

# Barnet Local Plan EIP – Note on TRC01 (Sustainable and Active Travel)

## Reason for producing this note

On Day 6 (Thursday 6<sup>th</sup> October) at the hearing session's, consideration of Matter 6 – Transport, Communications and Infrastructure, Inspector Philpott requested provision of a Note covering the following matters related to policy TRC01 (Sustainable and Active Travel) and proposing any resulting modifications:

- Reflecting on the consistency of MM291, TRC01(b)(i), (iii) and (iv) and para 11.7.6 with para 111 of the NPPF
- Reflecting on the wording of TRC01 part b(iv) as it relates to orbital travel.
- Ensuring consistency with para 57 of the NPPF in terms of planning contributions, signposting to TfL Guidance and any other guidance used to identify projects and associated contributions.
- Clarifying the hook for non-major development in TRC01 (c).
- Reflecting on the wording of TRC01(c) as it relates to transport assessments and statements, and the approach on MM293. The Council will continue to engage with TfL, but in this note will propose revised wording in the event that an SoCG has not yet been agreed.
- Reflect on the potential to tweak TRC01(c)(iii) to afford some flexibility on a case-by-case basis. Explain how flexibility will be applied, including the wording “where appropriate”, and how minor development might be picked up.
- Reflect on Part S of the Building Regulations and EV Charging.

## Background

Following submission of the Barnet Local Plan in November 2021 the Council in June 2022 produced a table of proposed modifications (EXAM 4). This document was produced after consideration of the Reg 19 soundness representations received, together with subsequent discussions with parties on the drafting of Statements of Common Ground. EXAM 4 includes proposed modifications to policies and supporting text pertaining to retail and other main town centre uses. These proposed modifications were considered during the examination hearing session where Matter 4 was discussed. However, in the light of that discussion and the requests made by Inspector Wildgoose for further clarification, explanation and justification of the matters detailed in this note, the Council now proposes a series of additional further modifications as set out below.

The following format has been used in this Note to denote further proposed modifications to the submission version of plan as revised by the proposed modifications listed in EXAM 4.

~~Strikethrough text~~ to indicate text proposed for removal.

Underlined text to indicate additional text.

## Considerations

The Council in reviewing Policy TRC01 considers that there are merits in clarifying the opening to TRC01 para (b). The Council proposes the following:

(b) Ensure that improvements to the transport network to improve active travel and sustainability are brought forward by requiring development proposals to:

**1. Reflecting on the consistency of MM291, TRC01(b)(i), (iii) and (iv) and para 11.7.6 with para 111 of the NPPF**

In accordance with the guidance given by the Inspectors the Council has re-considered MM291. The Council agrees that MM291 should be amended to make it more consistent with NPPF (para 111) which states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Proposed amendment to TRC01(b)i

- Supporting the delivery of new transport infrastructure identified in Policy TRC02 and the Barnet Long Term Transport Strategy, BLLTS. Proposals will be required to demonstrate that adequate provision for the implementation of those schemes has been made in the design of the development, or that development proposals do not compromise implementation of transport schemes;

Proposed amendment to MM291 TRC01Bii

- Ensure that impacts on highway safety or the impact on the road network would be acceptable. The Council will refuse proposals that have ~~an a severe or~~ unacceptable impact on highway safety, or ~~on~~ the residual cumulative impacts on the road network would be severe;

Proposed amendment to para 11.7.6

- Transport modelling and assessments of proposed developments should therefore demonstrate that there is not an unacceptable impact on highway safety or severe residual cumulative impacts on the functioning of the road network as a result of the proposal. Where negative impacts are identified remedial actions would need to be identified and agreed by the relevant agencies in order to make the development acceptable. These would be secured through section 106 or section 278 agreements in accordance with the planning obligations tests at paragraph 57 of the NPPF.

**2. Reflecting on the wording of TRC01 part b(iv) as it relates to orbital travel.**

The Council acknowledges that in making the policy more effective 'accessibility' is a more appropriate term than 'travel'.

Proposed amendment to TRC01 Part b (iv)

Promote orbital ~~travel~~ accessibility improvements ~~where appropriate~~.

**3. Ensuring consistency with para 57 of the NPPF in terms of planning contributions, signposting to TfL Guidance and any other guidance used to identify projects and associated contributions.**

The Council acknowledges the need for consistency with the NPPF (para 57) which sets out the three tests for planning obligations. It therefore proposes new criteria TRC01b)v)

- Where transport improvements or remedial actions are identified as required through consideration of a planning application, these would be secured through section 106 planning obligations, conditions or section 278 agreements in accordance with the planning obligations tests in the NPPF (para 57).

The Council supports the goal of the Mayor's Transport Strategy to create healthy streets and the Vision Zero Approach to public safety. Therefore a cross-reference to London Plan Policy T4 - Assessing and mitigating transport impacts is proposed as follows at TRC01b) vi) and should be added :

Proposals in assessing and mitigating transport impacts should have regard to London Plan Policy T4

The Council recognises the merits of making cross-reference to Policy T4 (which in turn makes cross-reference to guidance produced by Transport for London) in delivering the Mayor's objectives. However there is no specific guidance from TfL on planning obligations.

**4. Clarifying the hook for non-major development in TRC01 (c).**

The Council acknowledges that clarification on the expectations of non major development will make the Plan more effective. An example of a non major development with a significant transport effect could be a mini-cab office or taxi-rank. Such uses can have significant transport impacts including highway safety concerns from passengers alighting, vehicles turning in unsafe locations and reducing the amount of parking available to residents, visitors and other commercial uses. It therefore proposes new text for TRC01 (c) as follows :

For all major development proposals, and other developments identified as having a significant transport effect, the Council will require:

**5. Reflecting on the wording of TRC01(c) as it relates to transport assessments and statements, and the approach on MM293. The Council will continue to engage with TfL, but in this note will propose revised wording in the event that an SoCG has not yet been agreed.**

The Council is progressing a revised SoCG with TfL Spatial Planning. The SoCG is expected to reflect agreement between both parties to withdraw MM293. The Council and TfL are at present both content to reinstate the original wording of 'mitigates any negative impacts'.

**6. Reflect on the potential to tweak TRC01(c)(iii) to afford some flexibility on a case-by-case basis. Explain how flexibility will be applied, including the wording "where appropriate", and how minor development might be picked up.**

The Council acknowledges for TRC01 to be effective a further modification is merited at TRC01(c)(iii)

iii. Construction Traffic Management Plan (CTMP) / Construction Logistics Plan and Delivery and Servicing Plans to control vehicle movements, servicing and delivery arrangements where appropriate to ensure that impacts from the construction phase of the development are well managed and any disturbance is sufficiently mitigated.

**7. Reflect on Part S of the Building Regulations and EV Charging.**

The Council considers that a modification to Policy TRC03 is merited with regards to signposting Building Regulations Approved Document S. Approved Document S applies to new residential and non-residential buildings; buildings undergoing a material change of use to dwellings; residential and non-residential buildings undergoing major renovation; and mixed-use buildings that are either new, or undergoing major renovation. Approved Document S provides technical guidance

regarding the installation and charge point requirements in Part S to the Building Regulations.

Approved Document S was published in December 2021 and therefore is more recent than the requirements for electric vehicle charging in the London Plan.

The Council is producing a separate note for Policy TRC03. The proposed modification will be set out within the TRC03 Note.

## **Conclusion**

The Council has considered the comments by the Inspectors and invites the Inspectors to consider and recommend that the Council makes the additional further modifications set out in this paper recognising that those considered to be Main Modifications will need to be formally consulted upon following the examination hearing sessions.