



**Main Modifications
Local Plan**

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 Main Modification does your representation relate?

Representations must be made on a specific Main Modification (MM) or Policies Map change

MM Number 75 Policy N/A Paragraph 12.9.1

Figure/Table N/A Policies Map change N/A

Question 2: Do you consider that the Main Modification 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 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 the Main Modifications 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.

The statement in paragraph 12.9.1 to be legally compliant (in principle) as it satisfies the requirements of requirements of the Planning and Compulsory Purchase Act 2004 and Section 113 of the Localism Act.

However, in practice, Barnet Council has not published an Authorities Monitoring Report (AMR) since 2019/20 [1].

Given that the Local Plan covers 2021 to 2036, an AMR should be produced which covers all relevant years, in order to be fully compliant with the law, yet, the current draft is not sufficiently explicit enough as to whether Barnet Council intends to address this issue.

There is also the matter of whether activities during 2020/21 fall under the scope of a review connected to the 2021 to 2026 Local Plan (and if not, whether an AMR will be produced separately which relates to the previous plan).

I appreciate that COVID 19 will have caused disruption, but that should not preclude the subsequent production of an AMR to cover the relevant years that have been missed.

Continue on a separate sheet if necessary

Question 4: Please set out the modification(s) you consider is/are necessary to make the Main Modification legally compliant and sound with 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.

Suggested Modification: Include narrative which makes it clear that an Authorities Monitoring Review (AMR) will be produced to cover either:

- a) all years for which an AMR is outstanding; or
- b) purely the years covered by this Local Plan.

This modification would also improve soundness of the Local Plan as it would be consistent with narrative that explicitly addresses recovery from COVID impact elsewhere (e.g. MM7, 3.2.2, point No.1).

Evidence: neighbouring councils (notably Brent [2] and Camden [3]) have produced AMRs up to 2022/23 (and have combined their review of multiple years into a single document in some cases).

[1] [Authorities Monitoring Report | Barnet Council](#)

[2] <https://www.brent.gov.uk/planning-and-building-control/planning-policy-and-guidance/authority-monitoring-reports>

[3] <https://www.camden.gov.uk/documents/d/guest/authority-monitoring-report-2024>

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).

Declaration of consent

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

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

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

Signature _____ Date _____



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

Question 1: To which Main Modification does your representation relate?

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MM Number ___88_____ Policy ___N/A_____ Paragraph ___N/A_____

Figure/Table ___Annex 1, Site 6_____ Policies Map change ___N/A_____

Question 2: Do you consider that the Main Modification is:

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

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

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

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In the Draft Local Plan submitted for Inspection, the “Proposed uses” of Site 6 were stated as: “80% residential floorspace with 20% floorspace for mixed uses including station building, commercial (E uses) and car parking”.

I fully support MM88, which removes Site 6 (Watling Avenue Car Park and Market) from the Site Allocations list. This mainly on the basis of soundness (i.e. consistency with national policy):

- National Planning Policy Framework (NPPF), ‘Flood Risk Vulnerability Classification’ [1] identifies three classifications where “Development should not be permitted”. These are sites which are considered either “Highly vulnerable”, “More Vulnerable” or “Less Vulnerable”.
- Annex 3 (Flood risk vulnerability classification) of NPPF [2] sets out the types of development that fall under the three vulnerability classifications for which development should not be permitted. “More vulnerable” includes “dwelling houses”. “Less vulnerable” includes “shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices...non-residential institutions not included in the ‘more vulnerable’ class; and assembly and leisure”.

Continue on a separate sheet if necessary

Representation for Question 3 continued

[1]

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575184/Table 3 - Flood risk vulnerability and flood zone compatibility .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575184/Table_3_-_Flood_risk_vulnerability_and_flood_zone_compatibility_.pdf)

[2] <https://www.gov.uk/guidance/national-planning-policy-framework/annex-3-flood-risk-vulnerability-classification>

Question 4: Please set out the modification(s) you consider is/are necessary to make the Main Modification legally compliant and sound with respect to the matters you have identified in Question 3 above.

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N/A

Continue on a separate sheet if necessary

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c) Compliant with the Duty to Co-operate Yes No

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The KPI description, the target figure (of zero) and the intentions in the 'Trigger and Consequences' section, are sound, however, I am concerned that community-derived sources of evidence are not sufficiently captured in your evidence base.

Given that some flood-related evidence will originate from personal testimony, the public must have confidence in flood-related information services, if they are to continue to engage with the Council, who also acts as the Lead Local Flood Authority (LLFA). One such service is the online map tool produced to support the 'Local Flood Risk Management Strategy 2023 - 2029' [1].

When the tool was reviewed (in December 2023), it indicated that only one area was associated with reported 'historic' flooding (Burnt Oak). Residents across Barnet will be aware of other historic significant incidents which should have been visible, so the tool seemed incomplete.

The tool was not been operational for the duration of most of this consultation ([2]), which made it difficult to confirm whether it had been updated since December 2023 (with local knowledge).

Continue on a separate sheet if necessary

Question 3 continued

Just as it can be said that the quality and integrity Barnet Council's evidence base is somewhat dependent on local knowledge, the reverse is also true: in order to give 'intelligent consideration' [3] to planning applications, complete and accurate information is required by the public. That is, a consultation respondent might need to confirm the extent to which a site is located in Flood Zone 3a or 3b - only the LFFA has this granular data (since it alone determines the subdivision of Flood Zone 3 from an initial determination by the Environment Agency).[4]

Therefore I would suggest, when a trigger to change policy has been raised, only seek to change the policy when you are certain that a) the evidence base is robust and b) the route to a final planning committee decision (quality review panel, community engagement etc) has been adequately conducted (i.e. material facts have not been withheld nor material errors made).

[1] <https://www.barnet.gov.uk/sites/default/files/2023-09/LFRMS.pdf>

[2] The Direct landing page (inaccessible until 17/06/24):

<https://maps.barnet.gov.uk/WebMap/Map.aspx?mapName=LocalFloodRiskManagement>

The General London Borough of Barnet mapping tool landing page (accessible as at 16/06/24) states, "Local Flood Risk Management Strategy This workspace was originally published to support the Local Flood Risk Management Strategy 2023 - 2029. Information may change over time. Please review the current Flood Risk Management Strategy available from <https://www.barnet.gov.uk> for the latest position". See: <https://maps.barnet.gov.uk/WebMap/> .

[3] See Gunning principle 2:

<https://www.local.gov.uk/sites/default/files/documents/The%20Gunning%20Principles.pdf>

[4] The absence of suitable evidence is not theoretical: flood risks - let alone Flood Zone 3b risks - were not disclosed to the community during the mainstream engagement and public consultation events relating to Site 6 throughout 2023 [6].

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Suggested modification: Include narrative which states that evidence base will include historic data sourced, where necessary, from corroborated local knowledge to ensure data gaps are resolved.

This intervention is likely to increase the efficacy of the reviews you already intend to perform.

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