



## Examination into London Borough of Barnet Local Plan

Representations on behalf of  
DTZ Investors UK Ltd (on behalf of Strathclyde Pension Fund) in  
response to the following Examination Notes by London Borough of  
Barnet

- EXAM 18 – Note on Council’s Commitment to an Early Review
- EXAM 25 – Note on Sites in Development Frameworks
- EXAM 27 – Note on Local Plan Mapping
- EXAM 36 – Note on Housing Numbers (Including Supporting Table AA)
- EXAM 38 – Note on Retail
- EXAM 76 – Employment Land
- EXAM 79 – Note on Tall Buildings



## INTRODUCTION

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These Representations are made on behalf of “DTZ Investors UK Ltd” (“DTZ”), in response to the following London Borough of Barnet’s (“LBB”) Examination notes, which were requested by the Inspector and provide further justification on various matters:

- EXAM 18 – Note on Council’s Commitment To An Early Review
- EXAM 25 – Note on Sites in Development Frameworks
- EXAM 27 – Note on Local Plan Mapping
- EXAM 36 – Note on Housing Numbers (Including Supporting Table AA)
- EXAM 38 – Note on Retail
- EXAM 76 – Employment Land
- EXAM 79 – Note on Tall Buildings

DTZ previously submitted written representations to the Regulation 19 Consultation of the Barnet Draft Local Plan in August 2021, in relation to the New Southgate Opportunity Area (“NSOA”) and their development interests at Friern Bridge Retail Park. DTZ also submitted written representations to the Examination in August and September 2022, and attended the Examination hearings.

## RESPONSE TO EXAM 18 – NOTE ON COUNCIL’S COMMITMENT TO AN EARLY REVIEW

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The Inspectors requested a note concerning LBB’s commitment to an early review of the Plan because the Emerging Local Plan (EP) does not have a full 15-year period from the date of adoption (if found to be sound).

LBB *expects* to publish the LDS within a year of the Local Plan adoption, which will set out a new timetable for the review. LBB therefore proposes to modify the supporting text of Chapter 1 to include:

*“The Council will facilitate the early review of the Local Plan through formal publication of a new Local Development Scheme... the process for review will be informed by the contents of the Local Plan Monitoring Framework set out at Table 24... The Council will formally publish a new Local Development Scheme within a year of the date of adoption of this Plan.”*

LBB’s response is ambiguous and vague and there is no commitment to when an early review will take place. An early review might reasonably be undertaken within 12 months of adoption but to take 12 months to decide the timetable for undertaking the substantive the Early Review will, by definition, unreasonably delay the Review, and prevent it from being “Early”. An early review (i.e. well before the statutory 5-year review) should be undertaken and this should specifically include adoption of a strategic framework for the NSOA, particularly in the event this framework is not embedded as part of this current (EP). This would accord with London Plan Policy SD1<sup>1</sup>, which confirms that Development Plans are expected to set out how growth potential of Opportunity Areas will be encouraged, and importantly, delivered. It cannot be demonstrated, in the current Local Plan, that LBB have adhered to this requirement, raising doubts as to the deliverability of the Plan and therefore it’s soundness.

Furthermore, part A of London Plan Policy SD1 states that the Mayor will provide support for the implementation of planning frameworks that are prepared in an open and timely manner. The Mayor is unable to fulfil this role as LBB continue to delay progression of the planning framework for the NSOA, which is a strategic regional allocation that should receive higher priority from the LPA and in the EP.

If the current EP does not include a strategic framework for the NSOA then the Local Plan would immediately be inconsistent with the London Plan, and would not therefore be sound.

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<sup>1</sup> Part B 1) of London Plan Policy SD1

The EP is not positively prepared and is ineffective, as it is inconsistent with the London Plan and the lack of any timetable makes the anticipated London Plan development yields less likely to be delivered. For these reasons, the EP is likely to be ineffective and is therefore unsound.

## RESPONSE TO EXAM 25 – NOTE ON SITES IN DEVELOPMENT FRAMEWORKS

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The Inspectors requested LBB prepare a note concerning sites that are included in a development framework (and already covered by SPD) that have not been allocated. The Inspector requested consideration of sites in Growth and Opportunity Areas as part of this note.

LBB identify the site allocations have been sourced from planning frameworks as follows:

- Area Action Plans
- Supplementary Planning Documents
- Town Centre Strategies/ Frameworks

The resultant document Exam 25 sets out why some sites from these frameworks are not included in the Schedule of Proposals.

Whilst the NSOA is not subject to an adopted planning framework, site allocations within this designated sustainable area should be considered by the Council – as requested by the Inspector.

However, the note produced by LBB does not consider any sites within the NSOA, despite LBB stating it does. To comply with the Inspectors' request, LBB should explain how sites within the OA have been considered for development, and a justification for why **no sites** have been allocated should be provided. The absence of site allocations within the OA contravenes the London Plan requirement for Development Plans to encourage and deliver growth potential within Opportunity Areas<sup>2</sup> as well as establishing capacity for growth in OAs<sup>3</sup>.

The EP has therefore not been positively prepared and, for this reason, is unsound.

## RESPONSE TO EXAM 27 – NOTE ON LOCAL PLAN MAPPING

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These comments relate to definition of NSOA boundaries, which is discussed throughout Notes EXAM 27 and EXAM 79.

EXAM 27 states that:

- The London Plan contains indicative locations for opportunity areas only;
- The boundaries of the Opportunity Area will be established through a planning framework produced jointly between the Council, LB Enfield and LB Haringey with the GLA; and
- A future Local Plan will then define the boundaries of the Opportunity Area.

Whilst the London Plan does not define the boundaries of Opportunity Areas, it does require Development Plans to set out how they will encourage and deliver growth in an Opportunity Area<sup>4</sup>, which LBB clearly has not done. Failing to define the boundaries of the NSOA within the current EP not only conflicts with the London Plan, but it also creates uncertainty for landowners as well the ability of the Local Plan to meet objectively assessed need.

The boundaries of the NSOA have been defined by the London Borough of Enfield (LBE) since 2010 in the New Southgate Masterplan SPD, and more recently as a "Place Making Area" in its draft Local Plan (June 2021)<sup>5</sup>. It also

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<sup>2</sup> Per Part B 1) of London Plan Policy SD1

<sup>3</sup> Per Part B 5) of London Plan Policy SD1

<sup>4</sup> Per Part B 1) of London Plan Policy SD1

<sup>5</sup> Draft LBE Policies Map (June 2021) [https://www.enfield.gov.uk/\\_\\_data/assets/pdf\\_file/0022/12667/Draft-Policies-Map-Planning.pdf](https://www.enfield.gov.uk/__data/assets/pdf_file/0022/12667/Draft-Policies-Map-Planning.pdf)



proposes a strategic policy for New Southgate<sup>6</sup> which seeks to facilitate dense forms of residential development including tall buildings.

Therefore, there should be a strategic policy relating to the NSOA in the current EP. The wording of such a policy<sup>7</sup> is proposed in our previous representations to the Local Plan<sup>8</sup> and would fully resolve the issue.

The policy should also be linked to a defined boundary on the associated Policies Map, so LBB should clearly define the boundaries of the NSOA within the current EP, in order to establish the capacity for growth, to ensure optimised sustainable development, and to provide certainty.

The failure to define the boundary of the NSOA is inconsistent with the London Plan and is therefore not effective or positively prepared.

## **RESPONSE TO EXAM 36 – NOTE ON HOUSING NUMBERS (INCLUDING SUPPORTING TABLE AA)**

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The Inspectors requested a note addressing how housing numbers (anything covered by GSS policy with housing delivery requirement) have been derived. This is to include consideration of housing allocations in OAs that could not be proposed as allocations but are intended to contribute to supply.

LBB has revised the minimum housing delivery quantum from 44,000 to 44,970, and highlighted that this target is a minimum. LBB explain that housing numbers have been calculated in two ways. First where a site has an extant consent, the quantum of housing approved has been used, and second, for sites without permission, the density matrix has been applied.

Exam 36 does not explain why the NSOA has such a low housing delivery target (250 homes), compared to the London Plan's estimated capacity which is 2,500 new homes. London Plan Policy SD1 also stipulates that initial estimates indicate that this figure could be significantly greater than the current estimated capacity.

Table AA provides no explanation on how LBB have derived the 250 new homes figure for the NSOA. The table states this figure is an estimate for phase 3 of the Plan, based on progress of the NSOA. No sites within the OA have been assessed for by application of the density matrix – which has been done for the other two London Plan designated OAs (Cricklewood and Brent Cross). This inconsistency is likely to result in significant under-provision of housing and a failure to optimise the potential yield of the area. This is not addressed by this Local Plan, and sites within the NSOA have not been assessed against the density matrix to derive appropriate indicative housing capacity.

Both of these faults mean that Policy GSS01 does not provide a strategy which, as a minimum, will meet the area's objectively assessed needs. By definition therefore, this element of the EP is not positively prepared, and so is not sound.

## **RESPONSE TO EXAM 38 – NOTE ON RETAIL**

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The Inspectors requested a note covering issues relating to LBB's consideration of retail and other main town centre uses in the plan. In particular justification was requested for setting the requirement of an impact assessment at 500 sqm.

Exam 38 does not provide a justification for setting the requirement of an impact assessment at 500 sqm, other than to state the adopted Local Plan requires a retail impact assessment for schemes over 500 sqm and this has operated successfully since its adoption in 2012. In addition, neighbouring boroughs have used similar approaches in recently adopted Local Plans.

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<sup>6</sup> Draft Strategic Policy SP PL7: New Southgate in emerging Draft LBE Local Plan – Main Issues and Preferred Approaches (June 2021)

<sup>7</sup> Policy GSS0X - New Southgate Opportunity Area

<sup>8</sup> DTZ Representations to Matter 8, Examination into London Borough of Barnet Local Plan Stage 2 (September 2022)

Policy TOW01 needs to be amended to make clear that any impact assessments must be proportionate to the scale and nature of the proposal. For example, a full detailed impact assessment should not be required for smaller schemes below 2,500 sqm.

This is not a positive approach to retail development and the need to protect centres. The current wording would unnecessarily restrict new retail development, and there is no justification for departing from the default threshold of 2,500sqm in the NPPF as LBB does not have an up-to-date retail study to support this. This approach is not supported by evidence, conflicts with national policy, and so is not sound.

## **RESPONSE TO EXAM 76 – NOTE ON EMPLOYMENT LAND**

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The Inspectors requested a note in relation to Policy GSS01 and the rationale behind the 27,000 employment figure and any associated inputs, job densities and job ratios.

LBB state that the source for the 27,000 new jobs is the Annual Regeneration Report 2018/19, and this figure has been repeated in the most recent ARR 2020/21 and the 2019 Growth Strategy. The Growth Strategy states that development at Brent Cross will deliver 19,000 jobs at Brent Cross Town and 8,000 at Brent Cross North. This is based on the implementation of the Brent Cross hybrid consent. Because the Burnt Oak/Colindale and New Southgate OAs are not fully within Barnet, the Council considers it pragmatic to keep the 27,000 jobs target, though it seems reasonable to express the figure as a range considering the new GLA economic projections of 12,000 new jobs. LBB proposes to modify para 4.5.1 to change the new jobs delivery target from ‘more than 27,000’ to ‘between 12,000 and 27,000 new jobs across the borough’.

The NSOA is designated within the London Plan as one of the capital’s principal opportunities for accommodating large scale development. To not mention the indicative number of jobs to be provided within the NSOA is a major gap, which causes uncertainty, and fails to create a mechanism to identify employment locations and job totals and bring them forward.

A new policy should be introduced specifically for the NSOA which would set out the job targets it is to provide. A suggested draft policy is set out in previous representations made on behalf of DTZ Investors UK Ltd<sup>9</sup> – Planning for the Borough’s economy, including employment, retail and other main town centre uses, would address the problem and make the Plan sound.

The absence of an identified, indicative number of jobs to be provided within the NSOA provides uncertainty with respect to the delivery of jobs within this strategic designation over the Plan period. To this extent the current EP is not effective, and therefore it is not sound.

## **RESPONSE TO EXAM 79 – NOTE ON TALL BUILDINGS**

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The Inspectors requested a note, rather than a footnote, to clarify within policy CDH04, the appropriateness of the NSOA as a location for tall buildings. It was also queried how proposals should be considered in the NSOA in advance of a joint area planning framework.

These representations comment specifically on the following matters discussed in EXAM 79:

- The removal of reference to the NSOA in draft Policy CDH04; and
- Defining the boundary of the NSOA.

### **The removal of reference to the NSOA in draft Policy CDH04**

At Item 17, LBB stated that:

- Tall and very tall buildings in the NSOA will not be supported prior to production of a joint area planning framework with LB Enfield, LB Haringey and Mayor of London;
- The joint area planning the NSOA be removed from Policy CDH04;

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<sup>9</sup> DTZ Representations to Matter 4, Examination into London Borough of Barnet Local Plan Stage 2 (August 2022)

- Proposals that come forward in advance of the Opportunity Area Framework will be considered in accordance with Policy GSS01 and London Plan Policy SD1.

At Item 17, LBB states that the following supporting text is proposed to draft Policy CDH04 instead:

*“The Council has signalled its intention at Section 1.7 to facilitate ...a strategic policy and joint area planning framework with LB Enfield and LB Haringey for the New Southgate Opportunity Area... On the basis of this strategic policy parameters will be set for the consideration of tall buildings in the Opportunity Area.”*

The removal of reference to the NSOA from draft Policy CDH04 conflicts with London Plan Policy SD1, which defines opportunity areas as London’s principal opportunities for accommodating large scale sustainable development.

Not only has the NSOA been identified as an Opportunity Area in the London Plan since the ‘Intend to Publish’ version (December 2019), but it was also first designated in 2004<sup>10</sup>, and a New Southgate Masterplan Supplementary Planning Document (SPD) was prepared for by the LBE in 2010<sup>11</sup>, and so the potential for tall buildings in New Southgate (up to 10 storeys) has been recognised and an established policy objective, for at least the last 13 years.

It is not appropriate to consider proposals in the NSOA in accordance with Policy GSS01, which identifies the capacity of the NSOA as only 250 homes. This level of development is inconsistent with the potential that an Opportunity Area offers and therefore this is a clear conflict with Policy SD1.

The development of tall buildings within the NSOA should be facilitated by local policy in order to optimise the development potential of an Opportunity Area. The wording of draft Policy CDH04 part (e) provides criteria to assess proposals that come forward for tall buildings in any event. Therefore, assessments still need to take place to establish whether tall buildings are appropriate on the site and so there is no reason to remove the NSOA as a potentially appropriate strategic location for tall buildings.

Whilst the introduction of a strategic policy and joint planning framework for the NSOA is supported, timings for it and for a Local Plan review, are vague and ambiguous, creating further uncertainty for landowners and the ability of the emerging plan to meet objectively assessed needs within the area.

LBB should therefore use the current EP as an opportunity to define, deliver and maximise the strategic sustainable development potential of the NSOA, rather than delay it. The reference to the NSOA as a potentially appropriate location for tall buildings should therefore remain in draft Policy CDH04. In addition, draft Policy GSS0X - New Southgate Opportunity Area, as set out in our previous representations<sup>12</sup>, should be included in the EP to make it sound.

The removal of the NSOA from draft Policy CDH04 is inconsistent with the London Plan, is therefore not effective or positively prepared and makes the EP unsound.

## **Defining the boundary of the NSOA**

Our comments regarding the need to define the boundary of the NSOA are set out above in full in our response to EXAM 27 – Note on Local Plan Mapping.

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<sup>10</sup> New Southgate Opportunity Area – GLA Website [New Southgate Opportunity Area | London City Hall](#)

<sup>11</sup> LBE New Southgate Masterplan SPD (2010) [101119\\_Final\\_Masterplan.indd \(enfield.gov.uk\)](#)

<sup>12</sup> DTZ Representations to Matter 8, Examination into London Borough of Barnet Local Plan Stage 2 (September 2022)