
Written Statement

Matter 9: Parks and Open Spaces, Community Uses, Health and Wellbeing

Respondent Reference Number: ID067

On behalf of Hill Residential and Trustees of the Gwyneth Cowing Will Trust and Trustees of the Gwyneth Cowing 1968 Settlement.

September 2022

Introduction

1. This Written Statement (“Statement”) has been prepared by Savills (UK) Limited on behalf of Hill Residential Ltd and Trustees of the Gwyneth Cowing Will Trust and Trustees of the Gwyneth Cowing 1968 Settlement (“Hill & Trustees”) in the context of the Land adjoining the Whalebones, Wood Street, Barnet, EN5 4BZ (“the Site”). The Trustees own the Site. Hill have option on the Site.
2. This Statement should be read alongside our representations dated 9 August 2021 to the Reg.19 Local Plan.
3. This Statement responds to **Matter 9, Question 1(h)** which asks the following:

“Would the designation of a Local Open Space at Whalebones Park as identified in paragraph 10.19.1 and Annex 1 be in accordance with national policy and in general conformity with the London Plan? If so, for effectiveness would it be necessary to include a specific approach in Policy ECC04?”

4. Our response is “no” for the reasons explained below.

Updates

5. We note that para 10.19.1 of the Reg 19 Local Plan states:

“The Schedules of Proposals in Annex 1 highlights new Local Open Space at Whalebones Park which will be designated in accordance with NPPF para 99.”

6. The Proposed Modifications (June 2022) No. MIM74 seeks to update this to state:

“The Schedule of Proposals in Annex 1 highlights new Local Green Space at Whalebones Park which will be designated in accordance with NPPF para 101.”

7. It explains the reason for this modification was in order to correct the designation terminology and update the NPPF para numbers to the 2021 version.
8. The site summary table at 4 then lists the Site as an allocation for 149 dwellings, community facilities and local green space (p290). Chapter 16, Annex 1 list the schedule of proposals. Whalebones appears on p353. The site is then allocated for a proposed development of residential, community

facilities and local open space. As set out under the Site requirements (p354) “*There should be provision of a new Local Open Space...*” (our emphasis).

Detailed Response

9. The submitted plan is inconsistent in its terminology in relation to the Site’s future designation following implementation of the development. What is clear from the site requirements (p354) is that a “new” open space should be provided. It is clear that the Site at present is not designated as local open or local green space, it only becomes such following implementation of development. The Site’s future use and maintenance is then to be subject to a legal agreement. Such an agreement was in place as part of a previous application¹.
10. NPPF para 101 sets out that designation of land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.
11. NPPF para 102 goes on to sets out that the Local Green Space designation should only be used where the green space is:
 - a) *in reasonably close proximity to the community it serves;*
 - b) *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - c) *local in character and is not an extensive tract of land.*
12. No evidence base has been provided to support or demonstrate the above. Indeed, as the local plan makes clear this is “new” open space and hence it cannot accord with the requirements of NPPF which applies to existing spaces.
13. Even if arguments could be constructed, PPG para 007² reiterates that Local Green Space designation should not undermine the aims of plan making. It states:

¹ EiP Ref: EB_SDG_04 (Appeal Decision)

² Reference ID: 37-007-20140306

“Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.” (emphasis added).

14. Of importance, the Site is a proposed site allocation for “*Residential led development with local green space and community uses*”³ (Site Allocation No.45). A separate Statement has been prepared in relation to **Matter 10: Site Allocations**. LBB and Hill & Trustees have also prepared an initial Statement of Common Ground (**SoCG**) in relation to the Site and the specific matters to Site No.45, which has been sent to the Council (it is intended to formally issue the SoCG ahead of the Hearing).
15. The examination library documents contains an Appeal Decision⁴ of a previous application at the Site for residential and community uses, including the delivery new public open space. Of importance, the Inspector concluded in para 54 that:

“...residential development would be suitable in principle in this location...”
16. The delivery of new homes, new affordable homes and a host of other public benefits including the delivery of new open space at the Site would contribute to the aims and objectives of the NPPF and the London Plan.
17. We are of the view that designating Local Green Space on Site in its current form – currently an area of undeveloped private land with no public access, **would not** be consistent with the aims of **achieving sustainable development**. In fact, a Local Green Space designation in the Site’s current form would sterilise the Site since it would give it protection consistent with that in respect of Green Belt⁵.
18. Given Site Allocation No.45 and its ability to deliver early in the plan period, and within the first 5 years (the Borough’s 5 year land supply), a Local Green Space designation in the Site’s current form will **not be effective** or appropriate to designate the Site as Local Green Space, as this would

³ Proposed Modifications (June 2022) No. MM368.

⁴ EiP Ref: EB_SDG_04

⁵ PPG para: 020 Reference ID: 37-020-20140306

undermine the delivery of housing in London and the Borough. It would therefore be **inconsistent with national policy**.

19. Given that the Site is also an area which is deficient in public open space⁶, designating the Site as Local Green Space in its existing form would **not be effective** because it would undermine the delivery of new public open space and its associated multiple social and environmental benefits to the Borough and the surrounding community. It would therefore **not meet the objectives of sustainable development**.
20. It is considered that there are also already sufficient other protections in place for the Site as part of the Wood Street Conservation Area, a designated heritage asset. Therefore, for any future redevelopment, decision-makers will need to follow the required statutory tests as it relates to preserving or enhancing the character or appearance of the conservation area.

Recommendation

21. As part of the proposed uses/allocation of Site Allocation No.45, it is clear that the proposed use of the Site as part of developing the Site is as “Local Open Space” not “Local Green Space” and hence para. 10.19.1 of the Plan needs amending by deletion of “*Park which will be designated accordance with NPPF para 99*”. A future planning permission would be able to secure the delivery of publicly accessible open space through a Section 106 Agreement, as was provided for through the previous application.

⁶ Reg.19 – Map 7 “Public open space deficiency” (p229)