



Barnet Draft Local Plan
Publication Stage Representations Form

Ref: (For official use only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy GSS01 _____ Paragraph _____ Figure/Table _____

Policies Map designation _____

NB. LB Barnet have not published GSS01 Delivering Sustainable Growth on its webpage as of 8 August 2021 so I cannot comment on specific paragraphs, only references in secondary sources. _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|---|-----------------------------|
| a) Legally compliant | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| b) Sound | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

General comments

In several places the draft Local Plan Reg. 19. mentions ultra vires sources, e.g. the 'Emerging Burroughs and Middlesex University SPD' (See pp. 340-350). This SPD was unlawfully approved by the LB Barnet Policy and Resources Planning Committee on 20 July 2021.

Other supporting documents contain factual inaccuracies (e.g. Integrated Impact Assessment for Barnet's Draft Local Plan (Reg 19) May 2021) or multiple omissions e.g. (Key Facts Evidence Paper).

Further, there were problems with the consultation process over the Draft Local Plan (Reg. 18), as noted in communication to the Aarhus Convention Compliance Committee (ACCC/C/2021/185).

Specifically, we note that:

- i) all local authorities should abide by Local Government Association (LGA) guidelines, including recommendations that consultations should last up to 12 weeks, unless in exceptional circumstances when the consultation period should be extended.
- ii) On 27 January 2020, the LB Barnet initiated a consultation over its Draft Local Plan for the entire borough, which included its vision for growth and development over a 15-year period (2021-2036). In order to comply with its requirement of public consultation, the LB Barnet left one hard copy of the document provided in concealed folder in the Hendon public library.
- iii) On 10 February 2020, the UK government introduced with immediate effect the Health Protection (Coronavirus) Regulations 2020. These imposed restrictions on any individual considered by health professionals to be at risk of spreading the virus.
- iv) On 11 February 2020, the Secretary of State for Health, reminded the public of the advice to remain in doors for 14 days if they developed symptoms of COVID-19.
- v) On 25 February 2020, the Secretary of State declared that the incidence or transmission of novel Coronavirus constituted 'a serious and imminent threat to public health', and stated that the measures outlined in these regulations were considered 'an effective means of delaying or preventing further transmission of the virus'.
- vi) On 1 March 2020, the Secretary of State set out a Battle Plan, including advising the public to remain and work from home.⁸
- vii) On 3 March 2020, the UK Prime Minister Boris Johnson introduced an 'action plan', including advising more people to work from home.⁹
- viii) On 12 March, the UK Prime Minister advised that the UK was 'moving out' of contain phase and into delay. He advised that all with symptoms should self-isolate and warned that a national lockdown was approaching.
- ix) 16 March 2020, the UK government published industry guidance including asking people to self isolate for 7 days if they feel unwell.
- x) On 16 March 2020, the LB Barnet consultation closed, after the Secretary of State for Health called for 'unnecessary social contact' to cease.

Further, the LGA document, LGA Conversations – New Guide to Engagement, sets out models for ‘good engagement’, in particular, to foster partnership, and allow residents to be informed contributors to the decision-making process.

The HM Code of Practice on Consultation lists seven criteria for managing consultations, including i) when to consult; ii) the duration of the consultation exercise, iii) clarity of scope and impact; iv) accessibility of consultation exercises; v) the burden of consultation; vi) responsiveness of consultation exercises; and vii) capacity to consult.

The HM Code also recommends a 12-week period under normal circumstances:

‘if a consultation exercise is to take place over a period when consultees are less able to respond e.g. over the summer or Christmas break, or if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation.’

With respect to the Local Plan Reg. 18 AND Reg. 19 consultation exercises, the above criteria have not been satisfied by Barnet Council.

Specific comments

The Draft Local Plan Reg. 19. Cites Policy GSS01 Delivering Sustainable Growth as one basis for the proposed developments in Hendon. I note that Barnet has recorded:

“By 2036 Barnet has successfully demonstrated the benefits that well planned growth can deliver. Growth has been directed into the most sustainable locations with good public transport and active travel choices. These include Brent Cross, Colindale, New Southgate and Mill Hill East as well as our main town centres at Burnt Oak, Chipping Barnet, Cricklewood, Edgware, Finchley Central, Golders Green and North Finchley. Outside these locations, growth has been supported in places with capacity for change and where local character and distinctiveness are recognised” (Local Plan Reg. 19, page 23).

Hendon is not mentioned in the above list. However, the proposed developments in the two conservation areas of the Burroughs, and Church End, do not seek to protect the character and distinctiveness, as previously recognised in the 2011/12 Character Appraisal Statements.

The proposals by virtue of their size, scale and density pose major threats to the character of the area. This fact has been recognised by Historic England in two letters submitted to the Council, on 22 February 2021, and 19 July 2021, where this heritage body identifies significant harm resulting from the proposed developments in the two conservation areas, including the proposed alterations to Hendon Library, and the erection of unsympathetic buildings on the Burroughs, and more importantly, the overdevelopment of buildings in Church End, overlooking the ancient church.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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Please note:

In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

With respect to Hendon, the Local Plan Reg. 19 should be modified to:

Protect the Burroughs and Church End conservation areas from unsympathetic development, by reducing the scale, size, and massing of the proposed new student accommodation/residential homes in this highly residential area.

The number of student living spaces (1700) needs to be sharply reduced and new dorms should be built on Middlesex University's footprint.

Reject proposals to alter the listed Hendon Library Building, including both the exterior, interior and roof.

Remove the proposed demolition of 3 Egerton Gardens from the plans for Hendon

Remove the proposed demolition of 28-30 Church End from the plans for Hendon

Remove the Burroughs Car Park and the Burroughs Gardens carparks from the Local Plan Reg 19. These should be soft landscaped and left for residents living in the more than 20 listed buildings on the Burroughs – recognising that the owners who moved into those heritage homes did so with the understanding that there was parking available to them.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) /
I am not seeking modification to the Plan

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

I am a long-term resident and live within one of the conservation areas that will be affected by the proposed developments. Since January 2021 I have alerted Barnet to the improper way in which consultations over the redevelopment scheme have been conducted. This includes unlawful actions, which I identified by letter, and in a complaint submitted to the Aarhus Convention Compliance Committee (28 February 2021), when it was clear that our rights to participation in the SPD consultation were being violated. LB Barnet has further withheld significant information from

residents, which has hampered the process of effective consultation including over the Local Plan Reg. 19. I note that as of 8 August 2021, just as we are asked to provide specific references to policies, paragraphs, and figures/tables, LB Barnet has failed to post each of the policies listed in the Local Plan on its website. They are simply not available for scrutiny. I have read many of these policies, but do not have all to hand, so cannot at this point indicate the exact places where the Local Plan Reg. 19 is not legally compliant, and is unsound, and where it violates the duty to co-operate. I can do so however in order to assist the inspector and believe it is necessary to participate in the examination hearings. I have also been in regular contact with Historic England and Save Britain's Heritage.

Declaration of consent

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

Your details will be kept in accordance with the Council's Privacy Notice, until the Local Plan is adopted plus a further five years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

The Council's Privacy Notice can be viewed at <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/privacy-notices>

The legal basis which enables the Council to process your data for this purpose is consent from the data subject (you) under Article 6, paragraph (a) of the GDPR. Information provided will be stored in accordance with the Council's retention and disposal guidelines.

By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:

Signature _____

Date 8 August 2021 _____



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PART B - Your representation

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Question 1: To which part of the Local Plan does your representation relate?

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Policy GSS08 _____ Paragraph _____ Figure/Table _____

Policies Map designation _____

NB. LB Barnet have not published GSS08 Barnet's District Town Centres on its webpage as of 8 August 2021 so I cannot comment on specific paragraphs, only references in secondary sources. _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
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Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

General comments

This part of the Local Plan Reg. 19 is not sound:

It is not positively prepared – in that it does not meet the area’s objectively assessed needs and is therefore not consistent with achieving sustainable development;

It is not justified based on proportionate evidence;

It is not effective, as evidenced above; and

It is not consistent with national policy enabling the delivery of sustainable development in accordance with the policies in the NPPF.

It is also not legally compliant, nor compliant with the Duty to Cooperate.

In several places the draft Local Plan Reg. 19. mentions ultra vires sources, e.g. the ‘Emerging Burroughs and Middlesex University SPD’ (See pp. 340-350). This SPD was unlawfully approved by the LB Barnet Policy and Resources Planning Committee on 20 July 2021.

Other supporting documents contain factual inaccuracies (e.g. Integrated Impact Assessment for Barnet’s Draft Local Plan (Reg 19) May 2021) or multiple omissions e.g. (Key Facts Evidence Paper).

Further, there were problems with the consultation process over the Draft Local Plan (Reg. 18), as noted in communication to the Aarhus Convention Compliance Committee (ACCC/C/2021/185).

Specifically, we note that:

- i) all local authorities should abide by Local Government Association (LGA) guidelines, including recommendations that consultations should last up to 12 weeks, unless in exceptional circumstances when the consultation period should be extended.
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Further, the LGA document, LGA Conversations – New Guide to Engagement, sets out models for 'good engagement', in particular, to foster partnership, and allow residents to be informed contributors to the decision-making process.

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With respect to the Local Plan Reg. 18 AND Reg. 19 consultation exercises, the above criteria have not been satisfied by Barnet Council.

Specific comments

The Draft Local Plan Reg. 19. Cites Policy GSS08 Barnet's District Town Centres as one basis for the proposed developments in Hendon – one of the proposed district town centres. The Draft Local Plan Reg. 19, para 7.2.3 states:

"The diversity of Barnet's town centres is one of its strongest attributes. This should be capitalised upon in order to help fulfil growth opportunities and deliver the goods and services, employment and leisure opportunities that local communities require. Town centre development should deliver on the Council's guiding principles for growth and be underpinned by the Good Growth policies of the London Plan" p. 149.

The Good Growth policies of the London Plan emphasise the need to protect character and heritage.

"London's distinctive character and heritage is why many people want to come to the city. As new developments are designed, the special features that Londoners value about a place, such as cultural, historic or natural elements, can be used positively to guide and stimulate growth, and create distinctive, attractive and cherished places" (See 1.2.7).

The proposals by virtue of their size, scale and density pose major threats to the character and heritage of the area. This fact has been recognised by Historic England in two letters submitted to

the Council, on 22 February 2021, and 19 July 2021, where this heritage body identifies significant harm resulting from the proposed developments in the two conservation areas, including the proposed alterations to Hendon Library, and the erection of unsympathetic buildings on the Burroughs, and more importantly, the overdevelopment of buildings in Church End, overlooking the ancient church.

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Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

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Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

I am a long-term resident and live within one of the conservation areas that will be affected by the proposed developments. Since January 2021 I have alerted Barnet to the improper way in which consultations over the redevelopment scheme have been conducted, including the failure to engage with Historic England. LB Barnet has further withheld significant information from residents, which has hampered the process of effective consultation including over the Local Plan Reg. 19. I note that as of 8 August 2021, just as we are asked to provide specific references to policies, paragraphs, and figures/tables, LB Barnet has failed to post each of the policies listed in the Local Plan on its website. They are simply not available for scrutiny. I have read many of these policies, but do not have all to hand, so cannot at this point indicate the exact places where the Local Plan Reg. 19 is not legally compliant, and is unsound, and where it violates the duty to co-operate. I can do so however in order to assist the inspector and believe it is necessary to participate in the examination hearings. I have also been in regular contact with Historic England and Save Britain's Heritage.

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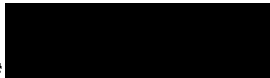
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Signature



Date 8 August 2021_____



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PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy GSS12 _____ Paragraph _____ Figure/Table _____

Policies Map designation _____

NB. LB Barnet have not published GSS12 Redevelopment of Car Parks on its webpage as of 8 August 2021 so I cannot comment on specific paragraphs, only references in secondary sources. _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| b) Sound | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
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General comments

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It is not positively prepared – in that it does not meet the area’s objectively assessed needs and is therefore not consistent with achieving sustainable development;

It is not justified based on proportionate evidence;

It is not effective, as evidenced above; and

It is not consistent with national policy enabling the delivery of sustainable development in accordance with the policies in the NPPF.

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With respect to the Local Plan Reg. 18 AND Reg. 19 consultation exercises, the above criteria have not been satisfied by Barnet Council.

Specific comments:

The Draft Local Plan Reg. 19. Cites Policy GSS12 Redevelopment of Car Parks as one basis for the proposed developments in Hendon – one of the proposed district town centres. The Draft Local Plan Reg. 19, states:

4.27.3

"In order to ensure the efficient and sustainable use of land the Council will support re-development of publically accessible surface level car parks for residential and other suitable uses provided that:

- The design preserves the amenity of neighbouring uses;
- Demonstrates how the use of public transport and active modes of travel will lead to reduced car park usage; and
- The parking spaces can be demonstrated as surplus to requirement or re-provided as needed A transport assessment will be required to ensure a safe pattern of vehicle and pedestrian movement and air quality effects.

In considering local capacity the Council may seek a dedicated development related parking strategy in order to review the existing pricing, timing, availability and management of car parking spaces" p.

77

There are currently 141 residential premises, 49 businesses, two schools, and two churches which rely on approximately 60 car parking spaces.

The proposed development of the Burroughs Gardens car park and the Burroughs car park are essential for the residents living in the listed buildings of the Burroughs and the Burroughs Gardens, and the small businesses located there, where there is no on street parking available.

The Good Growth policies of the London Plan emphasise the need to protect character and heritage.

“London’s distinctive character and heritage is why many people want to come to the city. As new developments are designed, the special features that Londoners value about a place, such as cultural, historic or natural elements, can be used positively to guide and stimulate growth, and create distinctive, attractive and cherished places” (See 1.2.7).

The proposals by virtue of their size, scale and density pose major threats to the character and heritage of the area. This fact has been recognised by Historic England in two letters submitted to the Council, on 22 February 2021, and 19 July 2021, where this heritage body identifies significant harm resulting from the proposed developments in the two conservation areas, including the proposed alterations to Hendon Library, and the erection of unsympathetic buildings on the Burroughs, and more importantly, the overdevelopment of buildings in Church End, overlooking the ancient church.

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Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

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I am a long-term resident and live within one of the conservation areas that will be affected by the proposed developments. Since January 2021 I have alerted Barnet to the improper way in which consultations over the redevelopment scheme have been conducted, including the failure to engage with Historic England. LB Barnet has further withheld significant information from residents, which has hampered the process of effective consultation including over the Local Plan Reg. 19. I note that as of 8 August 2021, just as we are asked to provide specific references to policies, paragraphs, and figures/tables, LB Barnet has failed to post each of the policies listed in the Local Plan on its website. They are simply not available for scrutiny. I have read many of these policies, but do not have all to hand, so cannot at this point indicate the exact places where the Local Plan Reg. 19 is not legally compliant, and is unsound, and where it violates the duty to co-operate. I can do so however in order to assist the inspector and believe it is necessary to participate in the examination hearings.

Declaration of consent

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.

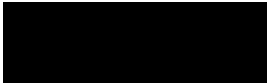
Your details will be kept in accordance with the Council's Privacy Notice, until the Local Plan is adopted plus a further five years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

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By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:

Signature



Date 8 August 2021 _____



Barnet Draft Local Plan
Publication Stage Representations Form

Ref: (For official use only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy CDH08 _____ Paragraph _____ Figure/Table _____

Policies Map designation _____

NB. LB Barnet have not published CDH08 Barnet's Heritage on its webpage as of 8 August 2021 so I cannot comment on specific paragraphs, only references in secondary sources. _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| b) Sound | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

General comments

This part of the Local Plan Reg. 19 is not sound:

It is not positively prepared – in that it does not meet the area’s objectively assessed needs and is therefore not consistent with achieving sustainable development;

It is not justified based on proportionate evidence;

It is not effective, as evidenced above; and

It is not consistent with national policy enabling the delivery of sustainable development in accordance with the policies in the NPPF.

It is also not legally compliant, nor compliant with the Duty to Cooperate.

In several places the draft Local Plan Reg. 19. mentions ultra vires sources, e.g. the ‘Emerging Burroughs and Middlesex University SPD’ (See pp. 340-350). This SPD was unlawfully approved by the LB Barnet Policy and Resources Planning Committee on 20 July 2021.

Other supporting documents contain factual inaccuracies (e.g. Integrated Impact Assessment for Barnet’s Draft Local Plan (Reg 19) May 2021) or multiple omissions e.g. (Key Facts Evidence Paper).

Further, there were problems with the consultation process over the Draft Local Plan (Reg. 18), as noted in communication to the Aarhus Convention Compliance Committee (ACCC/C/2021/185).

Specifically, we note that:

- i) all local authorities should abide by Local Government Association (LGA) guidelines, including recommendations that consultations should last up to 12 weeks, unless in exceptional circumstances when the consultation period should be extended.
- ii) On 27 January 2020, the LB Barnet initiated a consultation over its Draft Local Plan for the entire borough, which included its vision for growth and development over a 15-year period (2021-2036). In order to comply with its requirement of public consultation, the LB Barnet left one hard copy of the document provided in concealed folder in the Hendon public library.
- iii) On 10 February 2020, the UK government introduced with immediate effect the Health Protection (Coronavirus) Regulations 2020. These imposed restrictions on any individual considered by health professionals to be at risk of spreading the virus.
- iv) On 11 February 2020, the Secretary of State for Health, reminded the public of the advice to remain in doors for 14 days if they developed symptoms of COVID-19.
- v) On 25 February 2020, the Secretary of State declared that the incidence or transmission of novel Coronavirus constituted ‘a serious and imminent threat to public health’, and stated that the measures outlined in these regulations were considered ‘an effective means of delaying or preventing further transmission of the virus’.
- vi) On 1 March 2020, the Secretary of State set out a Battle Plan, including advising the public to remain and work from home.⁸
- vii) On 3 March 2020, the UK Prime Minister Boris Johnson introduced an ‘action plan’, including advising more people to work from home.⁹

viii) On 12 March, the UK Prime Minister advised that the UK was 'moving out' of contain phase and into delay. He advised that all with symptoms should self-isolate and warned that a national lockdown was approaching.

ix) 16 March 2020, the UK government published industry guidance including asking people to self isolate for 7 days if they feel unwell.

x) On 16 March 2020, the LB Barnet consultation closed, after the Secretary of State for Health called for 'unnecessary social contact' to cease.

Further, the LGA document, LGA Conversations – New Guide to Engagement, sets out models for 'good engagement', in particular, to foster partnership, and allow residents to be informed contributors to the decision-making process.

The HM Code of Practice on Consultation lists seven criteria for managing consultations, including i) when to consult; ii) the duration of the consultation exercise, iii) clarity of scope and impact; iv) accessibility of consultation exercises; v) the burden of consultation; vi) responsiveness of consultation exercises; and vii) capacity to consult.

The HM Code also recommends a 12-week period under normal circumstances:

'if a consultation exercise is to take place over a period when consultees are less able to respond e.g. over the summer or Christmas break, or if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation.'

With respect to the Local Plan Reg. 18 AND Reg. 19 consultation exercises, the above criteria have not been satisfied by Barnet Council.

Specific comments:

The Draft Local Plan Reg. 19. Makes several references to heritage assets within Barnet, and the need for sensitive development. Specifically, it cites Policy CDH08 Barnet's Heritage as one basis for the proposed developments in Hendon – one of the proposed district town centres. The Draft Local Plan Reg. 19, para 6.13.4 states:

"Applicants will need to balance any harm caused to heritage assets against the wider sustainability benefits in consultation with the conservation and design team" p. 121.

And 6.23.1

"The Council takes a positive approach to the conservation and enhancement of the historic environment and recognises the wide benefits it can bring to the local economy, character, and distinctiveness of the Borough. Barnet's historic environment significantly contributes to the Borough and its sense of place and therefore all new development should respect the character and distinctiveness of Barnet's historic environment. The historic environment is reflected in the designation of 16 conservation areas, the majority of which are supported by conservation area character appraisals" p. 136.

And 6.24.1

“The Council will not permit harm to a designated heritage asset unless the public benefits, which can include heritage benefits, of the proposal outweigh the harm” p. 136.

Also, the Good Growth policies of the London Plan emphasise the need to protect character and heritage.

“London’s distinctive character and heritage is why many people want to come to the city. As new developments are designed, the special features that Londoners value about a place, such as cultural, historic or natural elements, can be used positively to guide and stimulate growth, and create distinctive, attractive and cherished places” (See 1.2.7).

The proposals included in the draft Local Plan Reg. 19, SPD Design Guide (adopted 20 July 2021), and the Hendon Hub, by virtue of their size, scale and density pose major threats to the character and heritage of the area, as outlined in the 2011 and 2012 Character Appraisals for The Burroughs and Church End.

The importance of the heritage assets included within the areas proposed for development has been further recognised by Historic England in two letters submitted to the Council, on 22 February 2021, and 19 July 2021, where it identifies significant harm resulting from the proposed developments in the two conservation areas, including the proposed alterations to Hendon Library, and the erection of unsympathetic buildings on the Burroughs, and more importantly, the overdevelopment of buildings in Church End, overlooking the ancient church.

There has been tremendous public opposition to the proposed development in the above conservation areas, and particularly with respect to the heritage assets on the Burroughs (the Library), and around Church End. This includes two petitions which included some 2000 signatories in total, and formal objections raised by letter and in Council meetings. The proposed developments provide no public benefits to residents, as emphasised by 2000 objectors.

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible

With respect to Hendon, the Local Plan Reg. 19 should be modified to:

Protect the Burroughs and Church End conservation areas from unsympathetic development, by reducing the scale, size, and massing of the proposed new student accommodation/residential homes in this highly residential area.

The number of student living spaces (1700) needs to be sharply reduced and new dorms should be built on Middlesex University’s footprint.

In line with the recommendations by Historic England, the Local Plan should recognise the importance of heritage assets and:

Reject proposals to alter the listed Hendon Library Building, including both the exterior, interior and roof.

Reject proposals to build within 50 metres of St. Mary's Church

Remove the proposed demolition of 3 Egerton Gardens from the plans for Hendon

Remove the proposed demolition of 28-30 Church End from the plans for Hendon

Reject proposals to develop the Burroughs Car Park and Burroughs Gardens Car Park which are used by residents of the 18th and 19th Century listed buildings on the Burroughs and which protect these historic sites. Without parking, families will not be able to remain; and properties risk becoming HMOs – a trend which has seen two mid-18th Century brick and timber buildings destroyed, as developers ripped out beams and walls.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) /
I am not seeking modification to the Plan

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

I am a long-term resident and live within one of the conservation areas that will be affected by the proposed developments. Since January 2021 I have alerted Barnet to the improper way in which consultations over the redevelopment scheme have been conducted, including the failure to engage with Historic England. LB Barnet has further withheld significant information from residents, which has hampered the process of effective consultation including over the Local Plan Reg. 19. I note that as of 8 August 2021, just as we are asked to provide specific references to policies, paragraphs, and figures/tables, LB Barnet has failed to post each of the policies listed in the Local Plan on its website. They are simply not available for scrutiny. I have read many of these policies, but do not have all to hand, so cannot at this point indicate the exact places where the Local Plan Reg. 19 is not legally compliant, and is unsound, and where it violates the duty to co-operate. I can do so however in order to assist the inspector and believe it is necessary to participate in the examination hearings. I have also been in regular contact with Historic England and Save Britain's Heritage.

Declaration of consent

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By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:

Signature _____



Date 8 August 2021 _____



Barnet Draft Local Plan
Publication Stage Representations Form

Ref: (For official use only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy CDH01 _____ Paragraph _____ Figure/Table _____

Policies Map designation

NB. LB Barnet have not published CDH01 Promoting High Quality Design on its webpage as of 8 August 2021 so I cannot comment on specific paragraphs, only references in secondary sources. _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| b) Sound | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

General comments

This part of the Local Plan Reg. 19 is not sound:

- It is not positively prepared – in that it does not meet the area’s objectively assessed needs and is therefore not consistent with achieving sustainable development;
- It is not justified based on proportionate evidence;
- It is not effective, as evidenced above; and
- It is not consistent with national policy enabling the delivery of sustainable development in accordance with the policies in the NPPF.

It is also not legally compliant, nor compliant with the Duty to Cooperate.

In several places the draft Local Plan Reg. 19. mentions ultra vires sources, e.g. the ‘Emerging Burroughs and Middlesex University SPD’ (See pp. 340-350). This SPD was unlawfully approved by the LB Barnet Policy and Resources Planning Committee on 20 July 2021.

Other supporting documents contain factual inaccuracies (e.g. Integrated Impact Assessment for Barnet’s Draft Local Plan (Reg 19) May 2021) or multiple omissions e.g. (Key Facts Evidence Paper).

Further, there were problems with the consultation process over the Draft Local Plan (Reg. 18), as noted in communication to the Aarhus Convention Compliance Committee (ACCC/C/2021/185). Specifically, we note that:

i) all local authorities should abide by Local Government Association (LGA) guidelines, including recommendations that consultations should last up to 12 weeks, unless in exceptional circumstances when the consultation period should be extended.

ii) On 27 January 2020, the LB Barnet initiated a consultation over its Draft Local Plan for the entire borough, which included its vision for growth and development over a 15-year period (2021-2036). In order to comply with its requirement of public consultation, the LB Barnet left one hard copy of the document provided in concealed folder in the Hendon public library.

iii) On 10 February 2020, the UK government introduced with immediate effect the Health Protection (Coronavirus) Regulations 2020. These imposed restrictions on any individual considered by health professionals to be at risk of spreading the virus.

iv) On 11 February 2020, the Secretary of State for Health, reminded the public of the advice to remain in doors for 14 days if they developed symptoms of COVID-19.

v) On 25 February 2020, the Secretary of State declared that the incidence or transmission of novel Coronavirus constituted ‘a serious and imminent threat to public health’, and stated that the measures outlined in these regulations were considered ‘an effective means of delaying or preventing further transmission of the virus’.

vi) On 1 March 2020, the Secretary of State set out a Battle Plan, including advising the public to remain and work from home.⁸

vii) On 3 March 2020, the UK Prime Minister Boris Johnson introduced an 'action plan', including advising more people to work from home.⁹

viii) On 12 March, the UK Prime Minister advised that the UK was 'moving out' of contain phase and into delay. He advised that all with symptoms should self-isolate and warned that a national lockdown was approaching.

ix) 16 March 2020, the UK government published industry guidance including asking people to self isolate for 7 days if they feel unwell.

x) On 16 March 2020, the LB Barnet consultation closed, after the Secretary of State for Health called for 'unnecessary social contact' to cease.

Further, the LGA document, LGA Conversations – New Guide to Engagement, sets out models for 'good engagement', in particular, to foster partnership, and allow residents to be informed contributors to the decision-making process.

The HM Code of Practice on Consultation lists seven criteria for managing consultations, including i) when to consult; ii) the duration of the consultation exercise, iii) clarity of scope and impact; iv) accessibility of consultation exercises; v) the burden of consultation; vi) responsiveness of consultation exercises; and vii) capacity to consult.

The HM Code also recommends a 12-week period under normal circumstances: 'if a consultation exercise is to take place over a period when consultees are less able to respond e.g. over the summer or Christmas break, or if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation.'

With respect to the Local Plan Reg. 18 AND Reg. 19 consultation exercises, the above criteria have not been satisfied by Barnet Council.

Specific comments:

The Draft Local Plan Reg. 19. Cites Policy CDH01 Promoting High Quality Design as one basis for the proposed developments in Hendon – one of the proposed district town centres. The Draft Local Plan Reg. 19, para 4.21.5 states:

"Barnet's town centres are important locations not only for retail, but also provide a focus for community and family friendly activities and a sense of civic pride, often containing valued heritage assets. The importance of town centres as sites of employment is reflected in the Council's Article 4 Direction restricting the conversion of offices to residential. The renewal of town centres must balance growth needs with sensitive and high-quality design." p. 65.

Also, the Good Growth policies of the London Plan emphasise the need to protect character and heritage.

"London's distinctive character and heritage is why many people want to come to the city. As new developments are designed, the special features that Londoners value about a place, such as

cultural, historic or natural elements, can be used positively to guide and stimulate growth, and create distinctive, attractive and cherished places” (See 1.2.7).

The proposals by virtue of their size, scale and density pose major threats to the character and heritage of the area, as outlined in the 2011 and 2012 Character Appraisals for The Burroughs and Church End.

The importance of the heritage assets included within the areas proposed for development has been further recognised by Historic England in two letters submitted to the Council, on 22 February 2021, and 19 July 2021, where it identifies significant harm resulting from the proposed developments in the two conservation areas, including the proposed alterations to Hendon Library, and the erection of unsympathetic buildings on the Burroughs, and more importantly, the overdevelopment of buildings in Church End, overlooking the ancient church.

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

With respect to Hendon, the Local Plan Reg. 19 should be modified to:

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The number of student living spaces (1700) needs to be sharply reduced and new dorms should be built on Middlesex University's footprint.

In line with the recommendations by Historic England, the Local Plan should recognise the importance of heritage assets and:

Reject proposals to alter the listed Hendon Library Building, including both the exterior, interior and roof.

Remove the proposed demolition of 3 Egerton Gardens from the plans for Hendon

Remove the proposed demolition of 28-30 Church End from the plans for Hendon

Continue on a separate sheet if necessary

Please note:

In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) /
I am not seeking modification to the Plan

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

I am a long-term resident and live within one of the conservation areas that will be affected by the proposed developments. Since January 2021 I have alerted Barnet to the improper way in which consultations over the redevelopment scheme have been conducted, including the failure to engage with Historic England. LB Barnet has further withheld significant information from residents, which has hampered the process of effective consultation including over the Local Plan Reg. 19. I note that as of 8 August 2021, just as we are asked to provide specific references to policies, paragraphs, and figures/tables, LB Barnet has failed to post each of the policies listed in the Local Plan on its website.

They are simply not available for scrutiny. I have read many of these policies, but do not have all to hand, so cannot at this point indicate the exact places where the Local Plan Reg. 19 is not legally compliant, and is unsound, and where it violates the duty to co-operate. I can do so however in order to assist the inspector and believe it is necessary to participate in the examination hearings. I have also been in regular contact with Historic England and Save Britain's Heritage.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

Declaration of consent

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Signature _____



Date 8 August 2021 _____



Barnet Draft Local Plan
Publication Stage Representations Form

Ref: (For official use only)

PART B - Your representation

Please complete a separate Part B for each representation and return along with a single completed Part A.

Question 1: To which part of the Local Plan does your representation relate?

Representations must be made on a specific policy or part of the Plan, please state the policy number, paragraph number, figure/table or Policies Map designation.

Policy ECC06 _____ Paragraph _____ Figure/Table

Policies Map designation

NB. LB Barnet have not published ECC06 Biodiversity on its webpage as of 8 August 2021 so I cannot comment on specific paragraphs, only references in secondary sources. _____

Question 2: Do you consider that this part of the Local Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

- | | | |
|--|------------------------------|--|
| a) Legally compliant | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| b) Sound | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

Question 3: Please give details of why you consider this part of the Local Plan is not legally compliant, is unsound, or fails to comply with the duty to co-operate.

General comments

This part of the Local Plan Reg. 19 is not sound:

- It is not positively prepared – in that it does not meet the area’s objectively assessed needs and is therefore not consistent with achieving sustainable development;
- It is not justified based on proportionate evidence;
- It is not effective, as evidenced above; and
- It is not consistent with national policy enabling the delivery of sustainable development in accordance with the policies in the NPPF.

It is also not legally compliant, nor compliant with the Duty to Cooperate.

In several places the draft Local Plan Reg. 19 mentions ultra vires sources, e.g. the ‘Emerging Burroughs and Middlesex University SPD’ (See pp. 340-350). This SPD was unlawfully approved by the LB Barnet Policy and Resources Planning Committee on 20 July 2021.

Other supporting documents contain factual inaccuracies (e.g. Integrated Impact Assessment for Barnet’s Draft Local Plan (Reg 19) May 2021 or multiple omissions e.g. (Key Facts Evidence Paper). Further, there were problems with the consultation process over the Draft Local Plan (Reg. 18), as noted in communication to the Aarhus Convention Compliance Committee (ACCC/C/2021/185).

Specifically, we note that:

- i) all local authorities should abide by Local Government Association (LGA) guidelines, including recommendations that consultations should last up to 12 weeks, unless in exceptional circumstances when the consultation period should be extended.
- ii) On 27 January 2020, the LB Barnet initiated a consultation over its Draft Local Plan for the entire borough, which included its vision for growth and development over a 15-year period (2021-2036). In order to comply with its requirement of public consultation, the LB Barnet left one hard copy of the document provided in concealed folder in the Hendon public library.
- iii) On 10 February 2020, the UK government introduced with immediate effect the Health Protection (Coronavirus) Regulations 2020. These imposed restrictions on any individual considered by health professionals to be at risk of spreading the virus.
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- v) On 25 February 2020, the Secretary of State declared that the incidence or transmission of novel Coronavirus constituted ‘a serious and imminent threat to public health’, and stated that the measures outlined in these regulations were considered ‘an effective means of delaying or preventing further transmission of the virus’.
- vi) On 1 March 2020, the Secretary of State set out a Battle Plan, including advising the public to remain and work from home.
- vii) On 3 March 2020, the UK Prime Minister Boris Johnson introduced an ‘action plan’, including advising more people to work from home.

viii) On 12 March, the UK Prime Minister advised that the UK was 'moving out' of contain phase and into delay. He advised that all with symptoms should self-isolate and warned that a national lockdown was approaching.

ix) 16 March 2020, the UK government published industry guidance including asking people to self isolate for 7 days if they feel unwell.

x) On 16 March 2020, the LB Barnet consultation closed, after the Secretary of State for Health called for 'unnecessary social contact' to cease.

Further, the LGA document, LGA Conversations – New Guide to Engagement, sets out models for 'good engagement', in particular, to foster partnership, and allow residents to be informed contributors to the decision-making process.

The HM Code of Practice on Consultation lists seven criteria for managing consultations, including i) when to consult; ii) the duration of the consultation exercise, iii) clarity of scope and impact; iv) accessibility of consultation exercises; v) the burden of consultation; vi) responsiveness of consultation exercises; and vii) capacity to consult.

The HM Code also recommends a 12-week period under normal circumstances: 'if a consultation exercise is to take place over a period when consultees are less able to respond e.g. over the summer or Christmas break, or if the policy under consideration is particularly complex, consideration should be given to the feasibility of allowing a longer period for the consultation.'

With respect to the Local Plan Reg. 18 AND Reg. 19 consultation exercises, the above criteria have not been satisfied by Barnet Council.

Specific comments:

The Draft Local Plan Reg. 19. Makes several references to biodiversity within Barnet, however, there is no mention of biodiversity in the sites set for redevelopment in Hendon, including those that adjoin parks and open green spaces, e.g. site 40 - the Meritage Centre – Middlesex University and the Burroughs, which sits within a conservation area, and an archaeological priority area, and backs onto Sunny Gardens Park (See p. 347).

Further, with respect to Hendon, we note the following legal bases:

Town and Country Planning (Environmental Impact Assessment) Regulations 2017

Public authorities are required to conduct an Environmental Impact Assessment, which includes the information reasonably required to assess the likely significant environmental effects of the development, listed in regulation 18(3), and comply with regulation 18(4).

Environmental Information Regulations 2004 (EIR)

EIR Reg 12(5)(3), sets out the basis for exempting information, including the requirements of a public interest test.

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

Article 5 - Collection and Dissemination of Environmental Information

1. Each Party shall ensure that:

- (a) Public authorities possess and update environmental information which is relevant to their functions;
- (b) Mandatory systems are established so that there is an adequate flow of information to public authorities about proposed and existing activities which may significantly affect the environment;

Article 6 - Public Participation in Decisions on Specific Activities

Para 3. The public participation procedures shall include reasonable time-frames for the different phases, allowing sufficient time for informing the public [in accordance with paragraph 2 above' and for the public to prepare and participate effectively during the environmental decision-making.

Para 4. Each Party shall provide for early public participation, when all options are open and effective public participation can take place.

Para 8. Each Party shall ensure that in the decision due account is taken of the outcome of the public participation.

Article 7 - Public Participation Concerning Plans, Programmes, and Policies Relating to the Environment.

Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public. Within this framework, article 6, paragraphs 3, 4 and 8, shall be applied. The public which may participate shall be identified by the relevant public authority, taking into account the objectives of this Convention. To the extent appropriate, each Party shall endeavour to provide opportunities for public participation in the preparation of policies relating to the environment.

Breaches of law include:

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

LBB has not conducted an Environmental Impact Assessment to assess the likely significant environmental effects of the development around sites 40 (page 347), listed in regulation 18(3), and comply with regulation 18(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

LBB published a Scoping Report on 2 June 2021, which was recommended by Hardeep Ryatt, Principal Planner - Major Developments on 12 July 2021. This document was signed off by Fabien Gaudin, Service Director – Planning and Building Control on 16 July 2021.

The scoping report can be found here:

https://publicaccess.barnet.gov.uk/online-applications/files/37CFFD6B4AFF2183A334D4CCD25E59D3/pdf/21_2885_ESC-SCOPING_REPORT-5173347.pdf

The determination of acceptability is available here

https://publicaccess.barnet.gov.uk/online-applications/files/2CDA83B8A9C3C4FFBE00C9D1DC3D7DF8/pdf/21_2885_ESC-DN_ES_SCOPE_ACCEPTABLE-5221344.pdf

The scoping report makes one reference to Natural England, but fails to acknowledge the biodiversity of the sites set for development that back onto Sunny Gardens Park and contain mature trees and wildlife habitats.

Although the Scoping Report was dated 2 June 2021, it was not available for public consideration until 16 July 2021, and hence there was no opportunity for public consultation. We also note that Natural England was not consulted in the production of this report.

Neither the Scoping Report, nor the Local Plan Reg. 19 make any mention of protected species that we know live on those sites including bats, birds, and slow worms, and they offer no specific suggestions as to how LBB will mitigate the effects of development on the natural environment.

Environmental Information Regulations 2004 (EIR)

LB Barnet has been withholding information since May 2019, when we first learned of this development scheme. Since then LBB officers have made it exceptionally difficult to engage in meaningful consultation, and to scrutinise plans that we believe will have a significant impact on the natural environment.

While EIR Reg 12(5)(3), sets out the basis for exempting information, this must be subject to a public interest test. We now know that a public interest test was conducted *after* the production of much documentation, including the EIA Scoping Report, and that this Public Interest Test fails to meet the requirements as stipulated in the EIR, and case law (see *FTT Greenwich v ICO EA 2012-1022* [Tribunal Reference: EA/2014/0122]).

The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

LBB does not appear to have updated documentation on the biodiversity of the sites selected for development, otherwise it would surely have appeared in the thousands of pages of reports produced to deliver the proposed development scheme. Thus, we believe LBB may have violated Art 5(1)(a); further we do not believe there is an adequate flow of information within LBB, between the Planning, Governance and Legal Services sections, existing activities which may significantly affect the environment, thus raising concerns regarding a violation of Art 5 (1)(b).

Since 13 June 2019, when documents were withdrawn from public consultation during the Housing and Growth Committee Meeting, LBB has been withholding information to prevent effective public participation in decision-making on environmental matters. As a result, we have submitted complaints to the Monitoring Officer, to the ICO and the Aarhus Convention Compliance Committee. We have charged LBB with specific violations of our Convention Rights, including 6 (4), 6(8)

Violations of the Convention Article 6(4) include:

a. Failing to provide access to environmental documentation, and by insisting on electronic consultations in the middle of the pandemic which disadvantaged older residents, and those without access to internet; and,

b. Unlawfully redacting necessary environmental information in the draft Outline Business Case, contrary to EIR

Violations of the Convention Article 6(8) include:

Failing to take into account the outcome of public participation. LB Barnet has prevented public consultation and scrutiny, including by Natural England, as required by UK regulations regarding adoption of the Local Plan. Further, it has not published Environmental Policies ECC01, ECC02, ECC02A, ECC03, ECCo4, ECC05, ECC06, that underpin the Local Plan, Reg. 19 on its website

Article 7 - Public Participation Concerning Plans, Programmes, and Policies Relating to the Environment.

Violations of Article 7 include:

- a. Failing to make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, by failing to publish Environmental Policies ECC01, ECC02, ECC02A, ECC03, ECCo4, ECC05, ECC06, that underpin the Local Plan, Reg. 19 on its website.

On 19 July 2021, a complaint was filed with the Office for Environmental Protection, which is under consideration (CMS-241).

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or in respect to the matters you have identified in Question 3 above.

The Local Plan Reg. 19 should be modified to take into consideration Environmental Law. This includes:

Providing up to date biodiversity information of all sites included the draft Local Plan. This would entail a comprehensive audit of biodiversity in the Borough.

Specifically, with respect to Hendon, the Local Plan should include an audit of the biodiversity of site 40 – the Meritage Centre and Church End (Middlesex University and the Burroughs).

The Local Plan should include reference to a full Environmental Impact Assessment for each of the sites listed for development, especially where development has already been approved.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) /
I am not seeking modification to the Plan.

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

I am a long-term resident and live within one of the conservation areas that will be affected by the proposed developments. Since January 2021 I have alerted Barnet to the improper way in which consultations over the redevelopment scheme have been conducted, including the failure to respect Environmental Laws. LB Barnet has further withheld significant information from residents, which has hampered the process of effective consultation including over the Local Plan Reg. 19. I note that as of 8 August 2021, just as we are asked to provide specific references to policies, paragraphs, and figures/tables, LB Barnet has failed to post each of the policies listed in the Local Plan on its website. They are simply not available for scrutiny. I have read many of these policies, but do not have all to hand, so cannot at this point indicate the exact places where the Local Plan Reg. 19 is not legally compliant, and is unsound, and where it violates the duty to co-operate. I can do so however in order to assist the inspector and believe it is necessary to participate in the examination hearings. I have also filed a complaint with the Interim Office for Environmental Protection (CMS-241), which is currently under consideration.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

The Local Plan Reg. 19 should be modified to take into consideration Environmental Law.
This includes:

Providing up to date biodiversity information of all sites included the draft Local Plan. This would entail a comprehensive audit of biodiversity in the Borough.

Specifically, with respect to Hendon, the Local Plan should include an audit of the biodiversity of site 40 – the Meritage Centre and Church End (Middlesex University and the Burroughs).

The Local Plan should include reference to a full Environmental Impact Assessment for each of the sites listed for development, especially where development has already been approved.

Please be as precise as possible. If you wish to support the legal compliance or soundness of the Plan, or its compliance with the duty to co-operate, please also use this box to set out your comments.

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect to the matters you have identified in Question 3 above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Continue on a separate sheet if necessary

Please note:

In your representation you should summarise succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

Question 5: If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing sessions?

Yes, I wish to participate in hearing session(s)

No, I do not wish to participate in hearing session(s) /
I am not seeking modification to the Plan

Question 6: If you wish to participate at the examination hearings, please outline why you consider this to be necessary.

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

Declaration of consent

The personal information you provide on this form will be processed in accordance with General Data Protection Regulations 2018 (GDPR). The information you provide will only be used for the purposes of the preparation of the Local Plan as required by the Planning and Compulsory Purchase Act 2004 (as amended), and may be used by the Council to contact you if necessary, regarding your submission. Your name, name of organisation, and comments, will be made available for public inspection when displaying and reporting the outcome of the statutory consultation stage and cannot

be treated as confidential. You will not be asked for any unnecessary information and we will not publish any personal data beyond what is stated in this declaration.


Your details will be kept in accordance with the Council's Privacy Notice, until the Local Plan is adopted plus a further five years to evidence that a fair and transparent process has been followed. Processing is kept to a minimum and data will only be processed in accordance with the law. We will take all reasonable precautions to protect your personal data from accidental or deliberate loss or unauthorised disclosure.

The Council's Privacy Notice can be viewed at <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/privacy-notices>

The legal basis which enables the Council to process your data for this purpose is consent from the data subject (you) under Article 6, paragraph (a) of the GDPR. Information provided will be stored in accordance with the Council's retention and disposal guidelines.

By completing and signing this form I agree to my name, name of organisation, and representations being made available for public inspection on the internet, and that my data will be held and processed as detailed above, in accordance with the Council's Privacy Notice:

Signature



Date 8 August 2021_____