



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 GSS07 Paragraph 3,4 Figure/Table _____

Policies Map designation: **Map 3E Mill Hill East Area**

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.

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

A. Watchtower House and Kingdom Hall

A1. Non-compliance with Duty to Cooperate

The Mayor has stated (Appendix B Reg 18 Schedule of Representations & Responses p 154) regarding Site 49: "Development should not extend beyond the existing footprint of the buildings and should not impact the openness of the Green Belt". Inclusion of the Watchtower site and Kingdom Hall site in the Growth area, goes against the Mayor's instructions.

A2. Not justified Barnet Council stated (ibid. pages 175,179,184) : "The Green Belt and MOL Review demonstrates no justification for releasing land designated as such or making significant revisions to existing Green Belt and MOL boundaries. ". Development on site 49 as suggested in Reg 19, increasing the total built footprint three-fold (see below) , will effectively remove this site's designation as Green Belt.

A3. Contravention of London Plan Policy G2 and NPPF 2021 paras 137, 140, 141, 147-149:

A significant increase in footprint or volume on Green Belt, if permitted, can effectively **de-designate** the Green Belt and **destroy its permanence**. Reg 19 permits the increase of the built footprint on Site 49 from the current 7% to 20%, i.e. a **three-fold increase**. Replacement of hard-standing (e.g. tennis courts used as parking) by buildings three or more stories high, is therefore not legally compliant in a Green Belt setting.

A4. Contravention of Policy G1: The Watchtower House site forms one end of a continuous green corridor going westwards from the gardens of Bittacy Park Avenue to Drivers Hill, a Site of Borough Importance Grade II, and is part of an important habitat. Increasing the footprint or building volume or removing mature trees, will be detrimental to biodiversity.

B Mill Hill East station

B1. Non-compliance with Duty to Cooperate with Mayor and TfL

The Mayor's comments (Appendix B Reg 18 Schedule of Representations and Responses, p. 10) "the Mayor ... urges Barnet to ensure that vital land necessary for the operations and enhancement of London Underground and rail services – particularly the Northern line – are sufficiently protected....development proposals should contribute towards capacity enhancement at stations" have been disregarded. **TfL** says the same on p. 195.

TfL states (ibid. p. 46) "An assessment of the impact of further large-scale development around Mill Hill East station needs to be carried out. This station has particularly limited capacity at its gates and staircases. This has been reflected to a degree in Policy GSS09, but including a specific reference in the policy on Mill Hill East would give greater support to the need to assess the impact of cumulative development around the station."

B2. Contravention of London Plan Policies T3 and T5:

Inclusion of Mill Hill East Station in the growth area will impede expansion of train capacity which is central to the Barnet Plan for dominant use of public transport (Reg 19 11.5.1 and Policy TRC01) Thousands of homes are being built, e.g. on the Ridgeway, that are not within walking distance of the station, that have reduced car parking spaces, with the expectation that people will be cycling. The station car park has only 42 car spaces, which could be converted to only 160 cycle spaces, so building on the station car park is unsound and not legally compliant.

B3. Unsoundness – due to ambiguity, contrary to NPPF 2021 para 16d

Barnet Council (Appendix B Reg 18 Schedule of Representations & Responses p 154) commenting on GSS07, promises that: “Growth within the Mill Hill East area will support improvements to public transport. Policy GSS07 has been revised to outline more specific improvements. “

However, GSS07 in Reg 19 para 4, is very unspecific and open to interpretation (see quote from TfL in my para B1 above), compared to the specific targets for homes in GSS07 para 1. Improvements to public transport cannot take place if housing on the Mill Hill East station site prevents expansion.

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.

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To make GSS07 legally compliant and sound

Para 3: Remove references to Watchtower House and Kingdom Hall and Mill Hill East station as part of a Growth Area.

Para 4: Add: "Provision must be made for increased train capacity at Mill Hill East station and retention or increase in parking for cycles and cars, in accordance with the new housing numbers in Mill Hill East."

Continue on a separate sheet if necessary

Please note:

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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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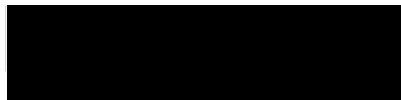
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A solid black rectangular box used to redact the signature of the individual.

Date 7 August 2021



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

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Policy GSS09 Paragraph Final – ‘Existing Transport Hubs’ 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 type="checkbox"/> | No <input type="checkbox"/> |
| b) Sound | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
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Unsound: Not justified or deliverable for Mill Hill East Station

Housing on the Mill Hill East station site would be incompatible with the requirement to “enhance(s) the capacity, access and facilities of the transport interchange”. The enhancement is much needed because of the thousands of new housing units in Mill Hill East (2200 at Millbrook Park [New Homes | Shared Ownership | Mill Hill | WhatHouse.com](#) , around 500 at Ridgeway Views [Microsoft Word - 170925 NIMR representation hearing report.docx \(london.gov.uk\)](#) and another 1500 planned for Mill Hill East (Table 5 in Reg 19).

Currently 50 % of the total area (measured from the figure in Local Plan Reg 19 site 47) is taken up by rail infrastructure and parking. Reg 19 for site 47 states that 40% should be retained rail infrastructure and parking, which is a 20 % decrease from the current figure of 50%.

To enhance the capacity and avoid overcrowding, the unused land should be reserved for a possible second track and platform within the station itself.

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.

To Make GSS09 Sound:

Remove Mill Hill East (station) from GSS09 final paragraph "Existing Transport Hubs".

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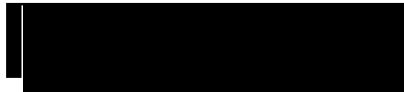
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Date 7 August 2021



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

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Policy **GSS13** 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 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"/> |

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Contravention of NPPF 2021 para 16d (due to ambiguity), and paras 137 and 174a

There is **ambiguity** in GSS13, and therefore unsoundness, which may permit indoor facilities to be built in a new Regional Park on Green Belt (GB) and Metropolitan Open Land (MOL). If indoor “leisure and recreational facilities” facilities are built to “improve the utilisation of an open space” in a new Regional Park within designated GB or MOL, this will decrease the natural habitat and its biodiversity. Structures such as car parks, tennis courts and visitor centres could be built in the name of 'access', thereby affecting the openness and permanence of the GB, so that part of the GB or MOL becomes a brownfield site. There are precedents for this in Mill Hill - invoking NPPF 2021 para 149b has not been a sufficient safeguard to prevent Green Belt becoming brownfield.

Continue on a separate sheet if necessary

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To make the Policy Sound:

Para 2: add at the end: "New indoor facilities should not be built within Green Belt or Metropolitan Open Land "

Para 4: "Care should be taken that improved access should not lead to a loss of openness and natural habitat in the park."

Continue on a separate sheet if necessary

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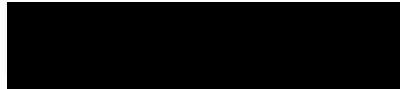
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PART B - Your representation

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

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Policy ___ Paragraph **1 and 2** within **Ch. 10 Table 21** _ Figure/Table **Ch. 10 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 type="checkbox"/> | No <input type="checkbox"/> |
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Unsound : Ambiguity contrary to NPPF 2021 para 16d

The sentence allowing an offsite contribution to Biodiversity Net Gain (BNG) can be used as a loophole. This is because the contribution may not be visible to local residents ('offsite' could mean a long way away) or could be on existing Green Belt land which should be planted on anyway.

[Wildlife rules 'too easy to manipulate' by builders | News | The Times](#) July 27 2021

"Independent scientists examined the plans and told *The Times* they detected multiple flaws. They concluded the plans could not be trusted to deliver the government's pledge. The central problem is that developers plan to destroy or damage wildlife sites now with a promise that compensatory habitat will be created and maintained over the next 30 years. Some plans rely partly on allocating biodiversity value to gardens of homes that will be built even though developers cannot guarantee what happens to those gardens, which could be paved, have artificial lawns or large outbuildings. Promises are also made to enhance small pockets of land within sites but they will be surrounded by thousands of new residents and their cats and dogs, meaning wildlife may struggle to survive."

In addition, the BNG may be an unreliable metric if certain biodiverse habitats are undervalued (21 July 2021) [New biodiversity algorithm 'will blight range of natural habitats in England' | Biodiversity | The Guardian](#)

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

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To make this Table Sound and remove ambiguity, add these to Table 21:

Paragraph 1: Add: "BNG must be informed by the best ecological information available. Care must be taken that the BNG metric does not undervalue the habitat in question."

Paragraph 2: Add: "Offsite contribution must be within 0.5 km of the site in question, and not be taken from existing Green Belt or Metropolitan Open Land."

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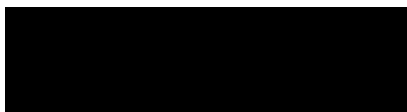
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Policy _____ Paragraph _____ Figure/Table _____

Policies Map designation _____ **Site No. 47 Mill Hill East Station** _____

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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1. Non-Compliance with Duty to Cooperate, with Mayor and TfL

The Mayor's comments have been disregarded. From Appendix B Reg 18 Schedule of Representations & Responses p.10:

"The Mayor welcomes Barnet's support for delivering improved transport capacity and infrastructure in the borough. To better support this, he urges Barnet to ensure that vital land necessary for the operations and enhancement of London Underground and rail services – particularly the Northern line – are sufficiently protected. Where there are opportunities to do so, development proposals should also contribute towards provision of step-free access and capacity enhancement at stations ". **TfL** says the same on p. 195.

TfL states (ibid. p.46) "An assessment of the impact of further large-scale development around Mill Hill East station needs to be carried out. This station has particularly limited capacity at its gates and staircases.including a specific reference in the policy on Mill Hill East would give greater support to the need to assess the impact of cumulative development around the station."

2. Unsound and Not Legally Compliant

Contravention of London Plan Policies T3 and T5: Building on the surrounds of Mill Hill East Station will impede expansion of train capacity which is central to the Barnet Plan for dominant use of public transport (Reg 19 11.5 and Policy TRC01).

Thousands of homes are being built e.g. on the Ridgeway that are not within walking distance of the station and that have a reduced number of car parking spaces, with the expectation that public transport and cycling will become the main forms of transport. Therefore parking for cycles in the hundreds will be essential. The car park at Mill Hill East holds 42 car parking spaces. This could be converted to only about 160 cycle spaces, so building on the station car park is unsound.

At present, 50 % of the total area, as calculated from the figure in Local Plan Reg 19, is taken up by rail infrastructure and parking. The Local Plan Reg 19 states 40% should be rail infrastructure and parking, which is a 20 % decrease. Taken in conjunction with the thousands of new homes in the area, this decrease is not feasible because it will lead to overcrowded public transport at Mill Hill East. To allow for enhanced capacity, the unused land should be reserved for a possible second track and platform within the station itself.

Continue on a separate sheet if necessary

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To Legally Comply with London Plan Policies T3 and T5 and to make Sound:

Remove plans for dwellings on Mill Hill East station to allow for increased train capacity, increased footfall and to reserve space for extra cycle parking.

Remove the site as part of Mill Hill East Growth Area.

Continue on a separate sheet if necessary

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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 7 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 _____ Paragraph _____ Figure/Table _____

Policies Map designation ____ **Site No. 49 Watch Tower House & Kingdom Hall**

and Map 2 - Key Diagram

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.

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.

1. Unsound - plans for Site 49 not justified

- **Incorrect classification of site.** The term “Major Developed Site in the Green Belt” for site 49 is quoted from the Barnet UDP of 2006 in which Planning Policy Guidance PPG2, then current, stated that development should: iii. Not exceed the height of the existing buildings; and iv. Not occupy a larger area of the site than the existing buildings.

Planning Policy Guidance has been superseded by the NPPF 2021 which does not mention the phrase “Major Developed Site in the Green Belt”, so to use it out of context to justify increasing the footprint, is unsound.

- Barnet Council states explicitly in Appendix B Reg 18 Schedule of Representations & Responses (pages 175,179,184) that “The Green Belt and MOL Review demonstrates no justification for releasing land designated as such or making significant revisions to existing Green Belt and MOL boundaries. “ Development on this site as proposed will effectively remove this site’s designation as Green Belt.

2. Non-compliance with Duty to Cooperate

- **Mayor’s Comments disregarded**

The Mayor has stated about Site 49 (in Appendix B Reg 18 Schedule of Representations & Responses p 154): “Development should not extend beyond the existing footprint of the buildings and should not impact the openness of the Green Belt”. Allowing the built footprint to go up from 7% to 20% (see below) goes directly against the Mayor’s instructions.

3. Lack of Legal Compliance and Soundness

- **Contravention of London Plan Policy G2 and NPPF 2021 Paras 137, 140, 141, 147-149:** Any increase in footprint or volume, if permitted, will effectively **de-designate** the Green Belt **and destroy its permanence**. The current built footprint is 7.1 % over the two sites:

$$7.1 \% = (4571 + 501) / (32,629 + 38,565)$$

<https://ibsaproperty.com/properties/watchtower-house/>

<https://ibsaproperty.com/properties/conf-centre-and-open-field/>

“Major development” in the NPPF 2021 is defined as 10 or more homes or 1000 m² of non-residential floor space. This does not in itself justify increasing the built footprint up from the current 5072 m². Replacement of hard-standing (e.g. tennis courts used as parking) by buildings three or more stories high, which would occur if the current 7% footprint went up to 20 %, and the present residential capacity of 85 units went up to 224. This would *triple* the footprint and built volume, which would not be legally compliant in a Green Belt setting.

- **Contravention of London Plan Policies G1 and G6-B3, G7-B, and NPPF 2021 Para 179:**

The Watchtower House site forms part of a continuous green corridor going westwards from the gardens of Bittacy Park Avenue to Drivers Hill, a Site of Borough Importance for Nature Conservation Grade II, and is part of an important habitat. Increasing the footprint or building volume will fragment the habitat and be detrimental to biodiversity. A mature oak tree supports thousands of insects and animals so replacement vegetation will have to be more extensive and will take decades to be as effective so we cannot afford to lose mature trees. There are a number of veteran trees with TPOs (TRE/HE/6 1953) on the site. An increase in build volume will inevitably lead to more access roads and ancillary built facilities and some of the mature trees will be felled. This happened repeatedly when the Jehovah’s Witnesses took over the Bittacy House site (94% woodland and green space in 1950s) in the 1960s and gradually expanded the buildings.

3. (Continued) Lack of Legal Compliance and Soundness

- **Inconsistency with other Barnet Local Plan Policies:** Loss of habitat would be inconsistent with Barnet Local Plan Policies ECC05 and ECC06. Development on this site also contradicts Policy CDH07 since a development with a larger footprint and volume will mean mature trees removed and they cannot be replaced with a tree of “suitable size and species”.

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.

To make the Plan for Site 49 and Map 2, Sound and Legally Compliant

- Remove the words “Mill Hill East Growth Area” or “Mill Hill Growth Area” from the title.
- Remove the orange colouring from Green Belt Site 49 on Map 2 Key Diagram
- Remove the phrase “Major Developed Site in the Green Belt UDP (2006)”.
- Change “indicative residential capacity of 224” to “maximum residential capacity of 100”.
- Add: “Development should not extend beyond the existing footprint of the buildings and should not have a greater impact on the openness of the Green Belt than the existing development “

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

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Signature -



Date 7 August 2021