

Barnet Local Plan EIP – Note on Policy CDH02 – Sustainable and Inclusive Design

Reason for producing this note

On Day 9 (Wednesday 2nd November) at the hearing sessions, during consideration of Matter 8 – Design, Tall Buildings and Heritage, Inspector Philpott raised a number of issues relating to CDH02 (Sustainable and Inclusive Design). This note, including any resultant proposed modifications, should cover the following matters:

- Council Note on ECC01 has relevance to CDH02 i.e. consideration of wording of ECC01 and para 20(d) of NPPF in respect of mitigation and adaptation to climate change. As Note not yet submitted it is opportune to make linkages. CDH02(a) refers to adopting sustainable technology and design principles in accordance with ECC01, as it stands there is no explicit reference to this in ECC01. Similarly, although MM144 has been proposed, CDH02(b) fails to match ECC01 in terms of energy masterplans and supply options. Merits in CDH02 (a) and (b) making appropriate cross-references to ECC01.
- Text updated to having due regard to instead of accordance with SPD in CDH02(c) and (d).
- Clarification required in CDH02(e) about Inclusive design statements to ensure consistency with London Plan Policy D5 requirements. Design and Access Statements not required for all proposals.
- Reflect on CDH02(f) and (g) and London Plan Policy D7, if inclusion in CDH02 is necessary, is reference to exceptional circumstances in MM148 needed given that they will be addressed by MM142 and 147. Clarification required in bringing these all together.

Background

Following submission of the Barnet Local Plan in November 2021 the Council in June 2022 produced a table of proposed modifications (EXAM 4). This document was produced after consideration of the Reg 19 soundness representations received, together with subsequent discussions with parties on the drafting of Statements of Common Ground. EXAM 4 includes proposed modifications to policies and supporting text pertaining to high quality design.

During the examination hearing session where Matter 8 was discussed, proposed modifications were considered, together with aspects of wording of policy and supporting text in the submission Plan. In light of that discussion, the Inspector has requested further clarification, explanation and justification of the matters detailed in this note. In the light of the foregoing, the Council now proposes a series of additional further modifications as set out below.

The following format has been used in this Note to denote further proposed modifications to the submission version of plan as revised by the proposed modifications listed in EXAM 4.

~~Strikethrough text~~ to indicate text proposed for removal.

Underlined text to indicate additional text.

Considerations

- **Council Note on ECC01 has relevance to CDH02 ie consideration of wording of ECC01 and para 20(d) of NPPF in respect of mitigation and adaptation to climate change. As Note not yet submitted it is opportune to make linkages. CDH02(a) refers to adopting sustainable technology and design principles in accordance with ECC01, as it stands there is no explicit reference to this in ECC01. Similarly, although MM144 has been proposed, CDH02(b) fails to match ECC01 in terms of energy masterplans and supply options. Merits in CDH02 (a) and (b) making appropriate cross-references to ECC01.**

Action 27 Note on ECC01, has outlined the proposed modifications to the policy in relation to para 20(d) of the NPPF are as follows:

- a) All new development is required to mitigate and where necessary adapt to the impacts of climate change, adopting sustainable technology and design principles in accordance with Policy ECC01.

The Council acknowledges that cross-references can be improved and therefore proposes the following modifications to CDH02 to ECC01:

CDH02 (a) All new development is required to mitigate the impacts of climate change, adopting sustainable design and construction ~~sustainable technology and design~~ principles in accordance with ~~Policyies-~~ECC01 and ECC02.

ECC01 (j) Require developments to demonstrate how sustainable design and construction methods are incorporated into the proposal in compliance with CDH02, to enable the development to mitigate and adapt to climate change over its intended lifetime.

Further modification to CDH02, in addition to MM144 is as follows to ensure consistency and sufficient cross-referencing.

b) Large scale Major development is required to be net-zero in accordance with Policy ECC01 and London Plan Policy SI3. It should be ~~with the Mayor's Energy Hierarchy,~~ supported by an energy masterplan which includes an energy assessment as set out in the Mayor's Energy Assessment Guidance 2022. This will ensure energy remains an integral part of the development's design and evolution and help to identify the most efficient energy supply options and utilise energy from waste.

- **Text updated to having due regard to instead of accordance with SPD in CDH02(c) and (d).**

Wording of Policy CDH02(c) and (d) is more appropriate as having due regard for the SPDs rather than 'in accordance with'

c) Development proposals are required to achieve a minimum BREEAM 'Very Good' rating ~~in accordance with the~~ with due regard to Sustainable Design and Development Guidance SPD.

d) Microclimate/Wind and Thermal Conditions are required to ~~be managed in accordance with~~ have due regard to the Sustainable Design and Development Guidance SPD.

- **Clarification required in CDH02(e) about Inclusive design statements to ensure consistency with London Plan Policy D5 requirements. Design and Access Statements not required for all proposals.**

Policy D5 of the London Plan states that ‘design and access statements, submitted as part of development proposals, should include an inclusive design statement’. Paragraph 3.5.3 has stronger emphasis on the requirement, albeit proportionate detail to the scale and type of development, it states that ‘an inclusive design statement is required as part of the Design and Access Statement’. For clarification the proposal policy in the Local Plan should be updated as follows:

e) Development proposals are required to meet the highest standards of accessible and inclusive design. An Inclusive Design Statement should be included within the Design and Access statement ~~is required~~ to ensure that proposals meet the following principles:

- **Reflect on CDH02(f) and (g) and London Plan Policy D7, if inclusion in CDH02 is necessary, is reference to exceptional circumstances in MM148 needed given that they will be addressed by MM142 and 147. Clarification required in bringing these all together.**

The Council has reflected on MM142, MM147 and MM148. It is clear that MM142 erroneously refers to Policy H2 of the London Plan when it should refer to para 3.7.6 of the London Plan which considers the exceptional circumstances. It is therefore proposed to make a further modification to para 6.15.2a.

Paragraph 13(f) of the NPPF, highlights the importance of planning policies to create inclusive and accessible places, with a high standard of amenity for existing and future users, which includes technical standards for accessible and adaptable homes. Planning Practice Guidance sets out guidance on identifying the housing requirements of older and disabled people, households with specific needs on accessible and adaptable housing and internal space standards. Therefore, although the requirement is outlined in Policy D7 of the London Plan, it is important that there is clear guidance for the Borough of Barnet specifically to ensure the needs of existing and future users are adequately met and delivered with the inclusion of parts g) and h) of the policy. As MM147 includes a reference to “exceptional circumstances,” which is then explained in the supporting text (as updated below), MM148 can be removed (part f of the policy).

In exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. In blocks of four storeys or less it may be necessary to apply some flexibility in the application of Policy CDH02. London Plan ~~Policy H2 – Small sites paragraph 3.7.6~~ highlights that ‘homes that are not on the ground floor on minor developments can comply with the M4(1) standard, which does not require step-free access, where provision of step-free access would be unfeasible.’

Conclusion

The Council invites the Inspectors to consider and recommend that the Council makes the additional further modifications set out in this paper recognising that those considered to be

Main Modifications will need to be formally consulted upon following the examination hearing sessions.