



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

**17 August 2023**

**Gareth Wildgoose BSc (Hons) MSc MRTPI**

**Mark Philpott BA (Hons) MA MRTPI**

**Inspectors appointed by the Secretary of State**

---

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

reflected in our approach within the Appendix of this letter and is necessary to considerably reduce the overall number of MMs and thereby, enable the Final Report to address the required changes effectively.

4. In reaching our initial findings in this letter and its Appendix, we have given full consideration to all the evidence submitted, discussions during the hearings and representations made relating to the Plan to date. Our final conclusions and associated reasoning on legal compliance and soundness will be given in the Final Report, which will be produced taking account of all stages of and consultation during the Examination. As such, any views expressed in this letter are preliminary and may alter in the light of any further evidence that emerges, including as part of the necessary consultation process for the MMs, and associated updates to the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). It therefore follows that the views expressed in this letter are without prejudice to the conclusions of our Final Report.

### **Approach to the Plan Period and Requirement for Early Review**

5. The Plan as submitted would not provide a full 15-year period from the date of adoption. However, to achieve a 15-year post adoption period would inevitably necessitate the preparation and updating of existing evidence and, therefore, a considerable and undesirable delay in getting the Plan in place. A suitable alternative is to adopt the Plan at the earliest opportunity with a MM required to provide a firm commitment that the Council will undertake an early review of the Plan with the timetable for the preparation of its replacement, together with any Supplementary Planning Documents (SPDs) identified in the Plan and new Area Action Plan Development Plan Documents (DPDs). The MM should be clear that this will be set out within a new Local Development Scheme (or other document of equivalent status) within a year of its adoption.
6. In addition, to ensure that the Plan will be effective in meeting its strategic objectives, the approach to early review should also incorporate changes to Table 24 to provide additional monitoring indicators, performance triggers and actions (including where necessary bringing forward the timetable for a partial or full review of the Plan). This should include changes to reflect the MMs to other parts of the Plan and new indicators as set out in the Appendix.

### **Strategic and Non-Strategic Policies**

7. As proposed in EXAM4 and taking account of the associated justification in EXAM16, to ensure consistency with national policy, a MM is required to Table 3 to identify Policies CDH01, CDH02, CDH03, CDH04, TOW01, TOW04, CHW01, ECC02, TRC01, TRC02 and TRC03 as strategic policies rather than non-strategic policies. In that context, a further MM to Policy GSS01 should include clarification of the requirement for sufficient provision of infrastructure and community facilities in accordance with paragraph 20 of the National Planning Policy Framework (the Framework).

## Key Diagram (Map 2)

8. To ensure that the related strategic policies of the Plan are effective and justified, a MM to the Key Diagram is required when taking account of EXAM27 and other MMs to the Plan. A number of recommended changes are set out in the Appendix to this letter, but the Council should also review the Plan for any consequential changes when preparing the MMs.

## Housing Requirement (including Table 4)

9. A MM is required to make clear that Policy BSS01 of the Plan in setting a requirement of a minimum of 35,460 new homes between 2021 and 2036 is seeking to deliver the London Plan target of 2,364 new homes per annum up to 2029. The MM also should explain that it also takes the London Plan annual requirement figure forward to 2036 to provide certainty of where and when future homes are likely to be delivered having had regard to the London Strategic Housing Land Availability Assessment (which runs beyond the Plan period to 2041) and local evidence. In that light, the MM should also reflect that a higher total supply of sites<sup>1</sup> is necessarily identified to provide resilience for deliverability of housing throughout the Plan period up to 2036 and to support the Government's objective of significantly boosting the supply of homes as set out in the Framework. The MM should also provide the necessary justification that the identified supply margin above the minimum requirement is needed to provide a suitable range and choice of sites for housing and to avoid undue reliance on larger site opportunities which typically have longer lead-in times and development timescales.
10. Associated changes to Table 4 and supporting text between paragraphs 4.4.1 to 4.4.5, together with the key objective in paragraph 3.2.2, are necessary to ensure that the Plan is justified, effective and in general conformity with the London Plan. This should include removal of the calculations and references to the MHCLG Standard Methodology (December 2020) and Barnet Strategic Housing Market Assessment (October 2018) for the 2021 to 2036 period. This is necessary to provide sufficient certainty of the Plan's housing requirement through removal of extraneous references to background evidence and alternative local housing need calculations that are now out-of-date. The superseded figures and supporting text associated with the Draft London Plan (December 2017) should also be removed for the same reason.
11. A MM is also required to the approach to small sites (0.25 ha and below) in Policy GSS01 to indicate that the 5,100 homes figure, based on historic trends in Barnet of delivery of developments comprising under 10 units, is the minimum anticipated to be delivered, and that an upper target of 6,510 homes is sought to ensure general conformity with Policy H2 of the London Plan.

---

<sup>1</sup> The total housing supply figure to be included in the MM is to be recalculated to take account of the implications of this letter and the required changes in the Appendix.

## **Housing Land Supply calculations and the Housing Trajectory (including Tables 5 and 5A, Figure 3 and addition of new Table 5B)**

12. To ensure that the Plan is justified and consistent with national policy, a MM is required to Table 5 and Table 5A and the housing trajectory in Figure 3 to reflect the most up-to-date supply calculations taking account of the implications of other MMs recommended later in this letter and its Appendix. As such, the updated calculations should take full account of the implications of the recommended MMs to the proposed site allocations in the Plan and findings in relation to the other sources of housing land supply included in EXAM87 as set out later in this letter. The MMs should also include any consequential changes required throughout the Plan to any related housing supply figures; and include clarification that both New Southgate Opportunity Area and Hendon Stations are broad locations for growth in Policy GSS09. The MMs should also remove the indicative capacity for growth associated with the West London Orbital as the location for any associated development beyond the identified Growth Areas in the Plan is not justified by sufficient evidence.
13. In addition, the MMs should also include a new and up-to-date Table 5B as previously proposed in EXAM19, to demonstrate the contribution of proposed allocations in the Plan (and any contribution from the brownfield register as appropriate) with respect to small sites (less than 0.25 hectares) as referred to in Policy H2 of the London Plan. It should also clarify that identification of small and medium sized sites is consistent with paragraph 69 of the Framework and its requirement for at least 10% of sites of no larger than one hectare.
14. In terms of the housing supply identified in the Plan as submitted, MMs are required to delete the following site allocations from the Plan, together with any consequential changes to other parts of the Plan, the Policies Map and the housing trajectory, for the following reasons:
  - Site No. 6 (Watling Avenue car park & market): The site allocation is not developable due to constraints arising from the extent and magnitude of flood risk affecting the site. We therefore conclude that it should not be allocated and should be deleted, as it is not justified nor consistent with national policy as it does not satisfy the sequential test nor exception test.
  - Site No. 9 (Colindeep Lane): The site allocation is not developable due to constraints arising from the extent and magnitude of flood risk affecting the site. We therefore conclude that it should not be allocated and should be deleted, as it is not justified nor consistent with national policy as it does not satisfy the sequential test nor exception test.
  - Site No. 10 (Douglas Bader Park Estate): The site has full planning permission, and the development is under construction with significant progress having been made. The site allocation as proposed in the Plan is therefore not necessary, its inclusion in the Plan would not be effective and it thus should be deleted.
  - Site No. 14 (Sainsburys, The Hyde): The site has full planning permission and the development is under construction with significant progress having been made. The site allocation as proposed in the Plan is therefore not

necessary, its inclusion in the Plan would not be effective and it thus should be deleted.

- Site No. 32 (Manor Park Road car park): The site allocation has not been demonstrated to be developable when taking account of the presence within the site of a small park and public car parking, together with its relationship to surrounding properties. The site allocation as proposed in the Plan is therefore not justified and should be deleted.
- Site No. 52 (Kingmaker House): The development is approaching completion. The site allocation as proposed in the Plan is therefore not necessary, its inclusion in the Plan would not be effective and it thus should be deleted.
- Site No. 54 (Barnet House): The site has full planning permission that has been implemented and the development is under construction with significant progress having been made. The site allocation as proposed in the Plan is therefore not necessary, its inclusion in the Plan would not be effective and it thus should be deleted.

15. In the interest of certainty, the Appendix provides the full detail of the MMs that we consider are required for soundness relating to the remaining proposed site allocations as submitted and listed in Annex 1 of the Plan, including where necessary the modifications proposed by the Council in the EXAM documents. However, in that regard, we draw attention specifically to our findings in relation to the following site allocations which will require further updates to the latest housing trajectory provided in EXAM87:

- Site No. 5 (Edgware Hospital): A MM should reduce the indicative residential capacity contributing to housing supply in the Plan to 129 dwellings based on only the extant planning permission (21/0274/OUT), thereby removing 337 dwellings from housing supply identified in EXAM87. This is necessary to take account of constraints to delivery of any additional dwellings within the allocation, including the requirement for site-specific flood risk assessment, application of the exception test to any parts of the site within Flood Zone 3a and avoidance of any development within the functional floodplain (Flood Zone 3b). In addition, as there is no clear evidence that housing completions arising from the outline planning permission will begin on site within five years, the development timeframe should be 6 - 10 years (removing any contribution from the site to five-year supply calculations).
- Site No. 16 (45-69 East Barnet Rd): A MM is required to reduce the indicative residential capacity contributing to housing supply in the Plan to 75 dwellings (removing 30 dwellings from housing supply identified in EXAM87). This necessarily reflects a cautious approach to the minimum contribution to housing supply in the Plan, taking account of the surrounding context, the irregular shape of the allocation and the inclusion of a new public square that should be added to the site requirements.
- Site No. 25 (East Finchley Substation): The site allocation is deliverable based on the recent grant of full planning permission (21/5217/FUL) on appeal for a mixed-use development. A MM is required to provide certainty

that the indicative residential capacity contributing to housing supply in the Plan is reduced to 9 dwellings (removing 6 dwellings from EXAM87), and the development timeframe should be identified as 0-5 years.

- Site No. 35 (Egerton Gardens Car Park): The site allocation is developable rather than deliverable as planning application (21/4709/FUL) and a recent revised application (23/2868/FUL) are undetermined at the present time. A MM is, therefore, required to provide certainty of the indicative residential capacity contributing to housing supply in the Plan of 25 residential units based on those planning applications (including a ratio of 2.5 student rooms to 1 standard housing unit), and the 6-10 year timeframe (removing any contribution from five-year supply calculations).
- Site No. 36 (Fenella): The site allocation is developable rather than deliverable as planning application (21/4709/FUL) and a recent revised application (23/2868/FUL) are undetermined at the present time. A MM is, therefore, required to provide certainty of the indicative residential capacity contributing to housing supply in the Plan of 65 residential units based on those planning applications (including a ratio of 2.5 student rooms to 1 standard housing unit), and a 6-10 year development timeframe (removing any contribution from five-year supply calculations).
- Site No. 38 (Ravensfield House): The site allocation is developable rather than deliverable as planning application (21/4709/FUL) and a recent revised application (23/2868/FUL) are undetermined at the present time. A MM is, therefore, required to provide certainty of the indicative residential capacity contributing to housing supply in the Plan of 90 residential units based on those planning applications (including a ratio of 2.5 student rooms to 1 standard housing unit), and a 6-10 year development timeframe (removing any contribution from five-year supply calculations).
- Site No. 40 (Meritage Centre): The site allocation is developable rather than deliverable as planning application (21/4722/FUL) is undetermined at the present time. A MM is, therefore, required to provide certainty of the indicative residential capacity contributing to housing supply in the Plan of 73 residential units based on that planning application (including a ratio of 2.5 student rooms to 1 standard housing unit), and a 6-10 year development timeframe (removing any contribution from five-year supply calculations).
- Site No. 41 (PDSA and Fuller Street Car Park): The site allocation is developable rather than deliverable as planning application (21/4722/FUL) is undetermined at the present time. A MM is, therefore, required to provide certainty of the indicative residential capacity contributing to housing supply in the Plan of 32 residential units based on that planning application (including a ratio of 2.5 student rooms to 1 standard housing unit), and a 6-10 year development timeframe (removing any contribution from five-year supply calculations).
- Site No. 42 (Usher Hall): The site allocation is developable but taking account of the constrained nature of undeveloped areas of the allocation and the necessity for a suitable relationship to its surroundings, the indicative residential capacity identified in the Plan (and EXAM87) is not a realistic minimum figure. A MM is, therefore, required to reduce the indicative residential capacity contributing to housing supply in the Plan to a minimum of 9 dwellings (equivalent to 23 student units based on a ratio of

2.5 student rooms to 1 standard housing unit, and thereby removing 30 dwellings from housing supply) with any proposal seeking an uplift within the allocation required to demonstrate an acceptable design-led approach in accordance with Policy D3 of the London Plan at application stage.

- Site No. 45 (Land at Whalebones): The site allocation is developable. However, the indicative residential capacity contributing to housing supply in the Plan should be reduced to 100 dwellings (removing 10 dwellings from housing supply in EXAM87) which reflects a necessarily cautious approach consistent with the lower end of the range identified in EB\_SoCG\_20. Furthermore, taking account of the previous refusal of planning permission (19/3949/FUL) and dismissal of the related appeal, together with the constraints of the site, it has not been demonstrated that there is a realistic prospect of housing being delivered on site within five years. Consequently, all of the dwellings should be in the 6-10 years development timeframe (removing any contribution from the site to five-year supply calculations).
- Site No. 56 (Woodside Park Station West): The site allocation insofar as it relates to the southern parcel is deliverable in accordance with the planning permission for 86 dwellings (19/4293/FUL) which is under construction. However, current constraints on the northern parcel including absence of a suitable existing access, the potential loss of mature trees and the irregular shape of the site in close proximity to the railway line, necessitates a cautious approach to any uplift in the contribution to housing supply in the Plan beyond the existing planning permission. In such circumstances, whilst the developability of the northern parcel cannot be ruled out, a MM is required to reduce the indicative residential capacity of the allocation to a minimum of 86 dwellings (removing 184 dwellings from EXAM87) with any uplift dependent on a design-led approach for an appropriate development of the northern parcel that overcomes the identified constraints.
- Site No. 57 (309-319 Ballards Lane): The site allocation is developable. However, a Central density matrix classification in North Finchley is not consistent with the definition provided by Figure 1 of Annex 1 and the surrounding context. A MM is, therefore, required to reclassify the allocation as suitable for 'Urban' density and reduce the indicative residential capacity to 83 dwellings accordingly. The MM for this allocation (and others in North Finchley) should be clear that if further uplifts in dwelling numbers are proposed that they would be required to demonstrate acceptability via a design-led approach in accordance with Policy D3 of the London Plan.
- Site No. 60 (Finchley House): The site allocation is developable. However, a Central density matrix classification in North Finchley is not consistent with the definition provided by Figure 1 of Annex 1 and the surrounding context. A MM is, therefore, required to reclassify the allocation as suitable for 'Urban' density and reduce the indicative residential capacity to 128 dwellings accordingly. A realistic prospect of housing being delivered on site within five years has not been demonstrated, and it follows that the MM should also amend the development timeframe to 6-10 years.
- Site No. 61 (Tally Ho Triangle): The site allocation is developable. However, a Central density matrix classification in North Finchley is not consistent with the definition provided by Figure 1 of Annex 1 and the surrounding context. A MM is, therefore, required to reclassify the allocation as suitable for

'Urban' density and reduce the indicative residential capacity accordingly to 205 dwellings.

- Site No. 64 (774-776 High Road): The site allocation is developable. However, a Central density matrix classification in North Finchley is not consistent with the definition provided by Figure 1 of Annex 1 and the surrounding context. A MM is, therefore, required to reclassify the allocation as suitable for 'Urban' density and reduce the indicative residential capacity to 112 dwellings accordingly.
- Site No. 66 (East Wing - Key Site 4): The site allocation is developable. However, a Central density matrix classification in North Finchley is not consistent with the definition provided by Figure 1 of Annex 1 and the surrounding context. A MM is, therefore, required to reclassify the allocation as suitable for 'Urban' density and reduce the indicative residential capacity to 80 dwellings accordingly.

16. In addition to the above, the following site allocations as submitted in the Plan are considered to be developable at the indicative site capacities identified. However, in each case, it has not been demonstrated by clear evidence that housing completions will begin within the next five years. The development timeframe is therefore considered to be 6 - 10 years or 11 - 15 years (removing any contributions from five-year supply calculations) for each of the following and should be reflected in further updates to the latest housing trajectory provided in EXAM87 accordingly:

- Site No. 30 (Finchley Central Station).
- Site No. 44 (High Barnet Station).
- Site No. 46 (IBSA House).
- Site No. 59 (Central House).
- Site No. 63 (Philex House).

17. EXAM87 also identifies the Finchley Memorial Hospital site as contributing to housing supply within five years in circumstances where it has not been demonstrated by clear evidence that housing completions will begin on site within five years. The development timeframe is therefore considered to also be 6 - 10 years for that site (removing any contribution from the site from five-year supply calculations).

18. Having regard to all of the above, in addition to the preparation of the MMs as detailed for Annex 1 as set out above and in the Appendix to this letter, it is necessary that the housing trajectory and the associated breakdown of site contributions as set out in EXAM87 should be updated to reflect our initial findings. Furthermore, in the interest of certainty, the Council should now also prepare a document setting out and explaining their re-calculated housing supply positions taking account of the MMs.



## **Other Housing Policies**

19. MMs are also required to the approach to Build to Rent developments and self and custom housebuilding. These include additions to the strategic approach in Policy GSS01 to provide a supportive approach for Build to Rent developments linking to the approach set out in Policy H11 of the London Plan, and a revised approach to self-build and custom housebuilding that makes efficient use of land to meet identified demand, and encourages neighbourhood plans in locations where there is evidence of unmet demand to identify sites suitable for self and custom housebuilding.
20. The required MMs should make clear that small sites (below 0.25 hectares in size) as set out in Policy H2 of the London Plan, including those proposed to be allocated in the Plan, are locations where self-build and custom housing will be supported and encouraged. Associated updates are required to Table 24 of the Plan to provide appropriate monitoring indicators of delivery of self-build and custom housebuilding and triggers for action if necessary to support the Council in meeting its duties under sections 2 and 2A of the Self-build and Custom Housebuilding Act 2015 to have regard to and give enough suitable development permissions to meet the identified demand.
21. Taking account of the above changes, Policy HOU06 and its supporting text should be deleted as it would be replaced by the MM to Policy GSS01. In terms of other housing matters, there are also MMs required for soundness and general conformity of the London Plan set out in the Appendix in relation to Policies HOU01, HOU02, HOU03, HOU04, HOU05 and HOU07.

## **Town Centres and Main Town Centre Uses**

22. A MM is required to Policy BSS01 to clarify the approach to a new mixed use Metropolitan Town Centre in the Brent Cross Growth Area, together with the intended approach of not setting a specific requirement for new retail or leisure development in the Plan for the rest of the Borough. The supporting text of the Plan should explain key trends that have influenced structural changes in the retail and leisure economy since the preparation of the Barnet Town Centre Floorspace Needs Assessment (EB\_E\_02) in 2017 and the impact of such trends on the viability and vitality of town centres and high streets. The MM should also address the need for flexibility to bring forward a wider range of other main town centre uses following changes to the Use Classes Order published in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and how location-based requirements for retail development to ensure sustainable development such as in town centres and proposed allocations in the Plan will be supported provided that they accord with Policy TOW01 and the sequential and impact tests in national policy.
23. The MM should also explain that a new West London Town Centre Study is under preparation and thereby, provide a commitment to an immediate early review of the Plan if any significant unmet demands for retail or main town centre uses are identified that otherwise could not be accommodated in Barnet's identified Opportunity Areas, Growth Areas, District Town Centres or

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.

34. In addition, in terms of parking management specifically, a MM is required to Policy TRC03 to limit parking in accordance with London Plan standards, to refine the approach to Controlled Parking Zones (CPZs), to explain the approach to parking statements or transport statements/assessments and reflect the approach of Policies T6, T6.1 and T6.3 of the London Plan regarding the re-provision of parking, provision of car club parking and parking for new retail development. There are also additional MMs to TRC01, TRC02 and TRC04 set out in the Appendix which are required to ensure that the approach to sustainable and active travel, transport infrastructure and digital communication and connectivity are positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan.

### **Community Uses, Health and Wellbeing**

35. A MM is required to Policy GSS13 to specify provision of the three destination hubs for sport and recreation at Barnet and King George V Playing Fields, Cophall Playing Fields and Sunny Hill Park, and West Hendon Playing Fields. The MM should also clarify that Growth Areas, town centres and local centres are the preferred locations for new indoor facilities, unless they are specifically designed to improve the utilisation of an open space, and that a regional park is promoted in the Brent Valley and Barnet Plateau Green Grid Area.
36. MMs are also required to Policies CHW01, CHW02, CHW03, CHW04 and ECC04 to clarify the approaches to parks and open spaces, outdoor sports facilities (including playing fields and playing pitches), public houses, health and wellbeing, and matters of public safety in particular to ensure consistency with national policy and general conformity with the London Plan. The detailed changes in each of those respects are set out in the Appendix.

### **Supplementary Planning Documents (SPDs)**

37. To ensure a sound approach to SPDs in the Plan, changes are required as part of MMs to policy wording and supporting text throughout to make clear the role and status of current SPDs and those proposed. The MMs should also clarify that SPDs are only intended to add further detail to the policies and guidance for development on specific sites, or on particular issues, such as design.

### **Covid-19 Recovery Programme**

38. To ensure that the Plan is effective and remains relevant to prevailing circumstances during the Plan period up to 2036, references to requirements of developments to align with a Covid-19 Recovery Programme are not necessary and should be deleted as part of related MMs throughout the Plan.

### **Changes to the Policies Map**

39. The Policies Map is not defined in statute as a development plan document and therefore, we do not have the power to recommend main modifications to it.

Nonetheless, the Council should consider whether the proposed MMs would necessitate any consequential changes to make certain that the Plan, and the Policies Map, read coherently as a whole would ensure that the relevant policies are justified and effective. Any such changes to the Policies Map should be made available for consultation in due course in a consolidated version published alongside the schedule of proposed MMs.

## **Next Steps**

40. In identifying the MMs that we consider are necessary at this stage, we have taken full account of all of the evidence and information available. We must stress that these are findings resulting in proposed MMs that will be subject of consultation and our views are therefore provided without prejudice to the conclusions of the Final Report. We are not seeking comments on our findings or additional evidence beyond our specific requests at this stage.
41. We assume the Council would be content to adopt the Plan incorporating the MMs that we have indicated are necessary. If that is the case, we would be grateful if the Council would now prepare the updated statistical information we have requested and a full schedule of all MMs to reflect our findings in this letter and its Appendix. Should this not be the case, please advise us as a matter of urgency in order that we can consider how best to progress the Examination.
42. The Council when preparing the proposed schedule of MMs should review the relevant elements of the Plan to identify potential inconsistencies and also any additional consequential changes to the Plan that may be required. The aim should be to combine all of the proposed changes required to a policy and its associated supporting text or allocation in a single MM to reflect the comprehensive change(s) proposed to be made.
43. Any MMs that we subsequently recommend would form part of our Final Report. We, therefore, request that before the consolidated MM schedule is published the Council provide us the opportunity to review it, alongside the consolidated version of the changes to the Policies Map, in order to ensure that it reflects our understanding and to avoid any obvious soundness issues. As such, a draft of the consolidated schedule of proposed MMs in response to this letter and its Appendix should be sent to us via the Programme Officer by not later than 5pm on Friday 29 September 2023.
44. We will work with the Council, through the Programme Officer, to finalise the wording of the proposed MMs. Once we are satisfied with the wording of the proposed MMs and that any necessary updates to the SA and HRA to take account of the proposed MMs have been made, we will confirm that consultation can go ahead, and we will agree a timescale with the Council. We will need to consider the consultation responses and the results of any necessary updates to the SA and the HRA, before finally concluding whether or not each MM is required to make the Plan sound and/or legally compliant. The MMs that we go on to recommend would be set out in our Final Report in due course.

## Summary of Actions Requested

45. We request that the Council provide the following by not later than **5pm on Friday 29 September 2023**:
- A full draft schedule of proposed MMs that incorporate the required changes set out in the detail of this letter and its Appendix for our consideration.
  - Identification of any proposed and consequential changes arising from the previous action that are necessary to make certain that the Plan, and the Policies Map, read coherently and as a whole would ensure that the relevant policies are justified and effective.
  - A document that updates, re-calculates and explains the housing supply positions (including Tables setting out the deliverable five-year housing supply and the full breakdown of Plan period housing supply), taking account of the initial findings in this letter and the full detail of the required MMs in the Appendix.
46. If there are any procedural or other questions arising from this letter or its Appendix, the Council should contact us via the Programme Officer. We are not inviting, and do not envisage accepting, any comments or additional evidence from other examination participants at this stage.

*Gareth Wildgoose and Mark Philpott*  
INSPECTORS

17 August 2023