the application of Local Plan policies. Therefore, it is the weight applied to the raft of Local Plan policies that will provide the basis for determining an application for planning permission as well as relevant material considerations.
- As part of the site proposal there is a requirement to set out an indicative housing capacity, considered through using a high-level methodology known as a Density Matrix (categorising areas by character such as suburban, urban or central and considering public transport accessibility levels to approximate an acceptable level of no. of units per hectare). This is a high-level desk-top calculation. Therefore, only proportionate weight is given to these indicative numbers until such time as design-led detailed planning application comes forward. For the purpose of the Local Plan these high-level numbers are used to support the Council's ability to meet Barnet's overall housing target and demonstrate that the Plan has proactively identified sufficient sites to do so.
- Site proposals have been drawn from several sources including existing planning documents such as SPDs and Town Centre Frameworks. Inclusion in the Local Plan of

these sites, which have already gone through a process of public consultation, elevates their planning status.

- Another source has been the Call for Sites information gathering exercise. The Council has conducted 4 rounds of Call for Sites since 2009.
- Sites have come forward as proposals following a robust assessment process ensuring that constraints such as Green Belt, flood risk or location in a conservation area are factored into what is set out in the Local Plan.
- Site proposals help to deliver the Local Plan. They do not provide detailed planning consent nor do they preclude new regeneration initiatives that are consistent with the new policy framework. As the Local Plan progresses a number of sites will obtain planning consent. It is most likely that as a consequence of such consents being implemented that they will be deleted as site proposals in the emerging Local Plan.

### **Overview of Reg 19 response to Schedule of Proposals**

- *Over 200 objections were directed at the 65 site proposals in Annex 1 of the Draft Local Plan with the most contentious sites being Finchley Central (site 30), sites 34 to 42 that form part of the Hendon Hub project, Watchtower House (site 49) in Mill Hill, site 9 in Colindale and East Finchley Station Car Park (site 24). Proposal site 45 (Whalebones Park), where a planning application is currently subject to appeal. Developers and landowners have requested new proposals predominantly on land that is safeguarded as Green Belt or for employment purposes to be added to the Plan. The responses on the site proposals demonstrate the balancing act the Local Plan has to perform. Whilst some responses are resistant to development others are pushing for more and more and greater flexibility and freedoms.*

## **Local Development Scheme**

- 1.13 When submitting a Local Plan for examination one of the supporting documents that the examining Inspector will expect to receive is an up-to-date LDS. This LDS sets out a programme for Local Plan document production up to 2024 and will supersede the previous version that the Council published in January 2020.
- 1.14 This LDS sets out the Council's intention to review the Brent Cross Cricklewood Growth Area Planning Development Framework. Initially produced in 2005 and reflected in still extant saved policies from the 2006 Unitary Development Plan, this Framework covering the Cricklewood, Brent Cross and West Hendon Regeneration Area, requires updating to reflect the progress made and the terms of the outline planning consent originally granted in 2010 (as amended in 2014) and subsequent detailed applications.
- 1.15 Following adoption of the Local Plan it will be necessary to ensure that the guidance provided in SPDs referred to in the new Barnet Local Plan policies are suitably updated. This LDS therefore sets out a programme for the production and updating of these SPDs over the next three years, comprising the production of:
  - a new SPD on Designing for Density responding with the need for detailed guidance on the different models for achieving high density and high design quality ;
  - review and merging of existing residential design and sustainable design and construction SPDs into one Sustainable Design & Development Guidance SPD and,
  - updating of the existing SPDs on Planning Obligations (renamed Planning Contributions) and Green Infrastructure.

- 1.16 The previous LDS highlighted the Council's intention to produce area planning frameworks with neighbouring boroughs with regard to Brent Cross West and New Southgate. This still remains the Council's intention and is now reflected in the draft Local Plan. Without detail on the scope, funding and timetable for such documents it is not appropriate to list them in the LDS. When details become clearer they will be featured in a future revision of the LDS.
- 1.17 The previous LDS also highlighted the intention to produce a SPD focusing on Whetstone Town Centre. This has not progressed in the short-term as a planning document. Although no specific reference is made in the draft Local Plan to a Whetstone Town Centre SPD it remains the Council's intention to use more detailed area frameworks such as SPDs to pursue the individual planning objectives for each of the District Town Centres in the Borough. When details become clearer about a planning framework for Whetstone or any other District Town Centre they will be featured in a future revision of the LDS.
- 1.18 In this LDS the Council has prioritised the production of a new planning document to support the continued implementation of the Colindale Area Action Plan. This planning master-plan will cover Burnt Oak and Colindale and will help establish future priorities for healthy and connected places as well as place-based initiatives in that area.
- 1.19 The revised LDS also includes reference to the current review of Barnet's Community Infrastructure Levy (CIL) charging schedule. Following examination later this year, it is anticipated that the revised CIL charging schedule will be in place early in 2022. It is therefore intended that the revised CIL rates will be applied alongside the policies in the draft Local Plan once adopted.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 Failure to progress a review of the Local Plan (adopted in 2012) will delay the delivery of sustainable development and infrastructure, while reducing the Council's power to protect and enhance the Borough through planning decision making. The NPPF states that Local Plans should be reviewed at least every five years in order to reflect changing circumstances locally or changes to national policy. The Council's ability to shape the future of the Borough and manage change will be severely compromised by not having an up-to-date planning policy framework. The Council and Barnet residents and businesses will have less of a say on the future of the Borough as important planning decisions are made by the Mayor of London and the SoS (in respect of appeals) in an incremental and reactive fashion.
- 2.2 The absence of an up to date Local Plan and any unwillingness to replace it will reduce opportunities for private inward investment as well as funding support from the Council's Community Infrastructure Levy, the Government and Mayor of London, such as the Good Growth Fund and Housebuilding Capacity Fund.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 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.
- 3.2 In response to the representations to the Reg 19 consultation the Council could choose not to progress towards submission and EIP. However, this would risk not having a Plan in place by the Governments December 2023 deadline leaving Barnet with a current plan that is almost 10 years out of date and a planning strategy that no longer responds to the immediate pressures and challenges the borough is facing. This could further risk Secretary of State intervention, particularly if the Council fail to deliver on an agreed housing target, which whilst challenging is considerably less than the previous MHCLG method outturn. As set out in para 1.5 there will be opportunity for the Council to put forward modifications to the Inspector and all modifications to the submitted Local Plan will be subject to further public consultation by the Planning Inspector as part of the EIP process.
- 3.3 In terms of the LDS the alternative option is not to update it. This severely risks being criticised by the Inspector appointed to examine the Local Plan, and ultimately could even provide a reason for finding the plan to be unsound. This option would also send out a negative message to residents, businesses and the development industry that the Council is not prepared to manage new challenges and opportunities facing the Borough.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 Following referral to Council on October 19<sup>th</sup> and, in the event of their agreement to submit the Local Plan to the SoS an Inspector will be appointed to undertake the EIP (EIP). This is outlined in paras 1.3 to 1.6 above.
- 4.2 In the event of approval by Committee of the LDS a statement of confirmation will be published on the Council's website. A copy of the updated LDS will then also be included in the package of supporting documentation that is submitted to the SoS with the Local Plan.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Local Plan is the statutory spatial expression of corporate strategies including the Barnet Plan, Growth Strategy, Housing Strategy, Long Term Transport Strategy and Health and Wellbeing Strategy. It will deliver against the four main priorities of the Barnet Plan 2021 to 2025 as follows :
- Clean, safe and well-run – a place where streets are clean and anti-social behaviour is dealt with so that residents feel safe -
    - In keeping Barnet clean the Local Plan addresses environmental problems that arise from the clustering of uses such as hot food takeaways, shisha bars and betting shops (TOW03) and helping to further reduce waste by prioritising the circular economy of waste management (ECC03);
    - The Local Plan has specific policy (CHW03) on Making Barnet a Safer Place. Ensuring

- that places are attractive and safe destinations worth visiting and enjoyed is a feature of policies on Public Realm (CDH03) and the Night Time Economy (TOW04);
- Ensuring that new development is sustainable and meets the highest standards of inclusive design (CDH02) removing physical barriers to enable all to share in Barnet's growth; and
  - Through the Healthy Streets Approach (CDH01, TRC01, TOW01) the Local Plan promotes safe and attractive environments that further help encourage walking, cycling and use of public transport for getting around Barnet.
- Family friendly – enabling opportunities for our children and young people to achieve their best -
    - Ensuring we are and remain a family friendly borough is reflected throughout the Local Plan in particular policies on Mitigating Climate Change (ECC01), Affordable Housing (HOU01), Housing Mix (HOU02), as well as Sustainable and Active Travel (TRC01);
    - Enabling young people to enjoy and get the best out of our natural environment is helped by policies on Barnet's Parks and Open Spaces (ECC04), Green Belt and Metropolitan Open Land (ECC05) and Biodiversity (ECC06);
    - Local Plan design policies will help families by delivering new high quality homes that meet space standards (CDH01) and requirements for amenity space and landscaping (CDH07) whilst addressing environmental considerations such as noise and air pollution (ECC02) and flood risk (ECC02A);
    - Housing Policy (HOU04) responds to specialist needs for accommodation helping vulnerable people to live independent lives;
    - Specific policy on Local Jobs, Skills and Training (Policy ECY03) sets out how the Local Plan will help people access the employment opportunities generated by growth;
    - The Infrastructure Delivery Plan (IDP) which supports the Local Plan together with contributions from development through S106 and Community Infrastructure Levy (CIL) helps to ensure the Council has good schools and enough school places (CHW01) so all children have access to a great education;
    - Having good transport infrastructure (TRC02) and a sustainable approach to car parking (TRC03) helps children, young people and their families to get around the Borough; and
    - In ensuring the needs of children are considered the Local Plan seeks to tackle childhood obesity by not allowing any new hot food takeaways(TOW03) within 400 metres of a school or youth centre.
  - Healthy – a place with fantastic facilities for all ages, enabling people to live happy and healthy lives -
    - Getting the right facilities in the right place at the right time is the objective of Policy CHW01 on Community Infrastructure;
    - COVID19 highlighted the importance of having access to open space and the natural environment for health and well-being (ECC04, ECC05, ECC06) as well as ensuring that new homes meet housing standards (CDH01 and CDH07);
    - Policy on promoting health and wellbeing (CHW02) highlights how much it is the most cross-cutting issue in the Local Plan reflected in a wide range of policies supporting healthier lifestyles from delivering the Healthier Catering Commitment (TOW03) and in recognition of their contribution to community cohesiveness protecting public houses (TOW05) to Sustainable and Active Travel (TRC01) and mitigating air pollution (ECC02), as well as;
    - Creating a sense of place that encourages social interaction and physical activity is an aim of the policy on Public Realm (CDH03) helping to create or improve public space

that can serve as a venue for celebrating Barnet's diversity and tackle anti-social behaviour and environmental crime.

- Thriving – a place fit for the future, where all benefit from improved sustainable infrastructure, housing and economic opportunity -
  - Policies to create a Vibrant Local Economy (ECY01) and Affordable Workspace (ECY02) help to safeguard existing employment floorspace and secure new affordable floorspace from development. Utilising vacant space in Barnet's town centres (TOW02) for meanwhile uses is supported when it contributes to vitality and viability;
  - Policies in the Housing and Character, Design and Heritage Chapters seek to provide homes that meet housing aspirations and needs, including access to good quality affordable housing (HOU01), providing housing choice (HOU05), while protecting existing stock that contributes to character (HOU03) and providing direction on extensions and basements (CDH05 and CDH06);
  - Chapter on Delivering the Local Plan sets out mechanisms for securing funding from growth to invest in infrastructure to support a growing population. The Infrastructure Delivery Plan sets out the needs, gaps and deficits in provision, along with the costs of providing the infrastructure and helps deliver community and transport infrastructure prioritised in CHW01, GSS09 and TRC02; and
  - The Local Plan approach to delivering sustainable growth (BSS01, GSS01 to GSS13) demonstrates responsible delivery of Barnet's major regeneration schemes including transformation at Brent Cross Cricklewood and growth projects such as Edgware Town Centre creating better places to live and work, whilst protecting and enhancing the Borough, in particular it's suburban qualities. This includes clearly setting out an approach for Tall Buildings identifying the strategic locations where they may be appropriate subject to satisfying a range of design criteria (CDH04).

## **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 The cost of producing and consulting on the Local Plan is included in the Re contract as is production of the LDS but the cost of EIP and any associated legal costs is excluded and will need to be funded by the Council in late 2022 and early 2022-23 (estimated budget is £150k to allow for uncertainties). The costs associated with preparing the North London Waste Plan were also excluded from the contract and have been funded each year accordingly, a small budget (up to £10k) for adoption costs in 2021-22 is required. The Local Plan is supported by an extensive evidence base, the requirements of which are subject to change. Most of the evidence required was included within the Re core contract. Although, when embarking on the review of the plan in 2017 the Council agreed to fund specific additional evidence requirements that were agreed to have not been specified in the original Re contract. This includes the Green Belt and Metropolitan Open Land Study, Residential Conversions Study, Car Parking Study, and a Strategic Transport Assessment, all of which have been completed to date. Although not a specific evidence requirement for the Local Plan, a Biodiversity Action Plan is being produced by the Council. A budget of £40k will be required to unlock preparation of Barnet's Biodiversity Action Plan in late 2021-22.

5.2.2 The Council signed a Service Level Agreement with the SoS in August 2021. This

Agreement sets out the steps each party will take to help deliver an efficient examination and reporting process.

5.2.3 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.

### 5.3 **Social Value**

5.3.1 The Local Plan will secure a range of social, economic and environmental benefits. These are set out within the body of this Report and detailed within the Sustainability Appraisal of the Reg 19 document.

### 5.4 **Legal and Constitutional References**

5.4.1 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).

5.4.2 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).

5.4.3 When submitting the proposed Local Plan for examination, the Council is required to submit the following documents:

- the sustainability appraisal report;
- a submission policies map if the adoption of the local plan would result in changes to the adopted policies map;
- a statement setting out—
  - which bodies and persons the local planning authority invited to make representations under regulation 18;
  - how those bodies and persons were invited to make representations under regulation 18;
  - a summary of the main issues raised by the representations made pursuant to regulation 18;
  - how any representations made pursuant to regulation 18 have been taken into account;
  - if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations; and
  - if no representations were made in regulation 20, that no such representations



were made;

- copies of any representations made in accordance with regulation 20; and
- such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan

5.4.4 Under the Council's Constitution, Article 7 - Item 7.5 (Responsibility for Functions) sets out that the Policy and Resources Committee is responsible for the overall strategic direction of the Council including responsibility for Local Plans.

## 5.5 Risk Management

5.5.1 The Local Plan process faces a number of risks and these are managed by the Council's Strategic Planning Operations Board which meets monthly. The major identified risks are:

- the Local Plan being found unsound by a Planning Inspector. This can be mitigated by use of Planning Advisory Service (PAS) Local Plan Route Mapper and Toolkit for use when undertaking a review and update of local plan policies which includes guidance and checklists for ensuring soundness, legal compliance and a robust evidence base supporting the Local Plan;
- a failure to meet the legal requirements of duty to cooperate with neighbouring authorities and statutory agencies such as Historic England and the Environment Agency is another major risk. Through early and ongoing engagement including working with the West London Alliance this can be mitigated. As evidence that engagement is underway the Council has produced a Duty to Co-operate Statement;
- another significant risk is a lack of political and local support for the Local Plan. This can be addressed by briefing members, setting out the vision and objectives of the Local Plan clarifying what it can positively deliver whilst highlighting the consequences of not having an up-to-date planning framework for the Borough.

## 5.6 Equality Act 2010

5.6.1 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 proposed 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.

Note: 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)).

5.6.2 The relevant “protected characteristics” are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation (S 149(7)).

5.6.3 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.

5.6.4 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 effect 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.

5.6.5 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 as part of an Integrated Impact Assessment of the Local Plan. Policies contained within the Draft Local Plan could potentially have significant effects on those individuals who share one or more of the protected characteristics (identified in s.149(7), EqA 2010) and particularly within the context of housing, transport, employment, environment and inclusive design.

5.6.6 The EQIA identified that many of the policies would have a positive effect across groups particularly those which relate to housing (e.g. the provision of affordable housing and specialist housing), high quality design (e.g. emphasis on inclusive design will be beneficial to disabled people), the promotion of employment and training opportunities to help reduce poverty and improvements within the built environment to make it more inclusive. However, the EQIA did note that there is potential for conflict in protecting heritage assets and making alterations to improve disabled access, e.g. ramps / lifts may not be considered appropriate or practicable in some listed buildings. Where significant effects are identified, appropriate mitigation strategies need to be put in place to avoid or reduce impacts.

5.6.7 The Council recognises that (along with the other principles set out in para 5.6.3 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 Local Plan policies will be updated in the EQIA as the proposed Local Plan progresses towards its anticipated adoption.

## 5.7 Corporate Parenting

5.7.1 In the policy on Specialist Housing (HOU04) the Local Plan sets out provision for people with social care and health support needs. This includes helping young people with complex needs to live as independently as possible within the community.

## 5.8 Consultation and Engagement

5.8.1 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 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.

5.8.2 The Representations on the soundness of the (Reg 19) Publication Local Plan will be submitted to the SoS for the EIP along with the Local Plan and supporting evidence. This includes a Regulation 22(1)(c) consultation statement setting out how the LPA has complied with Regulations 18 & 19.

## 5.9 Insight

5.9.1 N/A

## 6. BACKGROUND PAPERS

6.1 Policy & Resources Committee - 16<sup>th</sup> June 2021 (Item 8) – Barnet’s Local Plan – Publication - (Reg 19)

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CIId=692&MIId=10888&Ver=4>

6.2 Policy & Resources Committee - 6<sup>th</sup> January 2020 (Item 13) – Barnet’s Local Plan – Preferred Approach - (Reg 18)

<https://barnet.moderngov.co.uk/documents/s56947/Reg%2018%20PR%20Committee%20Report2.pdf>

6.3 Policy & Resources Committee - 6<sup>th</sup> January 2020 (Item 12) – Local Development Scheme 2020

<https://barnet.moderngov.co.uk/documents/s56954/Local%20Development%20Scheme%202020.pdf>

6.4 Policy and Resources Committee – 24<sup>th</sup> September 2020 (Item 11) - Barnet’s Statement of Community Involvement – COVID 19 Addendum

<https://barnet.moderngov.co.uk/documents/s60203/Barnets%20Statement%20of%20Community%20Involvement%20-%20COVID%2019%20Addendum.pdf>