

Local Plan EIP – Note on CHW01 (Community Infrastructure)

Reason for producing this note

On Day 6 (Thursday 3rd November) at the hearing session's, consideration of Matter 9 - Parks and Open Spaces, Community Uses, Health and Wellbeing, Inspector Philpott requested provision of a Note covering the following matters related to policy CHW01 (Community Infrastructure) and proposing any resulting modifications:

1. Council to bring together evidential basis concerning timeframes and explain why certain strategies working to shorter timescales than the plan period
2. Clarify “multi-purpose community hubs” as per CHW01c and para 8.3.4
3. MM208 – consider whether there is conflict between part C and D of CHW01 and if so address e.g. “support within town centres”
4. MM206 – wording of modification to refer to three types of locations to be reflected in policy. Consider adding wording to ensure consistency with London Plan S1
5. Reflect on CHW01 being prohibitive and restrictive with regard to town centre locations. Look at CHW01c 2nd sentence.
6. Clarification re IDP and whether community asset evidence (Implementation Plan 2015 and Strategy 2015) is valid and up to date given locations in the evidence are not necessarily in Growth Areas, district and local centres. Consider consistency with evidence and explain why that evidence not taken forwards in IDP/Plan
7. Clarification of approach to contributions towards community infrastructure. Opportunity to address this in Viability Note
8. Clarification of approach to “not suitable” and “not viable” within CHW01 to explain what “not suitable” means. Also consider “not suitable or viable”
9. Consider modification wording suggested by Avison Young in Hearing Statement for Matter 10
10. Remove restriction on primary frontages in CHW01(i)
11. Reflect on wording and criteria of CHW01 concerning new community infrastructure.
12. Consider wording, sequencing and potential overlap between various criteria, in particular whether all criteria would need to be met in all circumstances or just (iv) and (v) and how: (i) fits in with (ii) and (iii); Consider whether clear how GSS01 and TOW02 relate to CDH01 for part (i); separation of (ii) with community hubs for consistency with part C; removal of reference to highway and amenity in (iii); consider whether MIM49 should be a main mod; use of “wider national policy requirements ” in (iv).
13. Consider inclusion of future proofing facilities. Following wording suggested “Having regard to experiences of Covid-19 pandemic, the location of provision of new community uses and facilities in terms of any potential role in deployment for public health purposes in the future should be taken into account”. Include wider review of Plan to be future proofed re Covid-19
14. Consider changing CHW01(g) to “support” from “allocate”
15. Follow up on Matter 9 Statement Q2j and proposed modification on outdoor sports facilities associated with playing fields / pitches. Look at NPPF 99 and ECC04

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.

Background

This Note sets out explanations for aspects of the wording of the policy and supporting text for Policy GSS01, ECY01, ECY02, ECY03 and BSS01, in the draft Barnet Local Plan, further proposed modifications seeking to ensure clarity and consistency with the London Plan and the NPPF.

Considerations

Following the hearing session the Council has reflected on the wording of policy CHW01 and the issues raised at the hearing session. A response to the matters raised in relation to policy CHW01 is set out below, with amended wording

1. Council to bring together evidential basis concerning timeframes and explain why certain strategies working to shorter timescales than the plan period

In producing the Local Plan a wide range of corporate strategies, which are relevant and up-to-date, are utilised as the basis for setting the policy approach on Community Infrastructure. The relationship of the Local Plan with these corporate strategies is shown by Figure 2 in the Local Plan's Introduction. These strategies reflect Government requirements in addition to the Council's corporate priorities. The Plan refers to the most relevant and up-to-date strategies. It also has regard to the timeframes of such documents and seeks to ensure through its journey towards adoption that cross-references remain up to date and relevant.

The Plan (with its 15 year lifespan) does not set the timeframe for these corporate strategies which generally have shorter lives of between 4 and 5 years to reflect Government or GLA requirements. Examples include the Education Strategy for Barnet 2021-2024 and Health and Wellbeing Strategy 2021-2023. The Plan itself is required to be reviewed within 5 years of adoption. The Council has already, as set out in EXAM18, committed to an early review.

The Infrastructure Delivery Plan (IDP) provides the evidence on infrastructure provision. In representing the Council's most recent assessment of infrastructure needs and remaining under constant review The Local Plan and other corporate strategies provide the Council with detail to determine the infrastructure required.

The Council acknowledges that cross-reference to documents such as the Community Asset Strategy, Community Asset Implementation Plan and Community Participation Strategy is not merited when more relevant and up to date information is set out in the IDP. In the new year the Council will conduct a review of all strategies referenced in Chapter 8 of the draft Local Plan to ensure that such references are as up to date as possible. Any revisions will be set out as Proposed Modifications.

The Council proposes a modification to para 8.3.1

The Council ~~has adopted a Community Asset Strategy, a Community Asset Implementation Plan and a Community Participation Strategy to aid in the management of its portfolio of~~

~~community assets. These assets include~~ manages a range of community assets including sports facilities, playing fields, bowling greens, gyms and sports centres, and a variety of buildings including community halls, offices and nurseries. The Council's approach to managing community assets is to generate commercial yields, subsidise where appropriate when an organisation is supporting the Council's objectives or assisting with service delivery, maximise efficient use of buildings, identifying opportunities for organisations to share and co-locate. A key priority is to develop community hubs which will provide a facility that can be used by a variety of community groups.

2. Clarify “multi-purpose community hubs” as per CHW01c and para 8.3.4

The Council acknowledges that para 8.3.4 refers to multi-purpose facilities while Policy CHW01C refers to hubs. It therefore proposes a modification to CHW01C as set out at Point 3 to ensure consistency between the policy and the supporting text.

3. MM208 – consider whether there is conflict between part C and D of CHW01 and if so address e.g. “support within town centres”

The Council refers to EXAM 51 with particular regard to Policy HOU05. The Council has reconsidered the wording of HOU05 and acknowledges that improvements are required to make it more effective. The changes to HOU05 also reflect that although Growth Areas, Town Centres and Local Centres are preferred locations for community infrastructure there will be instances where a more residential area might be suitable. However where multi-purpose facilities are proposed it is right that the most accessible locations in terms of Growth Areas, Town Centres and Local Centres are supported through CHW01C and that there will be circumstances where other locations may provide more effective opportunities for provisions, such as use of public land. The Council makes the following proposed modification to CHW01C

support, subject to satisfactory management arrangements, the provision of multi-purpose community hubs facilities that can make best use of land, including the public-sector estate, and provide a range of community services, particularly within Growth Areas, town centres or local centres. ~~Provision outside town centres will need robust justification;~~

The Council proposes that CDH01D is deleted as the Council's approach to surplus facilities is already set out later in the policy.

~~support and promote an alternative community use where the existing community use is surplus;~~

4. MM206 – wording of modification to refer to three types of locations to be reflected in policy. Consider adding wording to ensure consistency with London Plan S1

The Council refers to its response at Point 3. It also proposes to add the following wording from London Plan policy S1 – Social Infrastructure as the penultimate sentence at para 8.2.2

Development proposals that seek to make best use of land, including the public-sector estate, should be encouraged and supported. This includes the co-location of different forms of social infrastructure and the rationalisation or sharing of facilities.

5. Reflect on CHW01 being prohibitive and restrictive with regard to town centre locations. Look at CHW01c 2nd sentence.

The Council refers to its response to Point 3 and the proposed modification to CDH01C

6. Clarification re IDP and whether community asset evidence (Implementation Plan 2015 and Strategy 2015) is valid and up to date given locations in the evidence are not necessarily in Growth Areas, district and local centres. Consider consistency with evidence and explain why that evidence not taken forwards in IDP/Plan

The Council refers to its response to Point 1 where it proposes a modification to para 8.3.1 which deletes references to the Community Asset Strategy, a Community Asset Implementation Plan and a Community Participation Strategy. More relevant and up-to-date information is set out in the IDP.

7. Clarification of approach to contributions towards community infrastructure. Opportunity to address this in Viability Note

The Council is not proposing to introduce tariff style s106 contributions whereby each development would be required to contribute financially towards community facilities. Although it is recognised that nearly all development will increase demand for community facilities, it is considered that this impact is best addressed at a borough wide scale through CIL. However, it is considered that large scale schemes may need to provide community facilities and/or land for facilities within the scheme. Therefore, it is proposed to amend section e as follows:

e. require large scale development to provide community facilities or land for facilities as an integral part of their development, to meet need generated by their development and wider identified demand if necessary ~~to provide for that increases the demand for community facilities and services to make appropriate proportionate contributions towards existing facilities and new and accessible facilities Borough wide, particularly within Barnet's Growth Areas and town centres;~~

8. Clarification of approach to “not suitable” and “not viable” within CHW01 to explain what “not suitable” means. Also consider “not suitable or viable”

The Council considers that ‘not suitable’ refers to facilities which are no longer fit for purpose, or would not be fit for purpose; for example, nursery facilities generally need to have outside space in order to meet Ofsted requirements; another example could be a GP surgery in an original residential property. This may be deemed inadequate for continuing the GPs services by the NHS, but could be suitable for other community uses. The Council agree that wording should be amended to ‘not suitable or viable’.

- it has been demonstrated that the facility is no longer required in its current use and that it is not suitable or ~~and~~ viable for any other forms of social infrastructure for which there is a defined current or future need identified in the Infrastructure Delivery Plan.

9. Consider modification wording suggested by Avison Young in Hearing Statement for Matter 9

The Council does not consider that the modification to the first bullet suggested by Avison Young is acceptable. If accepted this would allow for the replacement facility to be provided anywhere, whereas the expectation of the first bullet, and the circumstances the wording of the policy is addressing, is where an existing facility is replaced on the same site. The circumstances of landowners such as those represented by Avison Young, where sites are being rationalised, are addressed by the later part of the policy as proposed to be modified.

The modification to MM209 proposed by Avison Young is acceptable to the Council as it allows for replacement of community facilities in other locations where proposed as part of a wider strategy

In determining applications the Council will consider the loss of community facilities as part of a wider public service transformation plan and/or other institution estate rationalisation programmes which requires investment in modern, fit for purpose infrastructure and facilities

10. Remove restriction on primary frontages in CHW01(i)

The Council accepts that the restriction on primary frontage in CHW01 (i) should be removed. This shown in the response to Point 11.

11. Reflect on wording and criteria of CHW01 concerning new community infrastructure.

The Council has reflected on this and now considers that some of the wording concerning new community infrastructure duplicated other parts of the policy and was in practice unnecessary as new community infrastructure would generally be supported. The following changes are proposed to the wording and criterion of CHW01 concerning new community infrastructure.

The Council will support proposals for new community infrastructure where ~~the following circumstances apply:~~

- ~~i. it forms part of a mixed-use development and is located within a Growth Area or outside the primary frontages of the Borough's town centres (Policy GSS01 and Policy TOW02);~~
- ~~ii. provides a replacement, enhancement of an existing facility or new multi-purpose community hub;~~
- ~~iii. provides an alternative community use where the existing community use has identified there is surplus provision and where the alternative use can demonstrate a local need, and that there is no undue impact on the amenity of existing residents or the highway network;~~
- ~~iv. it provides infrastructure in line with wider national policy requirements and local demands – (a statement is will need to be submitted which demonstrates how in particular the development addresses community needs); and~~
- v. Other policies in this Plan, in particular TRC01 Sustainable and Active Travel and TRC03 - Parking Management are met.

All new community infrastructure should deliver a quality and inclusive design providing access for all as well as efficient, flexible, ~~affordable~~ and adaptable buildings. The developer will be required to reach a legal agreement with the Council on the continuing maintenance of the new community infrastructure and other future funding requirements. Shared use of facilities by different users will be encouraged and may be secured by

legal agreement. The location and provision of new community uses and facilities in terms of any potential role in deployment for public health purposes in the future should be taken into account.

- 12. Consider wording, sequencing and potential overlap between various criteria, in particular whether all criteria would need to be met in all circumstances or just (iv) and (v) and how: (i) fits in with (ii) and (iii); Consider whether clear how GSS01 and TOW02 relate to CDH01 for part (i); separation of (ii) with community hubs for consistency with part C; removal of reference to highway and amenity in (iii); consider whether MIM49 should be a main mod; use of “wider national policy requirements ” in (iv)**

The Council considers that In light of the proposed wording changes at Point 11 above, further consideration is not necessary. MIM49 will be deleted following the proposed wording changes.

- 13. Consider inclusion of future proofing facilities. Following wording suggested “Having regard to experiences of Covid-19 pandemic, the location of provision of new community uses and facilities in terms of any potential role in deployment for public health purposes in the future should be taken into account”. Include wider review of Plan to be future proofed re Covid-19**

The Council has proposed appropriate wording to be added to the end of policy CHW01. See response to Point 11.

- 14. Consider changing CHW01(g) to “support” from “allocate”**

The Council accepts that the wording in CHW01(g) should be changed from “allocate” to “support”. It is also considered that sites should be changed to proposals – this wording is more consistent with section (h)

~~(g)-allocate sites~~ Support proposals for development that address educational needs and demand with reference to up to date evidence as identified in the Council’s Education Strategy;