



## **Examination of the Barnet Local Plan**

**17 August 2023**

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**Inspectors appointed by the Secretary of State**

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Dear Mr Lynch,

### **Examination - Inspectors' interim findings and next steps**

1. We again thank the Council for the preparation and publication of Examination documents addressing our requests that arose during the hearing sessions that took place between 20 September 2022 and 11 November 2022. We have now completed our review of comments received to the recent informal consultation with participants and non-participants who made representations at Regulation 19 stage relating to those Examination documents and related Statements of Common Ground. We have also taken account of the Council responses to the comments received and the subsequent Council letter dated 28 July 2023 in response to our previous letter of 27 June 2023 requesting clarification on a limited number of matters.
2. We are now writing to you to set out our initial findings and views on the next steps of the Examination of the Barnet Local Plan 2021 to 2036 (the Plan). In summary, we are satisfied that there is sufficient prospect that any existing legal compliance and/or soundness deficiencies relating to the Plan as submitted can be overcome. However, to achieve that we consider that main modifications (MMs) to the Plan as submitted will be necessary.
3. Throughout the Examination, the Council has proposed changes to the Plan in the EXAM referenced documents that are available in the Examination library. However, the purpose of this letter is not to respond to each of the Council's suggested changes to date. Instead, it sets out key findings and outlines associated modifications that we have determined to be required for soundness and general conformity with the London Plan, with full details of the required MMs then provided in the Appendix to this letter in the interests of certainty. In response to this letter and its Appendix, we request the Council to prepare a full MM schedule. In doing so, it is requested that the Council combine the related changes to both an individual policy and its supporting text as a single MM, with an equivalent approach also applied to proposed site allocations in Annex 1 with a MM incorporating the necessary changes to each. Such an approach is

the proposed site allocations in the Plan. There are also additional MMs to Policies GSS02, GSS03, GSS04, GSS05, GSS06, GSS07, GSS08, GSS09, GSS11, TOW01, TOW02, TOW03 and TOW04 set out in the Appendix which are required to ensure that the approach to main town centre uses is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan.

## **Employment**

24. A MM is required to Policy BSS01 to provide certainty of the requirement range of between 67,000 sq.m and 106,000 sq.m of new office space in the rest of the Borough and to prioritise distribution amongst Barnet's town centres. In addition, the MM is also required to clarify the strategic approach to industrial land focussing on intensification rather than new additional development linking to Policy ECY01, including the safeguarding of Locally Significant Industrial Sites and the parameters which will guide proposals for new industrial development. The additions to the supporting text should include justification setting out the reasons why the range of between 7.3 and 13.5 hectares of additional land identified in the London Industrial Demand Study - 2017 (EB\_E\_06) and West London Employment Land Review - 2019 (EB\_E\_09) are not proposed to be taken forward in the Plan.
25. A MM is also required to Policy GSS01 to clarify the range of between 12,000 and 27,000 new jobs to be provided across the Borough in the Plan period. There are also additional MMs to Policy GSS02, ECY01, ECY02 and ECY03 set out in the Appendix which are required to ensure that the approach to employment is effective, consistent with national policy and in general conformity with the London Plan. Those changes include the suggested removal of references to the presence of an Article 4 direction following its expiry in June 2022.

## **Climate Change and Environmental Considerations**

26. MMs are required to make changes in the Plan to the strategic approach to climate change in Policy BSS01 and the more detailed approach in Policy ECC01, to ensure consistency with the national policy approach of mitigating and adapting to climate change as set out in the Framework. MMs are also required to Policies ECC02 and ECC03 in terms of environmental considerations with changes necessary to align with national policy and ensure general conformity with the London Plan. This includes the approaches to air quality, light pollution, odours and dealing with waste (also ensuring consistency with the North London Waste Plan in that respect).
27. In terms of water management, a MM is required to Policy ECC02A to include comprehensive redrafting given that clear evidence has not been provided to justify departures from national policy in terms of the approach to flood risk. Therefore, alterations are required to be made in a MM to replace the parts of the policy that address those matters under the heading Flood Risk with references to (rather than duplication of) the relevant parts of the Framework and Planning Practice Guidance (PPG).

28. With respect to the approach to Green Belt and Metropolitan Open Land, a MM is required to Policy ECC05 to ensure that it is consistent with national policy. The modification should include removal of the unjustified requirement for proposals outside of the Green Belt to be assessed in terms of whether they affect its openness.
29. The approach to biodiversity in Policy ECC06 requires a MM which includes amendment to the approach to biodiversity net gain to ensure that it is provided in accordance with national policy or related legislation once it takes effect.

### **Design (including Tall Buildings, Heritage and Advertisements)**

30. There are MMs required for soundness and general conformity of the London Plan with detailed changes set out in the Appendix of this letter for Policies CDH01, CDH02, CDH03, CDH05, CDH06, CDH07 and CDH09.
31. In terms of the approach to tall buildings in Policy CDH04, modifications are required for effectiveness so that it is evident how a decision maker should react to development proposals for tall buildings. This includes clarification that sites outside the locations specified as potentially suitable for tall buildings will not be refused as a matter of principle but rather assessed against specified development management criteria. The MM should also include the necessary removal of references to very tall buildings as such a sub-categorisation is not justified by sufficient evidence. It should also delete New Southgate Opportunity Area from the identified list of suitable locations for tall buildings as it has not been supported by substantive evidence. The changes in the MM should also seek to align the policy and Map 4 with the evidence of appropriate locations in the Tall Buildings Study Update and clarify that Annex 1 includes site allocations that are identified as potentially appropriate for tall buildings.
32. With respect to heritage considerations, Policy CDH08 requires comprehensive redrafting via a MM so that it aligns with the Framework approaches to the historic environment. This is necessary because the policy as submitted is not sufficiently clear nor consistent in its requirements across its sub-headings for different forms of heritage asset.

### **Transport**

33. To ensure that the strategic approach of the Plan is justified and effective, a MM is required to Policy GSS11 which should include amendments to clearly identify the major thoroughfares and the support for development which is intended to be distributed to those locations. A further MM is also necessary to Policy GSS12 to refine the approach to redevelopment of car parks to ensure that it is effective by clarifying the support in principle for redevelopment of surface level car parks for residential and main town centre uses (subject to compliance with other relevant policies). The associated changes should more closely align the policy with the Public Transport Accessibility Level (PTAL) methodology and clarify the requirements for transport assessments and parking statements.