

Mr Nick Lynch  
Planning Policy Manager  
London Borough of Barnet  
2 Bristol Avenue  
Colindale  
NW9 4EW

**Our ref:** 100790/CS-02/PO1-L01

**Date:** 9 August 2021

Dear Nick

### **Barnet's Local Plan Regulation 19 Consultation**

Thank you for notifying us of the regulation 19 consultation for Barnet's Local Plan.

Having reviewed the plan, the evidence base and some of the supporting documentation, we still have some remaining concerns regarding Sequential Test and the inclusion of sites 6 and 9. However, we've also been able to support policies and can see that the amendments have been made based on our regulation 18 comments.

I had made quite a number of comments at the regulation 18 stage on the strategic policies of the plan (GSS01-GSS13). Although the Schedule of Representations report stated there was agreement on all of these comments with 'yes' in the column that a change had been made, it was disappointing to see that hardly any amendments had in fact been made to the regulation 19 version. However, ECC02A is positive with strong requirements for the natural environment, flood risk and rivers.

In summary we have found Vision 3.1.1, Policy CDH04, ECC02A and ECC06 sound but please note the recommendations for minor amendments. We have found Policy GSS01, GSS05, GSS06, Sites 5, 6, 9 and 14 unsound due to lack of Sequential Test evidence and other technical concerns regarding flood risk management. Our representation to Policy GSS01 will hopefully explain where our concerns lie as we do acknowledge the SFRAs that have informed the plan and sites.

We hope to continue working with you as you progress the plan. I look forward to discussing our comments further with you on the 18<sup>th</sup> August.

Yours sincerely

**Keira Murphy**  
**Planning Specialist**

Direct dial 0203 025 5560  
E-mail [HNLsustainablePlaces@environment-agency.gov.uk](mailto:HNLsustainablePlaces@environment-agency.gov.uk)

End



**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 \_\_\_\_\_ Paragraph 3.1.1 Vision Figure/Table \_\_\_\_\_

Policies Map designation \_\_\_\_\_

**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.**

*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.*

We **support** the changes that have been made to the vision, as it is now clear there is some ambition to improve the natural environment. This achieves a better balance between economic, social and environmental objectives in line with paragraphs 8(c) and 149 of the NPPF.

We think therefore the vision is sound being more consistent with the NPPF policies, more positively prepared and justified. However, we have recommended some very minor changes to improve this by (a) bringing the issue of climate change to the forefront of what the Borough is trying to achieve in line with aims of paragraph 149 of the NPPF and (b) acknowledge that water quality needs to be improved in line with paragraph 170 (e) of the NPPF. We acknowledge with 'water quality' that restoring the Borough's rivers is referenced, but water quality is a much broader issue than that encompassing the need to protect both the Borough's surface water and groundwater from contaminated land and pollutants.

**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.**

Minor changes we suggest are as follows to strengthen and improve the vision include:

Getting the best out of our natural environment through expanding and improving access to green and blue infrastructure, delivering biodiversity net gain and restoring the Borough's rivers to the benefit of people and wildlife whilst protecting our communities from flooding. **At the same time we will build our resilience to climate change and improve water quality.**

**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.**

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**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  KMurphy Date  05/08/2021



**Barnet Draft Local Plan**  
Publication Stage Representations Form

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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 GSS01 Delivering Sustainable Growth Paragraph \_\_\_\_\_

Figure/Table \_\_\_\_\_

Policies Map designation \_\_\_\_\_

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

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- |  |   |  |
|--|---|--|
| a) Legally compliant                     | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| b) Sound                                 | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
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Policy GGS01 and the preamble explain that use of brownfield land and areas of good public transport provision have been key factors when selecting the Growth Areas and associated site allocations. It still remains unclear to us how the Borough have applied the flood risk Sequential Test to their spatial strategy and choice of site allocations in accordance with paragraph 157 of the National Planning Policy Framework (NPPF). This also indirectly relates to NPPF paragraphs 149, 155 and 156 which stipulate taking a pro-active approach to manage the long-term impacts of flood risk and directing development away from the areas of highest risk (informed by a Strategic Flood Risk Assessment (SFRA)). We can see no evidence of the Sequential Test, and the references throughout the Local Plan only mention the Sequential Test in relation to planning applications (alongside Flood Risk Assessments) when the point has really been missed that this is a test that should also be applied strategically by a Local Planning Authority to their Local Plan.

We highlighted the requirement to apply the Sequential Test at the regulation 18 stage.

**Continue on a separate sheet if necessary**

We also brought to the Borough's attention the limitations of the Site Selection Methodology which only references flood risk as a limiting factor in that there might be ways to mitigate the impacts. The flood risk Sequential Test is not asking Local Authorities to consider whether flood risk can be mitigated, its aim is to steer new development to the lowest risk of flooding, i.e. not allocate development in areas of high risk if there are reasonably available sites in areas of lower risk of flooding.

Although the Local Plan references the SFRAs as supporting the plan, there appears to be an assumption that the SFRA is the Sequential Test. They are not. The SFRAs provide the baseline information upon which the Local Authorities apply the Sequential Test.

Of the 67 sites, 8 are at risk from medium to high fluvial flooding. We still have major concerns regarding 2 of these sites which are set out in separate representations. When considering the overall number of sites, the Local Authority has managed to achieve a general majority in areas of lowest fluvial risk, however, the fact remains it is still not explicit or clear enough how you've taken flood risk into account when making these selections and choices. It needs to be obvious to us and the Planning Inspector that the ST has been applied by (a) submitting evidence and (b) ensuring there commentary throughout the Local Plan that indicates you have done this. The Planning Practice Guidance suggests various options of how the Sequential Test can be demonstrated, e.g. as part of the Sustainability Appraisal, a free standing document or as part of the Strategic Housing Land Availability Assessment. We can't find this evidence in your Site Selection Background Report or your Integrated Impact Assessment (IIA). For the 8 sites at risk from fluvial flooding (plus sites at risk of surface water flooding) it needs to be clear why other sites at lower risk previously considered were not available/suitable. The IIA objectives can also help in determining whether there are wider sustainability objectives that outweigh flood risk (if there are no reasonably available sites at lower risk). The lack of Sequential Test evidence means that currently the Local Plan is not justified i.e. an appropriate strategy, which has considered alternatives, based upon proportionate evidence.

Policy GSS01 does state the Boroughs approach to windfall sites in that:

*Small sites must be delivered in suitable locations that take account of planning designations and environmental restrictions, including avoiding areas at most risk of flooding.*

We do support this as it aligns with the aims of Paragraph 157 of the NPPF, and it will also support decisions taken at the planning application stage.

We note our recommendations at the regulation 18 stage were not taken into account, specifically our comment that delivering sustainable growth will also require provision for environmental infrastructure such as flood risk, waste water and green infrastructure. Although the policy is only citing examples in the top paragraph, we think the omission is not sound, as it is not positively prepared (meeting the boroughs unmet needs and delivering sustainable development) and not in accordance with aims of paragraph 20 (b) and 149 of the NPPF.

**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.**

The modifications that are necessary to address our concerns are as follows:

a) The Borough needs to provide evidence (preferably a free standing document) that sets out how the Site Allocations at risk of fluvial flooding (and surface water) have passed the Sequential Test. There are examples of how other Local Authorities have produced a Sequential Test.

**However, please note our representations to sites 6 and 9.**

b) Once the Sequential Test has been applied, make suitable reference to this as part of the preamble and within Policy GSS01 and in other appropriate sections of the Local Plan so it is clear that 'flood risk' has been a factor in the spatial decisions of the plan e.g. the selection of suitable sites and that alternative options have been properly considered before selecting sites at high risk of flooding.

c) Policy GSS01 should be amended as follows in line with the request we made at the regulation 18 stage to acknowledge that flood risk, waste water, drainage and green infrastructure is also part of the infrastructure that will be required to meet Barnet's identified needs:

*The Council will create the conditions for sustainable growth to deliver the homes, jobs, retail floorspace and community facilities to meet Barnet's identified needs. Infrastructure is key to supporting growth, including investment in transport, education, health, ~~and~~ open spaces, **flood risk, waste water, drainage and green spaces.***

**Continue on a separate sheet if necessary**

**Please note:**

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**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) /  
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**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*

We will continue to support the Borough and provide Sequential Test advice. The evidence and modifications to the plan can be agreed prior to submission of the Plan. However, we are available to attend the hearings if necessary.

*most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.*

**Declaration of consent**

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Signature  KMurphy \_\_\_\_\_

Date  5/08/2021 \_\_\_\_\_





## Barnet Draft Local Plan

### Publication Stage Representations Form

Ref:

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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 GSS05 Edgware Growth Area Paragraph \_\_\_\_\_ Figure/Table \_\_\_\_\_

Policies Map designation \_\_\_\_\_

#### 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 type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input 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.

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Our regulation 18 comments highlighted some key environmental features and challenges that were specific to Edgware Growth area. This included:

- The risk of fluvial flooding from Deans Brook, Edgwarebury Brook and Edgware Brook main rivers;
- Functional floodplain (flood zone 3b) along the Deans Brook and Edgwarebury Brook river corridors;
- There is also surface water flooding and a Critical Drainage Area (the Edgware Station CDA) within the growth area;
- The area receives a level of flood protection from flood storage areas north of Edgware in Edgwarebury Park, Stoney Wood Lodge and near Bransgrove Road over the border in Harrow. These were constructed as part of the Silk Stream Flood Alleviation Scheme over 10 years ago.
- There are river restoration and enhancement opportunities identified for the Edgware Brook, Deans Brook and Silk Stream main rivers.

Edgware Town Centre is in effect surrounded by floodplains particularly on the eastern and southern boundaries by the Edgwarebury Brook, Deans Brook and Edgware Brook flowing into the Silk Stream. There are also two confluences with the Edgwarebury Brook and Deans Brook joining south of Brook Avenue and the Edgware Brook meeting the Deans Brook south of Deansbrook Road.

Given these key features Policy GSS05 should include strategic principles aiming to achieve a reduction in flood risk from all sources, river restoration and enhancement and the improvement of or planning contributions towards strategic flood infrastructure where necessary. The preamble supporting text should explain the context for this. Though page 41 of the 'Schedule of Representations and Responses to the Regulation 18' report suggests you agreed with us and a change was made, the Policy appears to be unchanged. Without the inclusion of these principles and context we think the Policy is unsound as it's not positively prepared in that it is not meeting the area's objectively assessed needs and achieving sustainable development. It is also not consistent with the aims of paragraphs 20 (b), 20 (d) or 149 of the NPPF. The issues we are raising with respect to this policy are **strategic priorities** for this area and if we don't make it clear they are priorities our concern is that they won't be considered priorities when bringing forward growth in this area.

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We recommend the policy is amended as follows:

**(a) POLICY GSS05 Edgware Growth Area**

Edgware Town Centre is identified as an opportunity for regeneration and intensification, supported by high existing PTALs reflecting its potential to become an Integrated Transport Hub. The Town Centre can be used far more effectively to support growth and enable the recovery from the Covid-19 pandemic. The Council will support planning proposals that optimise residential density on suitable sites while delivering improvements to the amenity and natural environment of the area.

To deliver growth and regeneration at Edgware Town Centre, the Council will seek the following from development proposals:

- 5,000 new homes;
- Improved leisure options such as a new cinema, swimming pool and new eating-out options;
- Appropriate floorspace for community, retail and office uses;
- Improved public realm, including new public spaces;
- Transformation of the relationship between the rail and bus stations and the wider town centre to improve the pedestrian experience and reduce congestion;
- Retain existing levels of employment and pursue opportunities for new jobs.
- Improved flood risk resilience for the town and surrounding communities with provision of flood risk infrastructure and restored rivers.

(b) In addition, a supporting text paragraph should be created to explain the context for this strategic priority. Our answers to Question 1 could help with the wording of this. Could potentially agree the specific wording via a Statement of Common Ground.

**Continue on a separate sheet if necessary**

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- Yes, I wish to participate in hearing session(s)
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I am not seeking modification to the Plan

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We will continue to engage with the Borough and hope that our concerns can be addressed. We are available to attend the examination if necessary.

**Declaration of consent**

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Signature  KMurphy  Date  05/08/2021



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Policy **GSS06 Colindale Growth Area** Paragraph \_\_\_\_\_ Figure/Table

Policies Map designation \_\_\_\_\_

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

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- |  |   |  |
|--|---|--|
| a) Legally compliant                     | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
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Our regulation 18 comments highlighted some key environmental features and challenges that were specific to Colindale Growth area. This included:

- The fact that parts of Colindale are at risk of flooding from the Silk Stream main river and also surface water flood risk. Grahame Park and Sunnyhill Park are Critical Drainage Areas coinciding with this growth area.
- Colindale receives a level of protection from flood storage areas constructed as part of the Silk Stream Flood Alleviation Scheme approximately 10 years ago.
- The Environment Agency is working on a new Silk Stream FAS intended to protect areas in Colindale and Rushgrove Park from flood risk. This is likely to require partnership funding contributions to be viable.
- We have identified improvement measures for the Silk Stream main river across all parks mentioned in the Policy i.e. Colindale, Montrose, Rushgrove and Silk Stream Parks, to improve water quality and biodiversity.

Although page 43 of the 'Schedule of Representations and Responses to the Regulation 18' report suggests you agreed with us and text revisions proposed, the Policy and supporting text appears to be unchanged.

Our comments are continued on page 2.

**Question 3 continued...**

The revised text you have proposed is as follows:

*Several river restoration measures have been identified to enhance biodiversity of the Silk Stream main river such as removal of wooden toe-boarding, removal of concrete bed and banks, removal of weirs and fish easement at weirs in the Silk Stream, Montrose and Rushgrove Parks. These projects should occur alongside improvements to the open spaces themselves.*

*The Public Health England site where residential led development will re-integrate this site back into Colindale and reconnect the area with the Silk Stream, **with enhancements for biodiversity complimenting the riverside location.***

We agree with this text but there are still significant omissions e.g. the reference to the risk of flooding in Colindale from fluvial and surface water, and the need to ensure that flood risk infrastructure is provided to reduce the level of risk either by working in partnership with us to deliver the Silk Stream FAS and/or on-site measures.

As stated for GSS05, without the inclusion of the relevant principles and context we think Policy GSS06 is unsound as it's not positively prepared in that by not including appropriate reference to strategic flood infrastructure and river restoration, it is not meeting the area's objectively assessed needs and achieving sustainable development. It is also not consistent with the aims of paragraphs 20 (b), 20 (d) or 149 of the NPPF. The issues we are raising with respect to this policy are **strategic priorities** for this area. Although still in its early stages the Silk Stream FAS is a strategic flood risk scheme which could be at risk if we don't receive the appropriate support we may need from third parties in the form of planning contributions, partnership working or related physical works. The policy needs to ensure it recognises flood risk infrastructure and river restoration as strategic priorities for this growth area so that future applicants are aware and will take the appropriate action.

Continue on a separate sheet if necessary

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We recommend the policy is amended as follows:

**(a) POLICY GSS06 Colindale Growth Area**

In addition to new homes delivery the Council expects the following to be delivered:

Improvements to open spaces and the Silk Stream main river which enhances the amenity, biodiversity and makes provision for play space, including at Colindale, Montrose, Rushgrove and Silkstream Parks;

The provision of strategic flood risk infrastructure including contributions to fluvial flood risk schemes and measures to alleviate surface water flooding to ensure the area's resilience to the risks of flooding and climate change.

Colindale development up to 2036 will be focussed at the following locations:

The Public Health England site where residential led development will re-integrate this site back into Colindale and reconnect the area with the Silk Stream, with enhancements for biodiversity complimenting the riverside location.

(b) Appropriate supporting text including the already agreed text specified on page 43 of the Schedule of Representations. Recommended wording to include:

Parts of Colindale are at risk of flooding from the Silk Stream main river and also surface water flood risk. Grahame Park and Sunnyhill Park are Critical Drainage Areas coinciding with this growth area. Colindale receives a level of protection from flood storage areas constructed as part of the Silk Stream Flood Alleviation Scheme (FAS) approximately 10 years ago. However, the Environment Agency is working on the early stages of a new Silk Stream FAS intended to protect areas in Colindale from flood risk. This is likely to require partnership funding contributions to be viable. Developers are expected to consider new developments holistically and seek to deliver on-site and off-site measures to achieve a positive reduction in flood risk.

Several river restoration measures have been identified to enhance biodiversity of the Silk Stream main river such as removal of wooden toe-boarding, removal of concrete bed and banks, removal of weirs and fish easement at weirs in the Silk Stream, Montrose and Rushgrove Parks. These projects should occur alongside improvements to the open spaces themselves.

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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I am not seeking modification to the Plan

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We will continue to work with the Borough to agree appropriate modifications. We are available to attend the hearings if necessary.

**Declaration of consent**

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Signature  KMurphy

Date  05/08/2021





**Barnet Draft Local Plan**  
Publication Stage Representations Form

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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 CDH04 Tall Buildings Paragraph 6.18.11 Figure/Table

\_\_\_\_\_

Policies Map designation \_\_\_\_\_

**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.**

*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.*

Policy CDH04 has been revised based on our advice at the regulation 18 stage. We support part (v) of the policy and paragraph 6.8.11 which outlines that tall buildings should be set back from rivers and watercourse so as not to cause harm to wildlife, including directing artificial light away from the river corridor. Paragraph 6.8.11 explains that tall buildings should be set back further, more than 10 metres from the watercourse.

We support the policy and consider it is sound and compliant with aims of the NPPF particularly those relating to the protection and conservation of the Natural Environment. This will also compliment the objectives of the Thames River Basin Management Plan in avoiding further deterioration and seeking to restore and enhance watercourses.

**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.**

No modifications are required.

**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.**

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Signature  KMurphy  Date  09/08/2021



**Barnet Draft Local Plan**  
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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 ECC02A Paragraph      Figure/Table Table 19/20

Policies Map designation     

**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.**

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<p>We fully <b>support</b> Policy ECC02A and its requirements for flood risk, surface water management, water infrastructure and watercourses. We think this aligns with the overarching framework for flood risk and conserving and enhancing the natural environment set out within the NPPF, and is based on evidence (justified) and delivering sustainable development (positively prepared).</p> <p>Part (a) is both positive and pro-active in requiring developments to deliver a positive reduction in flood risk from all sources by giving sufficient consideration to this issue early. We are already seeing the detrimental impacts of climate change on the ability of our rivers, urban landscapes, and drainage systems to cope with these extreme events, with recent events in London, Germany and now in China. The Borough has experienced flooding both from surface water and rivers (our records in particular record flooding in 2015 and 2016). Therefore the standard to achieve a positive reduction in flood risk is justified but may need further guidance to set out what is expected to meet this standard.</p> <p>We also welcome the requirements set out in criteria (k) for ensuring there is sufficient capacity for water supply and waste water networks and that upgrades are carried out in time for development.</p>
---

**Continue on a separate sheet if necessary**

We welcome the strength and clarity of (m) naturalise the watercourse and ensure an adequate buffer zone of at least 10 metres (greater if a tall building is being proposed) and enable public accessibility. We fully support the Borough in stipulating this standard as we are starting to see an unfortunate legacy of past decisions made where developments are in close proximity to rivers, with an increasing number of Flood Risk Activity Permit applications requesting hard engineered solutions for eroded/collapsed river banks because there is no longer enough space to implement a more natural solution. We tend to forget that rivers are subject to the natural processes of erosion and deposition and move through their landscapes regardless of what developments are there, so even where hard engineered solutions are installed, it's likely the erosion problem will simply move further downstream. Therefore we need to start planning for the long-term and the impacts of climate change which we are experiencing now. We hope to find a way of investigating the impacts of river erosion more scientifically via erosion modelling. In addition, we have evidence to show the dimensions (length, width) of the vehicles required to gain access to the buffer zone to undertake works (e.g. emergency repairs, removal of trees and blockages). With vehicle (plant/machinery) dimensions in excess of 7 and 8 metres it's logical and reasonable to expect a minimum of 10 metres.

In addition the buffer zone either side of a watercourse is usually designated as functional floodplain (Flood Zone 3b), the area that is most likely to be flooded when a river bursts its banks so it makes complete sense to allow this area to perform its function and flood without the further impediment of development. We support that tall buildings may need greater setbacks given their propensity to overshadow, create light spill (which both can disrupt wildlife and habitats) and with deeper foundations impact the stability of the river bank.

We also fully **support** the following policy criteria:

n) Buildings are not sited over the top of new or existing culverts/ordinary watercourses.

Culverts conveying fluvial (and surface water) flows are part of a flood risk management infrastructure network. We are seeking the deculverting of watercourses in line with our objectives in the Thames River Basin Management Plan. Ideally we want to see more of the Boroughs watercourses deculverted, opened up and reconnected to their floodplains to increase the Boroughs resilience to flood risk and climate change but also create riverine habitats. Even if this doesn't occur the culvert has to be protected to allow it to be accessed for maintenance (culverts get blocked), repaired and even replaced if there are no other options, so it continues to perform its function without increasing flood risk. We can't accept any buildings proposed over the top of culverts for those key reasons, therefore we welcome this requirement within the policy.

Please note we have made some recommendations for minor changes to Table 19, Table 20 and criteria (i) on flood defences.

**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.**

Minor changes as follows:

i) any flood defences are maintained, repaired or replaced as appropriate, and realigned or set back where possible to provide amenity, and environmental enhancements and protection for the lifetime of development including climate change; and ii) land adjacent to flood defences is protected in order to allow space for flood water in the event of a breach, future replacement of defences and provision of public amenity and biodiversity;

Above changes recommended to ensure clear standard that flood defences protect to lifetime of development including climate change and we acknowledge the issue of residual flood risk which is another reason why generous setbacks from flood defences are a sensible measure.

#### Table 19

The table has been improved but still has inaccuracies.

*Proposed development will need to demonstrate application of the sequential test and exceptions test where inappropriate development is proposed in areas of flood risk.*

The Sequential Test applies even when according to Table 3 of the PPG the development use is appropriate because the initial step should be to steer development to areas of lowest flood risk wherever possible. This is footnoted under Table 3 in the PPG as follows:

- *This table does not show the application of the [Sequential Test](#) which should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3; nor does it reflect the need to avoid flood risk from sources other than rivers and the sea;*

Where Table 3 shows inappropriate development, it states it should not be permitted.

Under 'development scale' for this category, although you have taken out **minor** development the Sequential Test would still applies to those developments that fall between the category of minor and major i.e. non-major developments e.g. 1 dwelling, 2 dwellings and up to 10 dwellings. Also for clarity we recommend the 'development scale' for when FRAs are required states '**All** development in Flood Zone 2&3.'

#### Table 20

We support but a water efficiency calculator would be required for the commercial as well as the residential to demonstrate how the water efficiency standard has been achieved.

**Continue on a separate sheet if necessary**

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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)

No, I do not wish to participate in hearing session(s) /  
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Signature  KMurphy  Date  06/08/2021



**Barnet Draft Local Plan**

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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 Policy ECC06 Biodiversity Paragraph 10.26.9 Figure/Table  
Table 21

Policies Map designation \_\_\_\_\_

**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"/> |

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We support the changes made to Policy ECC06 to acknowledge Biodiversity Net Gain but think the current policy wording is a bit too general and vague. The Borough could strengthen the policy with the BNG target of 10%. Although it will be mandatory requirement in the amended Town & Country Planning Act, following the Environment Bill's enactment in Autumn 2021, a solid reference to the 10% target would demonstrate the Borough's commitment and endorsement of BNG and it helps prepares applicant's early for the requirement.

For example, Watford's Policy NE9.8 Biodiversity (Final Draft 2018-2036) states:

*New development should seek to achieve an overall net gain in biodiversity. This must be measured through the use of the latest Natural England biodiversity metric. The biodiversity metric should demonstrate an improvement in biodiversity units of 10% or more from the existing baseline value of the site.*



**Continue on a separate sheet if necessary**

In addition, Barking and Dagenham's Regulation 19 Local Plan Policy DMNE 3: Nature Conservation and Biodiversity, states:

*All development proposals are required to (b) demonstrate a minimum of 10% biodiversity net gain using the Defra metric (or agreed equivalent)...*

Therefore the target is being endorsed within Planning Policies and in line with best practice.

We also think the policy could be strengthened by making it clear that BNG would need to be demonstrated even where development proposals do not result in biodiversity loss, and the normal mitigation hierarchy would still apply where any biodiversity losses are proposed.

It's also worth highlighting that the BNG should be delivered on-site, off-site or via statutory biodiversity credits and that the habitat would be secured for at least 30 years via s106 or conservation covenants (in supporting text paragraph 10.26.9 perhaps).

Table 20 currently states:

*All development proposal should provide as part of a submission a baseline ecological assessment and clearly demonstrate BNG based on this assessment. The scale of development will determine the level of detail required. This statement should demonstrate how protection of biodiversity and habitat quality will be achieved and provide the level (%) of BNG improvement that will be achieved onsite as well as recommendations on where enhancements to biodiversity can be made onsite. Where a development is unable to achieve the appropriate level of BNG an offsite contribution equivalent to the deficit % will be agreed with the Council.*

Our understanding is that the actual calculation to determine BNG would be from the Defra Metric 3.0 which is available for use now. Applicants would need to demonstrate BNG via submission of a Biodiversity Net Gain Plan.

**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.**

Please see our recommendations in answer to question 3 above. We encourage the Borough to clarify and strengthen the wording of Policy ECC06, Table 21 and paragraph 10.26.9.

**Continue on a separate sheet if necessary**

**Please note:**

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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

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Signature  KMurphy Date  09/08/2021



## Barnet Draft Local Plan

### Publication Stage Representations Form

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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?

*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 Site 5 Edgware Hospital Paragraph \_\_\_\_\_ Figure/Table \_\_\_\_\_

Policies Map designation \_\_\_\_\_

#### 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 type="checkbox"/>            | No <input checked="" 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.

*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 y*

We are obliged to find the inclusion of the site **unsound** until we see evidence that the Sequential Test has been applied. Please see our representation to GSS01 for further information.

We concur with the L2 SFRA findings that there is scope to incorporate mitigation measures which should aim to achieve a reduction in flood risk. We support the following text within the site requirements and development guidelines, as follows:

*Proposals should refer to the SFRA Level 2 for flood risk avoidance and mitigation measures. The opportunity to remove obsolete weirs at the confluence of the Silk Stream and Deans Brook in northern part of site should be considered. The designated SINC must be protected. Opportunities should be sought to improve biodiversity along the Silk Stream, with a 10 meter buffer reserved along the waterway corridor.*

However, the risks are significant given the fact the confluence of two rivers (Deans Brook and Silk Stream) converge at the northern part of the site, then flowing to the Silk Stream. Any proposal would need to control the fluvial flood risk from two rivers with no current defences, in addition to the other sources of flood risk from surface water, etc.

The proposed uses/allocation as proportion of floorspace is stated as 75% of the site by floorspace to continue in use as a hospital, with associated car parking; with 25% of site by floorspace to be residential. The indicative residential capacity is 366 for this site. Although this is a relatively large site as 2.87 hectares it's clear from the description of proposed uses that the majority of the site will be preserved as a hospital use and this use is already occupying the proportion of the site at lowest fluvial flood risk (Flood Zone 1). Therefore, the residential element will likely to be located in the area of highest risk (flood zone 2 and 3). There are likely to be some potential challenges in achieving a sustainable balance between the set back from Silk Stream and Flood Zone 3b, sequential approach on-site, flood risk mitigation and the number of housing units required. There might need to be some flexibility in terms of what this site can reasonably achieve in housing units, but it's not easy to tell at this stage.

This site is likely to form part of potential strategic solutions we are currently identifying to protect the site and wider locale from flood risk from the Silk Stream. The flood management options being looked at on this stretch of the Silk Stream form part of the Silk Stream Flood Alleviation Scheme. We would definitely want to engage with developers to see how these flood management options could be incorporated into development proposals.

Please see our recommendations below for modifications to the 'Site requirements and development guidelines text.

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.**

a) The **Sequential Test** should be applied. See our representation to GSS01 for further detail.

b) We recommend the following **modifications** to text based on new information we weren't aware of at regulation 18 stage and to strengthen/clarify the requirements:

*Proposals should refer to the SFRA Level 2 for flood risk avoidance and mitigation measures. The sequential approach should be applied on site to direct more vulnerable uses to the areas of lowest risk including climate change within the site based on a Flood Risk Assessment. The opportunity to remove obsolete weirs at the confluence of the Silk Stream and Deans Brook in northern part of site should be considered. The designated SINC must be protected. Opportunities should be sought to improve biodiversity along the Silk Stream, with a 10 meter buffer reserved along the waterway corridor. Early engagement with the Environment Agency is advised to discuss potential flood management solutions being considered as part of the Silk Stream Flood Alleviation Scheme.*

Continue on a separate sheet if necessary

**Please note:**

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

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We will continue to support the Borough to resolve our concerns. If necessary, we are available to attend the examination hearings.

*most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.*

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Signature  KMurphy  Date  06/08/2021



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

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Policy Site No. 6 Watling Avenue car park & market Paragraph \_\_\_\_\_

Figure/Table \_\_\_\_\_

Policies Map designation \_\_\_\_\_

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

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- |  |   |  |
|--|---|--|
| a) Legally compliant                     | Yes <input checked="" type="checkbox"/> | No <input 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 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.

*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.*

Despite the concerns we have raised at both the regulation 18 consultation stage and our response to the draft Level 2 SFRA, the site is included as a site allocation for residential floorspace. Our first major concern is that a large proportion of the site (38%) lies within the functional floodplain (Flood Zone 3b) and the vast majority of the remainder of the site lies within the 1 in 100 year (Flood Zone 3a) fluvial flood extent with 95% of the site covered during the 1 in 100 year plus climate change event. Therefore flood risk is a very significant constraint at this site and compared to the other site allocations there is very limited scope to apply the sequential approach, provide floodplain compensation or ensure a safe means of access and egress.

Allocating the site for residential development would be contrary to the aims of paragraph 155 of the NPPF and Table 3: Flood risk vulnerability and flood zone 'compatibility' of the Planning Practice Guidance. More vulnerable development and less vulnerable development uses should not be permitted or allocated in Flood Zone 3b and this would usually trigger a policy (in-principle) objection from us should a planning application locate this type of use in this zone. The only permissible use classes in this zone are 'water compatible' or essential infrastructure (the latter if it passes the Sequential and Exceptions Test). The Sequential Test would need to be applied for More Vulnerable and Less Vulnerable uses in Flood Zone 3a, and as previously stated we see no evidence to justify the choice of this site in this regard.



**Continue on a separate sheet if necessary**

As we have not seen appropriate evidence of how the Sequential Test has been applied to the site selection process, our view is that the choice of this site is not sound as it is not justified i.e. an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence. The basis for appraising the site within the Integrated Impact Assessment (IIA) against the flood risk objective was 'flood zones' and 'CDA.' The Sequential Test and SFRA should have been the basis for appraising the site against that objective.

We also raised concerns with the assessment conclusions within the Level 2 SFRA for this site, specifically that although standard mitigation measures have been proposed within the site assessment we are not confident or reassured that they would be sufficient to protect the site or not impact flood risk elsewhere.

In the site description and development guidelines, we are surprised why Flood Zone 3b isn't even specifically mentioned when it has for Edgware Hospital with minimal Flood Zone 3b, as follows:

*The Flood Zone 3 covering much of the site means that proposals must be subject to the sequential and exception tests and demonstrate how flood risk will be managed and mitigated; the SFRA Level 2 sets out mitigation measures. Development should be located away from those those parts of the site at the highest level of flood risk.*

The justification for the site states:

*The location is highly accessible and has potential for significant intensification. Development should avoid those parts of the site at highest flood risk.*

Our concern is the whole site is at high risk and is in effect acting as potential flood storage within Burnt Oak Town Centre. It's also not advisable to look at Flood Zone 3b in isolation, almost the entire site lies within the 1 in 100 year flood extent (Flood Zone 3) and would flood to a maximum depth of between 3.1 to 4.3 metres with a maximum velocity of 1.6 metres per second. The Flood Hazard classification is Danger to All. Also the area of lowest risk to the east and north-eastern areas of the site are surrounded by the functional floodplain making access and egress particularly challenging.

Although we have no specific records about historic flooding on site, we are fairly confident it would have flooded in 2015 and/or 2016 based on our knowledge of water levels elsewhere in the catchment during those years. The site also appears to be at high risk of surface water flooding. Overall, given the evidence and potential risks we do not think this is a suitable or sensible site for a residential/mixed use development. The inclusion of this site in our view would not be consistent with the aims of national planning policy and it's not justified as based on evidence we've seen to date (i.e. not an appropriate strategy taking account reasonable alternatives based on proportionate evidence).

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We advised at the regulation 18 stage that other sites at a lower risk of flooding with similar capacity that were discounted during the earlier Site Selection process should be reconsidered as part of the Sequential Test process. As advised in our representation to GSS01, we haven't yet seen actual evidence that the flood risk Sequential Test has been applied so there is the opportunity to consider all options now.

Our strong recommendation is that the site is withdrawn.

**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.**

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We will continue to work with the Borough and hope to make progress prior to the plan being submitted. However, we are available to attend the Local Plan examination hearings if necessary.

*most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.*

**Declaration of consent**

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Signature  KMurphy Date  06/08/2021



## 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 Site 9 Colindeep Lane Paragraph \_\_\_\_\_ Figure/Table \_\_\_\_\_

Policies Map designation \_\_\_\_\_

#### 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 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.

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We note the Level 2 SFRA has assessed this site and recommended how the site can be mitigated. However, the SFRA findings also highlight the sites vulnerability, for example, the predicted flood risk extent for the climate change scenario is greater, leaving most of the site's area by the southern/western boundary at risk of flooding and approximately 24.8% of the site would be expected to be inundated during this event. The site description in the Local Plan states 'Difficult access also makes the site vulnerable to flood risk.' Access and egress is likely to be challenging to address safely. Our concerns remain that this is not a sensible site to propose housing given its vulnerable position, a thin strip of land less than a hectare between a railway embankment and floodplain of the Silk Stream main river, the difficulty with access, and the implications of climate change both now and in the longer-term.

Although the functional floodplain only currently covers 7.2% of site according to SFRA, the site is effectively surrounded by the functional floodplain to the south. Although we can't predict with absolute certainty what the nature of flood risk will be in 50 years or 100 years' time, it is likely that the sites vulnerability over time is going to increase not decrease.

**Continue on a separate sheet if necessary**

It would be difficult to compensate for the flood storage taken up by a development and therefore possible flood risk would be increased elsewhere to nearby properties. We would urge the Borough to consider the broader implications of the sites geography and location and long-term vulnerability. We believe the inclusion of this site to provide an indicative 128 residential units (even though informed by a Level 2 SFRA) is **unsound** as it's not justified i.e. an appropriate strategy taking into account reasonable alternatives (lack of Sequential Test evidence, a review of alternatives) and its position and location makes it very vulnerable to flood risk and climate change. It's inclusion as an allocation in our view goes against the principles outlined in paragraph 149 of the NPPF in that it doesn't appear to a pro-active approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk. Paragraph 150 goes onto state that:

*New development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure;*

Our view is that this would be a very difficult site to mitigate given its geography and difficult to access by emergency services if a flood event occurred. In addition, as a greenfield site with extensive tree coverage, it's probably already serving quite a useful and protective function in providing an additional buffer to the Silk Stream floodplain, providing water attenuation and green infrastructure. This is likely to be of benefit to the existing area which is already vulnerable, e.g. as stated in our regulation 18 comments, flooding from the Silk Stream occurred in this area in summer 2016 with roads, gardens and properties flooded as a result. Colindeep Lane also suffers regularly from surface water flooding.

Also, paragraph 156 makes an important point about SFRA's, cumulative impacts and the advice of risk management authorities in stating:

*Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.*

The Level 2 SFRA assessment of the site does include some useful information about the potential severity of risk, and although has recommended how the site can be mitigated to be made safe, should not be taken at face value. A level of interpretation needs to be applied to all the findings and we advise considerable caution should be applied in this case taking into account the sites vulnerable location, cumulative impacts and climate change.

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We acknowledge the challenge in finding enough sites to meet housing needs. However, we advised at the regulation 18 stage that other sites at a lower risk of flooding with similar capacity that were discounted during the earlier Site Selection process should be reconsidered as part of the Sequential Test process. As advised in our representation to GSS01, we haven't yet seen actual evidence that the flood risk Sequential Test has been applied so there is the opportunity to consider alternative options now (whether this is alternative sites or redistribution of housing across other low risk sites with the potential to increase capacity). Unfortunately, our strong recommendation is that the site is withdrawn.

**Continue on a separate sheet if necessary**

**Please note:**

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No, I do not wish to participate in hearing session(s) /



I am not seeking modification to the Plan

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We will continue to support the Borough as needed in providing advice. We are available to attend the examination hearings if necessary.

**Declaration of consent**

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Signature  KMurphy  Date  06/08/2021



**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 Site 14 Sainsbury's The Hyde Paragraph \_\_\_\_\_

Figure/Table \_\_\_\_\_

Policies Map designation \_\_\_\_\_

**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 type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| c) Compliant with the Duty to Co-operate | Yes <input 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.**

We are obliged to find the inclusion of the site **unsound** until we see evidence that the Sequential Test has been applied. Please see our representation to GSS01 for further information. Although this site has been assessed by a Level 2 SFRA, we disagree with some of the comments that have been made next to 'justification' and 'site requirements and development guidelines.'

*Justification: The site has received planning permission (19/4661/FUL).*

Whilst this may be true, the part of the justification and basis for allocating this site for development is that the Level 2 Assessment has concluded this site can be safely developed. Planning permissions are not always implemented, and circumstances can change over time, e.g. flood modelling changes, the durability and condition of flood defences, climate change.

*Site requirements and development guidelines: The assessment provided in support of the application concluded that for fluvial risk for up to the 1 in 100-year flood event the existing flood defences would be sufficient, according to flood modelling completed by the Environment Agency.*

In our comments to the draft Level 2 SFRA we did highlight that although according to our flood model the site benefits from the protection of defences, there may be a residual risk of flooding if the defences are breached, and developers should ensure the necessary precautions are taken to account for this.



We recommend developers consider the impacts of possible flooding in a breach event (including climate change) and raise floor levels and adopt flood resilience measures. Flood defences cannot be relied on absolutely, especially given the unpredictable nature of climate change.

The Level 2 SFRA also highlights that defences are located upstream in Edgwarebury Park for the Silk Stream. As we have highlighted for the Growth Areas, early work is ongoing on a new Silk Stream Flood Alleviation Scheme. It's possible that planning contributions may be sought for this scheme and/or an improvement to the existing defences in order that this site can continue to benefit from that protection.

Currently, although this allocation has been informed by a Level 2 SFRA, the site requirements are missing crucial points about (a) planning for residual flood risk in a breach event (b) the potential for offsite planning contributions being sought and (c) the opportunity to apply the sequential approach on site so that the most vulnerable uses of the scheme are steered towards the areas of lowest risk on the site. In addition a more explicit reference to the need to refer to the Level 2 SFRA requirements is required. Therefore the site requirements are not considered sound as they are not currently justified (an appropriate strategy based on proportionate evidence – in this case the Level 2 SFRA and our comments in response to the draft report). The site requirements are also not sound as they are not in the spirit of paragraph 149, 155 and also paragraph 163 part (a) 'within the site, the most vulnerable development is located in the areas of lowest flood risk' and (d) 'any residual risk can be safely managed.'

The site requirements have also omitted some key requirements with regards to its position adjacent to the Silk Stream main river and Brent Reservoir SSSI. In regulation 18 version of the plan the following text had been included within the site requirements which we had been able to support:

*Proposals must manage flood risk and avoid harm to the adjacent Site of Borough Importance for Nature Conservation. Improvements to Silk Stream River Corridor required.*

We are unsure as to why improvements to Silk Stream River Corridor have been removed in the regulation 19 version. Even if the majority of the river corridor is outside the redline boundary planning obligations could be secured to achieve this. Our comments at the regulation 18 stage were as follows:

*We support improvements to Silk Stream River Corridor required. There should be a requirement for a minimum 10 metres (or wider) green buffer zone from the edge of the Silk Stream main river. Tall buildings should be located away from the Silk Stream River Corridor to avoid shading and lighting impacts. Proposals should also avoid harm to the Brent Reservoir SSSI.*

Given the very sensitive position of the site adjacent to the Silk Stream main river, the Local Wildlife Site/Site of Borough Importance for Nature Conservation and in close proximity to the Brent Reservoir SSSI we think this warrants specific site requirements to be included to ensure soundness. Otherwise we think it would not be consistent with the NPPF specifically paragraphs 170, 174 and 177 which set out the framework for Planning Policies to protect and enhance valued landscapes and habitats, protect SSSIs and achieve net gains for biodiversity.

These concerns can be easily addressed through modifications to the text. Please see our recommendations under Question 4.

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.

We recommend the following modifications to address the concerns raised above:

(a) The **Sequential Test** should be applied. See our representation to GSS01 for further detail.

~~(b) The assessment provided in support of the application concluded that for fluvial risk for up to the 1 in 100-year flood event the existing flood defences would be sufficient, according to flood modelling completed by the Environment Agency.~~

We recommend this is replaced with the following:

*The current flood model indicates the site is protected by flood defences up to the 1 in 100 year flood event. However, the possibility of residual flood risk from a breach in flood defences should be considered and precautionary mitigation measures included such as raised floor levels and flood resilience measures. Planning contributions may be sought to improve the strategic flood risk infrastructure benefitting the site.*

(c) A SFRA Level 2 has been carried out for the site *and should be referred to for further guidance.*

(d) Given the location adjacent to *the Brent Reservoir SSSI*, the development should ensure there is no inappropriate access from the developments onto sections of the SSSI that are not formal paths/ recreation areas. *Given the location of site adjacent to the Silk Stream main river and SINC habitat improvements to the river corridor should be sought involving engagement with Canals and Rivers Trust and the Environment Agency. Proposals should avoid harm to the SSSI through careful consideration of drainage proposals and habitat works.*

Continue on a separate sheet if necessary

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We will continue to work with the Borough to resolve our concerns. We are available to attend the examination hearings if necessary.

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Signature  KMurphy Date 06/08/2021



**Continue on a separate sheet if necessary**

We welcome the strength and clarity of (m) naturalise the watercourse and ensure an adequate buffer zone of at least 10 metres (greater if a tall building is being proposed) and enable public accessibility. We fully support the Borough in stipulating this standard as we are starting to see an unfortunate legacy of past decisions made where developments are in close proximity to rivers, with an increasing number of Flood Risk Activity Permit applications requesting hard engineered solutions for eroded/collapsed river banks because there is no longer enough space to implement a more natural solution. We tend to forget that rivers are subject to the natural processes of erosion and deposition and move through their landscapes regardless of what developments are there, so even where hard engineered solutions are installed, it's likely the erosion problem will simply move further downstream. Therefore we need to start planning for the long-term and the impacts of climate change which we are experiencing now. We hope to find a way of investigating the impacts of river erosion more scientifically via erosion modelling. In addition, we have evidence to show the dimensions (length, width) of the vehicles required to gain access to the buffer zone to undertake works (e.g. emergency repairs, removal of trees and blockages). With vehicle (plant/machinery) dimensions in excess of 7 and 8 metres it's logical and reasonable to expect a minimum of 10 metres.

In addition the buffer zone either side of a watercourse is usually designated as functional floodplain (Flood Zone 3b), the area that is most likely to be flooded when a river bursts its banks so it makes complete sense to allow this area to perform its function and flood without the further impediment of development. We support that tall buildings may need greater setbacks given their propensity to overshadow, create light spill (which both can disrupt wildlife and habitats) and with deeper foundations impact the stability of the river bank.

We also fully **support** the following policy criteria:

n) Buildings are not sited over the top of new or existing culverts/ordinary watercourses.

Culverts conveying fluvial (and surface water) flows are part of a flood risk management infrastructure network. We are seeking the deculverting of watercourses in line with our objectives in the Thames River Basin Management Plan. Ideally we want to see more of the Boroughs watercourses deculverted, opened up and reconnected to their floodplains to increase the Boroughs resilience to flood risk and climate change but also create riverine habitats. Even if this doesn't occur the culvert has to be protected to allow it to be accessed for maintenance (culverts get blocked), repaired and even replaced if there are no other options, so it continues to perform its function without increasing flood risk. We can't accept any buildings proposed over the top of culverts for those key reasons, therefore we welcome this requirement within the policy.

Please note we have made some recommendations for minor changes to Table 19, Table 20 and criteria (i) on flood defences.

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Minor changes as follows:

i) any flood defences are maintained, repaired or replaced as appropriate, and realigned or set back where possible to provide amenity, and environmental enhancements and protection for the lifetime of development including climate change; and ii) land adjacent to flood defences is protected in order to allow space for flood water in the event of a breach, future replacement of defences and provision of public amenity and biodiversity;

Above changes recommended to ensure clear standard that flood defences protect to lifetime of development including climate change and we acknowledge the issue of residual flood risk which is another reason why generous setbacks from flood defences are a sensible measure.

#### Table 19

The table has been improved but still has inaccuracies.

*Proposed development will need to demonstrate application of the sequential test and exceptions test where inappropriate development is proposed in areas of flood risk.*

The Sequential Test applies even when according to Table 3 of the PPG the development use is appropriate because the initial step should be to steer development to areas of lowest flood risk wherever possible. This is footnoted under Table 3 in the PPG as follows:

- *This table does not show the application of the [Sequential Test](#) which should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3; nor does it reflect the need to avoid flood risk from sources other than rivers and the sea;*

Where Table 3 shows inappropriate development, it states it should not be permitted.

Under 'development scale' for this category, although you have taken out **minor** development the Sequential Test would still applies to those developments that fall between the category of minor and major i.e. non-major developments e.g. 1 dwelling, 2 dwellings and up to 10 dwellings. Also for clarity we recommend the 'development scale' for when FRAs are required states '**All** development in Flood Zone 2&3.'

#### Table 20

We support but a water efficiency calculator would be required for the commercial as well as the residential to demonstrate how the water efficiency standard has been achieved.

**Continue on a separate sheet if necessary**

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*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  KMurphy  Date  06/08/2021