

# **Barnet Local Plan EIP –Note on identification of strategic policies in MM17**

## **Reason for producing this note**

On Day 2 (Wednesday 21<sup>st</sup> September) of the hearing sessions, during consideration of Matter 2, Spatial Strategy and Strategic Policies, Inspector Wildgoose requested a note that explains why the Council have exercised their judgment that each policy listed in Proposed Main Modification 17 (Exam 4) [EXAM 4 - Table of Council's Proposed Modifications to Barnet's Draft Local Plan - June 27th 2022 PDF \(2.35MB\) 0.pdf](#) should now be considered as a strategic policy.

## **Background**

The Local Plan Strategic Policies in Chapter 3 of the Reg 19 Draft Plan includes a table (Table 3) that lists which of the policies contained in the Regulation 19 publication and submission draft of the Barnet Local Plan are considered to be strategic policies, and also those which are considered to be non-strategic policies.

The submitted draft of the plan identified the following as strategic policies:

- BSSO1 (Barnet's Spatial Strategy), and also
- GSS01 to GSS13, the suite of policies contained within the Growth and Spatial Strategy chapter of the Barnet Local Plan.

## **Consideration**

Section 19 of the Planning and Compulsory Purchase Act 2004 (preparation of local development documents) sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents (taken as a whole).

The National Planning Policy Framework (the Framework) at para 21 requires plans to make explicit which policies are strategic policies and should be limited to those policies that address the strategic priorities of the area, including relevant cross-boundary issues. To assist plan making authorities in exercising this judgment, para 20 of the Framework provides a list of criteria.

Having regard to:

- i) the criteria set out in para 20 and further references made in the Framework (paras 21 - 23 on strategic and non-strategic policies);
- ii) the Government's Planning Practice Guidance; and
- iii) representations made in respect of the Barnet Plan at Regulation 19 publication stage, together with the subsequent suite of signed Statements of Common Ground (SoCG),

the Council now considers on reflection that a number of the policies listed in Table 3 as non-strategic policies should be identified as strategic policies. This is because they are considered to address strategic matters by virtue of:

- i) assisting in setting out an overall strategy for the pattern, scale and quality of development across the local plan area; and / or

- ii) in line with the presumption in favour of sustainable development, making sufficient provision for housing, infrastructure, community facilities and conservation and enhancement of natural, built and historic environment.

Consequently, the Council believes that the following additional 11 policies in the plan should be considered as strategic policies for the reasons given:

### **CHARACTER DESIGN & HERITAGE**

- Policy CDH01 Promoting High Quality Design – in line with the presumption in favour of sustainable development and applicable to all forms of new development, this policy contributes towards providing the Council’s overall strategy for the pattern, scale and design of places. (NPPF paras 11 and 20 refer)
- Policy CDH02 Sustainable and Inclusive Design – in line with the presumption in favour of sustainable development and applicable to all forms of new development, this policy contributes towards providing the Council’s overall strategy for the design quality of places including planning measures addressing climate change mitigation and adaptation. (NPPF paras 11 and 20 refer)
- Policy CDH03 Public Realm Policy – in line with the presumption in favour of sustainable development and applicable to all publicly accessible space between buildings, this policy contributes towards setting the Council’s overall strategy for the design quality of places. (NPPF paras 11 and 20 refer)
- Policy CDH04 Tall Buildings – in line with the presumption in favour of sustainable development, and applicable to all forms of new development defined as a tall or very tall building (i.e. of 8 storeys / 26 metres and above), this policy contributes towards providing the Council’s overall strategy for the pattern, scale and design quality of places. Tall buildings, by virtue of their height, location, siting, visibility, appearance, impact on existing views is also capable of raising cross-boundary issues. (NPPF paras 11, 20 and 21 refer)

### **TOWN CENTRES**

- Policy TOW01 Vibrant Town Centres – in line with the presumption in favour of sustainable development and applicable to all forms of new development and uses within the Borough’s designated town centres, this policy contributes towards establishing the Council’s overall strategy for the pattern, scale and design quality of places. In addition, extending across the Barnet local authority boundary, a number of these town centres – namely Edgware, Cricklewood, Colindale / The Hyde and Burnt Oak, – have the potential for raising cross-boundary issues and matters. (NPPF paras 11, 20 and 21 refer)
- Policy TOW04 Night–Time Economy – in line with the presumption in favour of sustainable development and applicable to proposals for night-time economy uses within the Barnet’s town centres named in TOW04, this policy contribute towards setting the Council’s overall strategy for the pattern, scale and design quality of places. In addition for Cricklewood, by virtue of this centre extending across the Barnet local authority boundary, there is the potential for cross-boundary issues and matters arising. (NPPF paras 11, 20 and 21 refer)

### **COMMUNITY USES, HEALTH AND WELLBEING**

- Policy CHW01 Community Infrastructure – in line with the presumption in favour of sustainable development, and applicable to development providing the broad range of community facilities detailed, this policy contributes towards providing the

Council's overall strategy for the pattern, scale and design of places. (NPPF paras 11 and 20 part c) refer)

## **ENVIRONMENT & CLIMATE CHANGE**

- Policy ECC02 Environmental Considerations – in line with the presumption in favour of sustainable development and applicable to development proposals, this policy sets out expectations relating to the conservation and enhancement of the natural and built environment thereby contributes towards the Council's overall strategy for the pattern, scale and design quality of places. (NPPF paras 11 and 20 part d) refer)

## **TRANSPORT & COMMUNICATIONS**

- Policy TRC01 Sustainable and Active Travel – in line with the presumption in favour of sustainable development, this policy sets out the Council's expectations and aspirations for delivering a more sustainable transport network that supports a growing population encouraging sustainable modes of transport and thereby reducing car dependency. In addition, this policy is relevant to the delivery of new transport infrastructure, (some of which straddling the Barnet borough boundary), and is applicable to all major development proposals. (NPPF paras 11, 20 part b and 21 refer)
- Policy TRC02 Transport Infrastructure – in line with the presumption in favour of sustainable development this policy sets out the Council's expectations and aspirations for delivering a more sustainable transport network that supports a growing population encouraging sustainable modes of transport and thereby reducing car dependency. In addition, this policy applicable to all major development proposals is relevant to the delivery of new transport infrastructure, some of which straddles the Barnet borough boundary. (NPPF paras 11, 20 part b and 21 refer)
- Policy TRC03 Parking management – in line with the presumption in favour of sustainable development this policy outlines the Council's stance in relation to parking and the expectation that development provides parking in accordance with the standards set out in the London Plan, with the exception of residential development where there is a minor departure with slightly nuanced standards applying within Barnet as explained and justified by the policy. Parking standards applied to development, particularly those relating to development adjacent or near to a borough boundary have the potential for raising cross-boundary issues. (NPPF paras 11, 20 part b and 21 refer)

## **Conclusion**

Accordingly, the list of proposed main modifications (EXAM 4) includes MM17 the effect of which, if agreed by the Inspectors, would afford strategic policy status to these additional policies in the draft plan.

## Appendix

### i) The ACT

[Section 19\(1B\) - \(1E\) of the Planning and Compulsory Purchase Act 2004](#) sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents (taken as a whole). It states:

“(1B) Each local planning authority must identify the strategic priorities for the development and use of land in the authority's area.

(1C) Policies to address those priorities must be set out in the local planning authority's development plan documents (taken as a whole).

(1D) Subsection (1C) does not apply in the case of a London borough council or a Mayoral development corporation if and to the extent that the council or corporation are satisfied that policies to address those priorities are set out in the spatial development strategy.”

### ii) The FRAMEWORK

The development plan for an area is made up of the combination of strategic policies (which address the priorities for an area) and non-strategic policies (which deal with more detailed matters). [Paragraphs 17 to 19 of the National Planning Policy Framework](#) describe the plan-making framework which allows flexibility in the way policies for the development and use of land are produced.

**17.** The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area <sup>12</sup>. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:

- (a) joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
- (b) a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred

**18.** Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.

**19.** The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time.

#### Strategic policies

**20.** Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision <sup>13</sup>for:

- (a) housing (including affordable housing), employment, retail, leisure and other commercial development;

(b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

(c) community facilities (such as health, education and cultural infrastructure); and

(d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

**21.** Plans should make explicit which policies are strategic policies [14](#). These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.

**22.** Strategic policies should look ahead over a minimum 15 year period from adoption [15](#), to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger-scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery [16](#).

**23.** Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies) [17](#).

### iii) Government's Planning Policy Guidance

#### What should a plan look like?

While the content of plans will vary depending on the nature of the area and matters to be addressed, all plans need to be as focused, concise, and accessible as possible. The government encourages authorities to make use of digitally accessible plans and open data when publishing plans and the evidence base which underpins them.

Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development. Where a local plan contains both strategic and non-strategic policies, the non-strategic policies should be clearly distinguished from the strategic policies.

The policies map should illustrate geographically the policies in the plan and be reproduced from, or based on, an Ordnance Survey map. If the adoption of a local plan would result in changes to a previously adopted policies map, when the plan is submitted for examination, an up to date submission policies map should also be submitted, showing how the adopted policies map would be changed as a result of the new plan.

[Section 19 of the Planning and Compulsory Purchase Act 2004](#) sets out specific matters to which the local planning authority must have regard when preparing a local plan. [Regulations 8 and 9 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) prescribe the general form and content of local plans and adopted policies maps, while [regulation 10](#) states what additional matters local planning authorities must have regard to when drafting their local plans.

Paragraph: 002 Reference ID: 61-002-20190315

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