

## London Borough of Barnet Local Plan – Examination

### Inspectors' Matters, Issues and Questions for Hearing Sessions - Autumn 2022

#### Matter 9: Parks and Open Spaces, Community Uses, Health and Wellbeing

##### Issue:

Whether the proposed allocation of sites in the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?

##### Questions:

- 1) Policies GSS13 and ECC04 relate to strategic parks and recreation and non-strategic parks and open spaces respectively, in those regards:
  - a) Are the policies, opportunities for new provision and open space standards effective and based on robust and up-to-date evidence of need, and does the evidence take sufficient account of the expectations of Policy G4 of the London Plan?

***Yes. The evidence takes full account of Policy G4 of the London Plan (Core\_Gen\_16). The Barnet Parks and Open Spaces Strategy (BPOSS 2016) [EB\_GI\_08] identified areas of open public space deficiency. Having regard to the quality, quantity and accessibility BPOSS assesses the different types of open space in Appendices B and D. The maps in Appendix J of BPOSS differentiate between Barnet's local and district parks. The draft Local Plan's policies are similar to the existing Local Plan policies CS7 – Enhancing and protecting Barnet's open spaces and DM15 – Green Belt and Open Spaces. This continuity of policy combined with opportunities for new provision and application of the open space standards, are effective in terms of being deliverable over the Local Plan period. These existing policies have been successful in regards to securing either new open space or enhancements to existing space as part of proposals brought forward by development.***

- b) Has a review been undertaken of the existing evidence to assess whether the conclusions relating to opportunities for provision and open space standards remain valid and, in such circumstances, would the Plan approach be justified?

***Yes. The Council considers that the BPOSS performed that function in 2016 as it provided a follow-up to the 2009 Assessment (EB\_GI\_01). BPOSS forms part of an extensive evidence base around parks and open spaces which is outlined in para 10.17.4. This evidence helps to justify existing open space standards. The Council's Proposed Modifications (MM269 to MM271 as well***

**as MM277) helps clarify its reduced role as a material consideration. BPOSS can help in planning decision making as will other material considerations such as any re-assessment of a BPOSS site.**

- c) Would Policy ECC04 provide a clear strategy as to how the Council will address the public open space deficiencies identified by Map 7?

**Yes. Policy ECC04 provides a clear policy steer in terms of how the provision of open space should be considered by applicants. It also highlights the importance of provision and enhancement of public local space – particularly in areas where a deficiency has been identified - as a material consideration in the assessment of a planning application.**

- d) Would the approach to identifying qualitative considerations and accessibility opportunities as part of decision-making on development proposals be effective and consistent with national policy if relying upon the Barnet Parks and Open Spaces Strategy rather than an up-to-date and periodically reviewed audit of provision?

**The Council refers to its response at Q1c). NPPF (Core\_Gen\_33) para 98 acknowledges the importance of access to high quality open space for the health and wellbeing of communities. This was borne out during the COVID-19 pandemic where public open space became vital for many. NPPG (Core\_Gen\_34) para 001 states that open space should be taken into account in planning and that it is for Local Authorities to assess the need for open space and opportunities for new provision in their areas. Local Plan Map 7 depicts the areas of the Borough that have a deficiency in open space while Policy ECC04 and para 10.19.3 set out the standards for open space provision that developers should provide for. This is consistent with national policy. The standards remain appropriate notwithstanding the age of the evidence document, in order to ensure the quantity, quality and accessibility of open space for residents across Barnet. The Council acknowledges the need for periodic review of this evidence particularly with regards to growth and lessons learnt from COVID19. The Council is committed to a further review of the evidence base on open spaces post adoption so as to inform the next iteration of the Local Plan.**

- e) Is the Plan justified and effective in terms of the approaches to children's play facilities and playing pitches and outdoor sports, if the requirements set out in paragraphs 10.20.1 and 10.21.1 and any associated open space standards for those typologies are not otherwise included in Policy ECC04?

**Yes. The Plan is effective in terms of the ability to deliver provision for children's play facilities. It is consistent with policies S4 and G4 of the London Plan. For playing pitches and other outdoor sports, provision is guided by the Playing Pitches Strategy (EB\_GI\_13). Policy GSS13 Strategic Parks and Recreation provides detail on the three sports hubs (EB\_GI\_39-EB\_GI\_42) which will each provide upgraded sports pitches and indoor facilities. This is further supported by the Parks and Recreation Technical Paper (EXAM 1E).**

**The Council has considered incorporating requirements for play space (as outlined in para 10.20.1) to be included in Policy ECC04(b), however the figure stated in para 10.21.1 is not a standard for provision of playing pitches as such but a statement that the majority of the Borough is within 1.2km of a playing pitch. This is a level of accessibility the Council would seek to maintain but is not a standard required by policy.**

- f) In seeking to secure improvements to open space, either in terms of on-site provision or contributions to off-site provision, have the implications for the viability of development been taken into account?

**Yes. The viability implications of Policy ECC04 have been addressed in the Local Plan Viability Assessment (Core\_Gen\_01), page 109 refers.**

- g) Is the approach of Policy ECC04, including the Council's relevant proposed modifications, consistent with national policy in terms of circumstances where existing open space, sports and recreation buildings and land, including playing fields, should not be built on?

**Yes. Proposed Modifications (MM269-MM271 and MM278) remove reference for the low quality, low value reasoning for allowing development to occur on parks and open spaces in Barnet. If implemented these modifications would ensure that the policy is more consistent with NPPF para 99 and London Plan Policy G4.**

- h) Would the designation of a Local Open Space at Whalebones Park as identified in paragraph 10.19.1 and Annex 1 be in accordance with national policy and in general conformity with the London Plan? If so, for effectiveness would it be necessary to include a specific approach in Policy ECC04?

**The designation of open space resulting from an application on the Whalebones site would be in conformity with the NPPF and the London Plan**

**as the open space would be in close proximity to the development and community it was intended to serve and is special to the existing community. The London Plan Policy G4 requires locals plans to promote the creation of new areas of publicly accessible land. Planning application 19/3949/FUL was refused and subsequently dismissed at appeal (EB\_SDG\_04). The Inspector dismissed the appeal due to the impact on the character of the area and its heritage assets. The landowner and developer now need to consider their options and design a new proposal that addresses the Inspector's concerns.**

**The policy is in conformity with NPPF paras 101 and 102, NPPG and the London Plan. Outlining a specific approach to the designation of open space would be repetitious of the NPPF and London Plan, while having to be detailed enough to cover the scenarios set out in the NPPG. Designation of Local Open Space is therefore best approached on a case -by-case basis with due consideration of national and London policy as well as local need.**

- i) Are there any other potential modifications to the policies and their supporting text that would be necessary to achieve soundness?

**No.**

- 2) Policy CHW01 relates specifically to community infrastructure, in those respects:
- a) Would the policy, when taken together with Policies BSS01 and Policies GSS01 to GSS13, provide an appropriate and justified strategy to ensure sufficient provision is made for community infrastructure and facilities to support the intended levels of growth during the Plan period (including health, education and cultural infrastructure and taking account of specific needs for school places and burial spaces)?

**Yes. Policy CHW01 does plan positively for community needs and is supported by an Infrastructure Delivery Plan (Core\_Gen\_19) published in 2021 and a new CIL Charging Schedule (CS106\_06) which came into operation on April 1st 2022. The Council published its most recent Infrastructure Funding Statement (CS106\_04) in December 2021.**

**A principal aim of Policy CHW01 is to ensure sufficient provision is made for community infrastructure and facilities to support the anticipated levels of population growth during the Plan period. This is set out in the criteria listed for CHW01 with the circumstances outlined where the Council will support proposals for new community infrastructure, as well as Policies BSS01 and Policies GSS01 to GSS13. Further detail and guidance can be found in the Infrastructure Delivery Plan (Core\_Gen\_19).**

- b) If any of the available evidence relating to community infrastructure and facilities is not up-to-date or does not cover the full Plan period, has a review been undertaken

to assess whether the conclusions are valid and/or could be rolled forward? If so, would the Plan approach provide sufficient flexibility to take account of and meet any needs arising from future updates to the evidence?

***The Council refers to the supporting available evidence outlined in its response to Q2a. This relates to the provision of community infrastructure and facilities. This evidence is up to date and covers the full Plan period.***

***The Infrastructure Funding Statement (CS106\_04) was published in December 2021 and will be updated again in December 2022. The Infrastructure Delivery Plan (Core\_Gen\_19), updated in August 2021 to support the revised CIL Charging Schedule, provides the Council's most recent assessment of infrastructure provision and needs.***

***Including reference to community facilities, the IDP reviews existing capacity and highlights any needs and gaps in provision. The IDP is considered by the Council to be a 'living' document that the Council will keep under review, updating periodically when necessary. It is also utilised as a 'working' document to focus allocation of strategic CIL funding.***

- c) Are the Council's proposed modifications necessary to provide the justification for locations identified in Policy CHW01 where provision of multi-purpose community hubs is supported, necessary to ensure soundness, or are further changes required?

***The Council's approach is to support the provision of new community uses in locations such as town and local centres that tend to be more accessible by public transport. The modifications (MM206 and MM208) clarify that the Growth Areas identified in the Plan are also appropriate locations for community uses to be established. It is now common practice to provide community hubs that provide several services e.g. a GP surgery and other health services such as physiotherapists as these traditionally fall in the same Use Class. Barnet is already delivering multi-purpose community hubs for example the re-provision of the East Barnet Library was delivered as part of the New Barnet Leisure Centre and Library which opened in 2019. The Plan therefore requires no further justification for supporting their future delivery in town centres or Growth Areas.***

- d) Is the policy sufficiently clear as to where contributions towards existing facilities and new accessible facilities would be sought? How would the contributions be calculated?

***Yes. Policy CHW01e) states that the Council will require development that increases the demand for community facilities and services to make appropriate proportionate contributions towards both existing and new facilities. Proposed calculations for the contributions will be set out in the***



**forthcoming Planning Contributions SPD. The policy also makes clear that the Council will reach legal agreements with developers for the continuing maintenance of new and existing community infrastructure. Further guidance can be found in the IDP (Core\_Gen\_19).**

- e) Is there any robust evidence that there is a need for either multi-purpose community hubs in any other locations in the Borough, such as Opportunity Areas, and is the approach to provision outside of town centres justified and effective in that context?

**Yes. Robust evidence outlining the need for multi-purpose community hubs within the borough is provided in the following documents: Town Centres Floorspace Needs Assessment (EB\_E\_02), Community Asset Strategy (EB\_S\_03) and Community Asset Implementation Plan (EB\_S\_03). As outlined in the response to Q2c above, the Council's approach is to encourage and support the provision of new community uses in locations that have good public transport accessibility. Generally, these locations tend to be the Borough's network of town centres as well as local centres which are well served by buses. As also indicated above and through the proposed modifications (MM206 and MM208), the Growth Areas are also considered to be appropriate locations for new community uses.**

- f) In seeking to secure contributions to improvements to community infrastructure and facilities in Policy CHW01, have the implications for the viability of development been taken into account?

**The NPPF requires local authorities to plan positively for the provision and use of community facilities and Policy CHW01 is in line with that by seeking the protection of community facilities. This is supported by the Local Plan Viability Assessment (Core\_Gen\_01). With reference to CHW01 the Assessment highlights that any contributions towards future maintenance will need to accord with the three tests at NPPF para 57 and will be subject to site-specific viability at the time an application is submitted. The Council also refers to its response at Matter 7 Q1.**

- g) Is the approach of Policy CHW01 to development (including change of use) that involves loss or replacement of community facilities, justified and otherwise consistent with national policy insofar as it seeks to guard against the unnecessary loss of valued facilities and services?

**Yes, Policy CHW01 is clear about the specific circumstances where development that involves the loss or replacement of existing community facilities and services might be permitted. The Council's approach is consistent with para 93 c) of the NPPF (Core\_Gen\_33) which requires that planning policies and decisions should guard against the unnecessary loss of community facilities. It also chimes with the London Plan (Core\_Gen\_16)**

**Policy S1 f) which outlines the limited circumstances and criteria that need to be satisfied for the loss of social infrastructure (of which community facilities for part) in an area of defined need to be contemplated.**

- h) Are the Council's proposed modifications to introduce more flexibility with regard to loss of community facilities and to alter the approach to Assets of Community Value in Policy CHW01, necessary for soundness and would any other changes be required in those specific regards?

**The Council considers that the Proposed Modifications (MM209 and MM210) improve the soundness of the Plan. Proposed modification MM209 highlights a wider strategic public service dimension as part of the material considerations affecting the loss of a community facility. Proposed modification MM210 is necessary to provide clarification that, in circumstances where proposals involve the loss of community infrastructure, Assets of Community Value (ACV) can become a material planning consideration when they are listed as such by the Council, after having gone through the ACV process after nomination.**

- i) Are the prescribed circumstances where the Council will support proposals for new community infrastructure (in criteria i. to v.), justified, effective and consistent with national policy and if so, is it necessary that all of the individual criteria be satisfied by a development proposal?

**Yes. The prescribed circumstances outlined in criteria i to v in Policy CHW01 are justified, effective and consistent with national policy as set out in NPPF para 93 which requires local authorities to plan positively for the provision and use of community facilities. This is a principal aim of the criteria detailed in the policy helping to ensure that applicants, where relevant, comply with and address these requirements as part of their development proposals. The matters and circumstance stipulated in the criteria will then be taken into account by decision makers when determining applications.**

- j) To be effective, should Policy CHW01 provide certainty as to whether it applies to outdoor sports facilities associated with playing fields/pitches?

**Both NPPF (paras 92 and 93) and London Plan (Core\_Gen\_16) para 5.1.1 and Policy S5 – Sports and recreational facilities consider recreational facilities (which includes outdoor sport facilities) to be community facilities and/or social infrastructure. Therefore, the Council agrees that Policy CHW01 could be further modified to include specific reference to outdoor sport facilities related to playing fields and pitches to ensure that the policy is clear and consistent on the matter.**

- k) Are there any other requirements of the supporting text, such as Lifetime Neighbourhoods, that are justified and otherwise should be included in the policy for effectiveness?

**No. The concept of Lifetime Neighbourhoods is reflected in the Glossary. The Council considers that this concept is reflected throughout the Plan's suite of policies and a specific reference in Policy CHW01 is not merited.**

- l) Are there any other potential modifications to the policy or supporting text that would be necessary to achieve soundness?

**Yes. The Council refers to its response at 2j).**

- 3) Policy CHW02 relates to promoting health and wellbeing, in those respects:
- a) Would the policy provide a justified approach that would appropriately support the creation of healthy environments and safe, accessible, suitable and high-quality places so as to improve physical and mental health and reduce health inequalities?

**Yes. The Plan has promoting health and well-being as a theme throughout the whole document and this is highlighted by a specific policy. The principal aim of Policy CHW02 is to ensure the creation of healthy environments and safe, accessible, suitable and high-quality places. The policy provides a framework to support health and wellbeing through the planning system. It seeks to allocate developer contribution towards the provision of health and social care facilities. It also includes Active Design and references the Healthy Streets Approach as well as clarifying the role of Health Impact Assessments (HIAs) with regards to larger developments. The Council is satisfied that the approach articulated in the policy to improve physical and mental health and reduce health inequalities is appropriate and one that is founded on proportionate evidence.**

- b) Are the requirements of development beyond those otherwise set out by other policies of the Plan or the London Plan, appropriately justified and sufficiently clear to be effective in terms of the following:
- i. developer contributions to support investment in healthcare infrastructure and how they would be calculated;

**The Healthy Urban Development Unit (HUDU) model for developer contributions is a recognised standard. Further guidance on use of the model will be set out in the forthcoming Development Contributions SPD.**

- ii. submission of health impact assessments, and;



**Policy CHW 02 sets out requirements on the submission of Health Impact Assessments (HIA). These Assessments are defined in the Glossary.**

**The Council considers that a Proposed Modification is merited to provide further clarification in the supporting text (new para 8.17.3a) with regards to HIA requirements. This will also signpost the Council's emerging Health Impact Guidance which will include a checklist for undertaking HIA Screening and Appraisal.**

- iii. compliance with Sport England's Active Design Principles?

**The Council seeks adherence with Sport England's Active Design Principles (EB\_S\_32).**

**In order to clarify this the Council will make a Proposed Modification at CHW02c) to replace existing clause with 'Ensuring that major developments follow Sport England's Active Design Principles'.**

**The Council will also make a Proposed Modification at para 8.19.2 to state that 'Major developments are expected to promote active design by adhering to the 10 Principles of Active Design set out by Sport England.'**

- c) Have the implications of the aforementioned requirements and contributions on the viability of development been taken into account?

**The Viability Assessment states that the cost of health impact assessments is de-minimis. The Council considers that these design requirements are engrained into development design in London. It also refers to its response at Matter 7 Q1.**

- d) Are there any other requirements listed in the supporting text, that are justified and should be included in the policy for effectiveness?

**No**

- e) Paragraph 8.19.1 indicates that there is a need for at least one new district park and 13 new local parks by 2040 which do not appear to be specifically taken forward in Policy CHW02. Is there an evidential source of those specific needs and if so, are they addressed by other policies of the Plan?

**Yes. Barnet's Open Space, Sports and Recreational Facilities Assessment (EB\_GI\_01) sets out the need for parks and open spaces in the Borough.**

- f) Are there any other potential modifications to Policy CHW02 and its supporting text, or consequential modifications to policies of the Plan to which it refers, that would be necessary to achieve soundness?

**Yes. The Council refers to its responses at Q3b) ii and iii.**

- 4) Policy CHW03 seeks to support making Barnet a safer place, in that respect:

- a) Is the policy clearly written and unambiguous so it is evident how a decision maker should react to development proposals when seeking to address risks of terrorism, crime, fear of crime and anti-social behaviour?

**Yes. Policy CHW03 sets out what the planning system can do to make the Borough a safer place. The Policy is written to provide sufficient clarity to the decision maker. It helps when assessing the extent to which a proposal has incorporated design principles aimed at creating a safer environment and thereby minimising the risk of opportunities for inducing terrorism, crime, fear of crime and anti-social behaviour.**

- b) Is it proportionate to require contributions to community safety and security from all new development and if so, how would the contributions be used to address these matters?

**All new developments should assess how 'secured by design principles' can be incorporated and thereby be able to demonstrate how a proposal contributes to community safety. However, CHW03 does not state that contributions to community safety and security are required from all new developments. Para 6.6.1 (which supports Policy CDH01) states that conditions will be placed on the planning permission to ensure compliance with Secured by Design (EB\_DH\_11).**

- c) Are the specific requirements that development proposals reflect guidance documents such as Secured by Design and to work with the Metropolitan Police's Secured by Design Officers, justified and consistent with national policy?

**The NPPF (para 97 a) states that policies relating to the layout and design of developments in locations such as town centres and regeneration areas, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This is best achieved by utilising guidance documents such as Secured by Design. In addition, the Council encourages developers to work with the Metropolitan Police's Secured by Design Officers. The Council considers that as this cross-working is not an expectation of all proposals a Proposed Modification to clarify this is merited. The Local Plan is consistent with national policy in terms of policy requirements for new developments aimed at ensuring public safety and security.**

- d) Is the policy sufficiently clear in terms of what would constitute 'appropriate fire safety solutions integral to development proposals' and would modifications be required for effectiveness in any case to take account of the Building Safety Act 2022?

**Yes, Policy CHW03 is clear and relates to the legislation and regulations emerging at the time of the Plan's development. The Council considers that there are merits in a Proposed Modification at CHW03c) to include references to the Building Safety Act 2022 (LP\_LEG\_12), Fire Safety Act 2021 (LP\_LEG\_22), Fire Safety (England) Regulations 2022 (LP\_LEG\_23), and also to Policy D12 of the London Plan.**

- e) Are there any other potential modifications to Policy CHW03 and its supporting text, or consequential modifications to policies of the Plan to which it refers, that would be necessary to achieve soundness?

**Yes. The Council refers to its responses at Q4c) and d).**

- 5) Policy CHW04 seeks to provide an approach to protection of public houses, in that respect:

- a) Is the policy clearly written and unambiguous so it is evident how a decision maker should react to development proposals which would result in the conversion and/or loss of existing public houses?

**Yes. Policy CHW04 is written so as to provide sufficient clarity to the decision maker when assessing a development that may result in the conversion and/or loss of an existing public house.**

- b) Is the policy approach in accordance with national policy which seeks to guard against the unnecessary loss of valued facilities and services, and if so, how would 'heritage, economic, social or cultural value to local communities' and 'contribution to wider policy objectives for town centres' be identified or demonstrated?

**In planning positively for the provision of social, recreational and cultural community facilities, the NPPF (para 93) requires local authorities to include the retention and development of accessible local services and community facilities, such as public houses. Policy CHW04 is consistent with that.**

**The Council refers to the Barnet Public Houses Review (EB\_S\_14) which underpins the criteria listed in para 8.21.5 for assessing heritage, economic, social or cultural value. Listing of a pub as an Asset of Community Value is another important material consideration.**

- c) What is the justification for support for proposals for new public houses seemingly being specific to Growth Areas and town centres as part of mixed-use development, and would such an approach be consistent with expectations of national policy that the provision and use of such community facilities is positively planned?

**As stated in para 8.21.1 of the Plan public houses are a valued community destination, serving as important community focal points for people and a**

**contributor to both the day and night time economy. As places for people to gather and socialise, public houses tend to be located predominantly in town centres. London Plan Policies HC6 and HC7 and their supporting text endorse this position. Policy HC7 of the London Plan recommends support of proposals for new pubs where they will stimulate town centres. Pubs are defined as a main town centre use by the NPPF (page 68). Therefore, where development is either creating new or replacing existing town centre uses the provision of a pub as a component of a mixed-use development would be considered an appropriate use. Whilst the policy specifically refers to Growth Areas and town centres (usually the most public transport accessible locations) as being locations where proposals for new public houses would be supported, this does not necessarily mean that new public houses would not be allowed elsewhere in Barnet.**

- d) Is there specific justification for the definition of a public house having 'no viable demand for its continued use' being based upon long term vacancy of at least 12 months and continued marketing over a 24 month period, and in any case, would the policy wording be effective in that regard?

**This approach is consistent with the requirements of Policy HC7 and para 7.7.7 of the London Plan.**

- e) Is the approach to circumstances where alternative uses would be supported; justified and sufficiently clear and flexible to ensure effectiveness and an efficient use of land?

**Yes. The policy approach to consideration of alternative uses is clearly set out in Policy CHW04 when read together with supporting para 8.21.6 and also the change of use criteria requirements for community facilities that need to be satisfied as outlined in Policy CHW01.**

- f) Are there any other potential modifications to Policy CHW04 and its supporting text, or consequential modifications to policies of the Plan to which it refers, that would be necessary to achieve soundness?

**No.**