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LB BARNET LOCAL PLAN EXAMINATION WRITTEN STATEMENT (ID058) - MATTER 2

1 Introduction

- 1.1 This Written Statement has been prepared by Quod on behalf of Hammerson UK Properties plc and abrdrn (“H/abrdrn”) in response to questions raised under Matter 2 “Spatial Strategy and Strategic Policies” within the Inspectors’ Matters, Issues & Questions (“MIQs”) in respect of London Borough of Barnet’s (“LBB”) Draft Local Plan Examination in Public (“EiP”)
- 1.2 H/abrdrn are the long leaseholders of Brent Cross Shopping Centre and surrounding land, and have been working with LBB and key stakeholders over the last two decades to facilitate its revitalisation as part of the wider Brent Cross Growth Area.
- 1.3 Owing to economic uncertainties in the retail market, H/abrdrn took the decision to delay the delivery of Phase 1A (North) and Phase 1B (North) of the 2014 Planning Permission. Although originally hoped that this delay would be temporary, the changes that have occurred are so significant that it calls into question the appropriateness of a retail led development north of the A406.
- 1.4 H/abrdrn remain committed to enhancing the existing Shopping Centre and redeveloping the surrounding land as part of a new Metropolitan Town Centre, and are evaluating the conceptual changes to the retail market and the role of town centres in the context of Brent Cross. H/abrdrn welcome the opportunity to take this work forward in collaboration with the Council, the other development partners and key stakeholders.
- 1.5 H/abrdrn submitted representations (Ref id058) to the LBB Draft Local Plan Regulation 19 (“Reg 19”) Consultation.
- 1.6 H/abrdrn have reviewed the Schedule of Proposed Modifications to the Draft Local Plan (June 2022), LBB’s response to the Reg 19 Consultation representations and the relevant examination and evidence documents.
- 1.7 The National Planning Policy Framework (2021) (“NPPF”) sets out requirements for the preparation of Plans at paragraph 35, including that they must be “*justified, effective and consistent with national policy*”. Paragraph 16 is clear that Plans should be clearly written and unambiguous so it is evident how a decision maker should react to development proposals. Paragraph 31 states that Plans are to be underpinned by relevant and up to date evidence.
- 1.8 H/abrdrn remain supportive of the Council’s general approach to development within the Brent Cross Growth Area.
- 1.9 However, for the reasons expressed in response to the relevant questions, H/abrdrn maintain their view that as currently drafted the Draft Local Plan is technically unsound and requires additional modifications as proposed.
- 1.10 In summary, the Draft Local Plan is considered unsound by virtue of the following:
 - Draft Policy BSS01 sets out a spatial strategy for the Borough which is predicated on delivering a specific scale of retail floorspace and is not justified or appropriate. The



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specific retail figure should be deleted from Draft Policy BSS01 and replaced with wording which supports the creation of a vibrant and sustainable retail, leisure and mixed use Metropolitan Town Centre at Brent Cross North.

- Despite clear evidence to the contrary Draft Policy GSS02 and its supporting text continues to focus on retail led growth despite at Brent Cross North. This is not justified and the text should be amended as proposed.
- The Draft Local Plan is not consistent with Paragraph 16 as there is ambiguity as to whether the new planning framework for the Growth Area is to be prepared. There are also naming inconsistencies which need to be addressed.
- The draft text in Draft Policy GSS02 relating to the approach to infrastructure funding is still inconsistent with the statutory tests and the provisions of the NPPF and needs to be amended.

2 Response to Questions

2.1 This Written Statement is submitted in response to the following Matter 2 Questions:

Matter 2: Spatial Strategy and Strategic Policies

Issue:

Whether the spatial strategy and strategic policies of the Plan are positively prepared, justified, effective and consistent with national policy, and in general conformity with the London Plan, in relation to the scale and distribution of the development proposed?

1) Does the Plan's vision and key objectives provide a positively prepared and justified approach for Barnet's future growth?

2) Does the Plan as submitted appropriately identify "strategic policies" or are the Council's proposed modifications necessary for soundness?

4) Are the strategic requirements of the Plan as set out in Policy BSS01 intended to correlate with the London Plan when having regard to the approach to spatial development strategies in the Framework? If so, is the Plan's approach to housing, employment, retail, leisure and other commercial development respectively - positively prepared, justified and consistent with national policy?

5) Is the spatial strategy for the Borough and the overall distribution of development proposed in the Plan as set out in Policy BSS01 based on relevant and up-to-date evidence and would it promote a sustainable pattern and scale of development in accordance with national policy and in general conformity with the London Plan?



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6) *Is the approach of strategic policies relating to the spatial distribution of development, positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? In those respects:*

a) What is the basis for the calculation and identified distribution of housing and employment growth as set out in Policy GSS01 in terms of Growth Areas (Policies GSS02 to GSS07), District Town Centres (Policy GSS08), areas of Existing and Major New Public Transport Infrastructure (Policy GSS09), areas of Estate Renewal and Infill (Policy GSS10), Major thoroughfares (Policy GSS11) and Redevelopment of Car Parks (Policy GSS12)?

b) Is such an approach in seeking to guide and deliver development to the aforementioned areas, appropriate and justified?

c) To what extent is the development sought in the strategic policies consistent with the allocations in Annex 1?

d) If the allocations do not fully meet the identified distribution of housing or employment growth in the areas referred to in Policies GSS01 to GSS12, does the Plan provide sufficient certainty as to how they would otherwise be delivered?

e) How have the boundaries of the aforementioned areas been identified and are they sufficiently clear?

f) Are the approaches to boundaries and extents of the Growth Areas in general conformity with the London Plan, which identifies Opportunity Areas at New Southgate, Colindale/Burnt Oak and Brent Cross/Cricklewood. If not, are variations justified?

g) Are the Council's proposed modifications to the Plan and the Key Diagram in relation to the Growth Areas and their boundaries, necessary for soundness?

h) Are any other changes to the Growth Areas, Opportunity Areas, or other locations identified in the strategic policies required to achieve soundness?

7) *The Council's vision for Barnet as indicated in Policies BSS01, GSS01 and GSS02, with respect to housing and employment growth places a significant dependency upon the delivery of planning permissions in the Brent Cross Growth Area. In that regard:*

a) What is the status of those planning permissions and when is delivery of the respective components in Policy GSS02 anticipated?

b) If planning permissions are not implemented, does the Plan provide an effective contingency through a policy response for alternative or revised proposals to come forward pursuant to Policy GSS02 (including certainty of scale, type and form of



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development that would be required and/or permitted in Brent Cross North, Brent Cross Town and Brent Cross West (Thameslink), as identified by the Council's proposed modifications)?

c) Are effective monitoring and implementation processes in place to address and resolve any implications for growth (particularly in terms of housing and employment) arising from delays in delivery within the Brent Cross Growth Area?

d) Should the Plan include a defined process and/or trigger for an early review should key monitoring indicators in the Brent Cross Growth Area not be met in terms of growth (particularly in respect of housing and employment) by relevant milestones within the Plan period?

e) Notwithstanding the above, are the relevant criteria of Policies BSS01, GSS01 and GSS02, justified and clearly written and unambiguous so it is evident how a decision maker should react to development proposals in the Brent Cross Growth Area?

f) Are the potential modifications to Policy GSS02 and its supporting text as put forward by the Council necessary for soundness and/or would any further changes be required?

8) Is the Plan sufficiently clear in terms of any interrelationships between the Brent Cross West (Staples Corner) Growth Area (as identified by a proposed modification for Policy GSS03) and Brent Cross North, Brent Cross Town and Brent Cross West (Thameslink), and would it provide a positively prepared, effective and consistent approach with respect to any shared infrastructure, relationships and/or dependencies?

21) The Plan makes specific reference to a forthcoming West London Alliance study relating to employment and commercial uses which would take account of, amongst other things, the recent changes to the Town and Country Planning (Use Classes) Order 1987 (Use Classes Order), permitted development rights, the UK's exit from the European Union and the implications of the COVID19 pandemic:

a) When is that evidence expected to be published?

b) Would the relevant strategic policies (and non-strategic policies where applicable) incorporate sufficient flexibility to account for any implications of it?

c) If not, how would the Plan achieve soundness in that respect, and should it include a process and/or trigger for an early review if it results in significant changes in circumstances relative to strategic policies or requirements



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Response to Questions 1,2,4,5,6(a-d),7 and 21

Draft Policy BSS01

- 2.2 Draft Policy BSS01 clearly identifies that in order to provide for the Council's vision for Barnet, 56,600sqm of new retail space is to be delivered at Brent Cross North.
- 2.3 It is well documented that the retail sector is undergoing substantial change. This is recognised throughout the Draft Local Plan. In particular para 4.14.2 states that the UK retail market has been experiencing significant structural and conceptual changes, with the closure and consolidation of major national stores and brands and the continuing competition from on-line retail and that the COVID19 pandemic has further accelerated this change and compounded the uncertainty around investment in major retail expansion.
- 2.4 However, Draft Policy BSS01 sets out a spatial strategy for the Borough predicated on delivering a specific scale of retail floorspace consistent with that forecast prior to the changes to the retail sector.
- 2.5 It is acknowledged that this figure forms part of the 2014 Planning Permission granted for the regeneration of the Brent Cross Growth Area and this appears to be the Council's only justification for the figure's inclusion as detailed in LBB's Technical Paper on Retail/Town Centre Uses (Exam 1I) and LBB Draft Local Plan Initial Response to Regulation 19 Representations (Exam 1K).
- 2.6 The key Draft Local Plan retail evidence base is the Barnet Town Centres Floorspace Needs Assessment 2017 which H/abrdn do not consider is the reflective of the current retail market, including their own decision to delay delivery. The Draft Local Plan confirms that the Council are working as part of the West London Alliance on a new study to establish how much additional retail provision may be needed over the period to 2036. Although, there is no date for the publication of this evidence, the scale of comparison retail growth is likely to be less than previously forecast.
- 2.7 H/abrdn do not consider that the inclusion of the retail floorspace figure in Policies BSS01 and GSS01 is 'justified' or appropriate. As currently drafted, the policies are unsound and inconsistent with the provisions of the NPPF paragraphs 31 and 35.
- 2.8 Furthermore, the proposed modification to Draft Policies BSS01 is factually incorrect as the 56,600sqm of additional comparison retail floorspace as approved under the 2014 Planning Permission relates to Brent Cross North not the Growth Area as a whole.
- 2.9 H/abrdn maintain their suggestion that the specific retail figure is deleted from Draft Policy BSS01 and replaced with wording which supports the creation of a vibrant and sustainable retail, leisure and mixed use Metropolitan Town Centre at Brent Cross North.

Draft Policy GSS02

- 2.10 The structural changes to the retail sector have called into question the appropriateness of a retail-led redevelopment at Brent Cross North.
- 2.11 Although H/abrdn continue to investigate options, it is highly likely that an alternative approach to revitalising the existing Shopping Centre will be brought forward, introducing a broader mix of main town centre uses, along with residential accommodation. The proposed mix will



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complement the wider Brent Cross Growth Area and facilitate the creation of a Metropolitan Town Centre.

2.12 However, this is not fully recognised in Draft Policy GSS02 and its supporting text which continues to focus on retail led growth despite clear evidence to the contrary.

2.13 For the plan to be justified, H/abrdn maintain their suggestion that the specific Brent Cross North paragraph within Policy GSS02 be altered as follows:

Brent Cross Shopping Centre will be enhanced and integrated as part of the new Metropolitan Town Centre and will deliver a range of leisure, and other main town centre uses (including those contributing to the night-time economy) and a mix of residential homes. ~~to ensure that it acts as a regional destination and contributes to a vibrant and viable night-time economy.~~ Shopping centre Brent Cross North will be connected to a new high street to the south via enhanced connections ~~new pedestrian and vehicular bridges~~ over the North Circular. Development at Brent Cross North Shopping Centre is required to deliver measures to increase access to the town centre by means other than the private car. This should be reflective of up to date mode targets.

2.14 With regards to monitoring indicators the Reg 19 Consultation draft stated at 4.15.4 that the Draft Local Plan “will establish a series of indicators to monitor progress on Brent Cross Growth Area and set appropriate milestones for assessing the delivery of the regeneration and setting out the stages where a review of GSS02 or introduction of a new planning framework may be necessary to further comprehensive redevelopment” (Our emphasis).

2.15 As part of the proposed modifications H/abrdn note that work the Council are intending on introducing a planning framework Supplementary Planning Document (“SPD”) for the Growth Area which is to respond to changes particularly around Brent Cross Shopping Centre with para 4.9.3 to be amended as follow:

“Policy support has continued through the Unitary Development Plan (UDP) (2006) and Local Plan Core Strategy (2012). The Council has signalled its intention to review the 2005 Cricklewood, Brent Cross and West Hendon Development Framework and introduce a new planning framework Supplementary Planning Document for the area to reflect the updated masterplan and respond to changing circumstances around Brent Cross Shopping Centre.”

2.16 H/abrdn look forward to working with LBB, the other development partners and key stakeholders in the preparation of the new planning framework SPD.

2.17 However, the wording in Draft Policy GSS02 and elsewhere needs to be amended to confirm that the intention is that the new planning framework SPD will be introduced rather than it being potentially necessary. Furthermore, the Supplementary Planning Documents Technical Paper (Exam 1G) and the Local Development Scheme (September 2021) identifies that the Draft SPD is expected to be published for public consultation in late 2023 and adopted in 2024.

2.18 The NPPF defines SPD’s as those which:

“..add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design.



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Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.” (p.72).

- 2.19 H/abrdn fully support the delivery of enhanced connections across the A406 and ensuring a modal shift to sustainable transport. Given the purpose of the SPD to provide further guidance for development and its intended adoption date of 2024, H/abrdn question the prescriptive nature of Draft Policy GSS02 particularly with regards to items of infrastructure to be delivered and do not consider this to be consistent with national policy. H/abrdn suggest that the following amendments are made:

Development proposals will need to bring forward the following through detailed design, planning conditions and/ or Section 106 agreements:

- *A ~~new~~ replacement or remodelled and improved bus station north of the North Circular Road as part of the expansion of Brent Cross Shopping Centre, with associated improvements to the local bus infrastructure*
- *Appropriate enhanced ~~new~~ and multi-modal transport links to and within the development including at least one link across the North Circular Road and at least one crossing over the railway to the Edgware Road;*

- 2.20 The precise nature of the improvements would be determined as part of the SPD.

- 2.21 H/abrdn welcome the proposed modifications to Draft Policy GSS02 and the removal of the text identifying that the Council ‘will secure’ contributions from developers towards the retrospective costs of infrastructure delivered in earlier phases of the development. H/abrdn also looks forward to working with the Council on establishing a bespoke approach to Section 106 Agreements in Brent Cross.

- 2.22 However, H/abrdn are of the view that to be consistent with the statutory tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations) and the policy tests in the NPPF, the draft policy wording should be updated further to reference that the relevant package of mitigation measures are to be determined on a case by case basis, having regard to any cumulative impacts. Also, reference to “*the approach to s106 will be an important element in developments demonstrating that they meet the ‘comprehensive development’ tests of this policy*” should be deleted as this is not consistent with the Regulation 122 tests.

Response to Questions 6 (e-h) and 8

Brent Cross Spatial Definitions

- 2.23 H/abrdn note the proposed modifications to the Draft Local Plan with regards to the Brent Cross spatial definitions.
- 2.24 Paragraph 16 of the NPPF is clear that Local Plans should be clearly written and unambiguous.
- 2.25 Modified Map 2 continues to refer to “Brent Cross West” and there is no distinction as to whether this is Brent Cross West (Staples Corner) or Brent Cross West (Thameslink). Also, in



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Modified Map 3 “Brent Cross Thameslink” is referenced, but in text elsewhere “Brent Cross (Thameslink)” is identified.

2.26 H/abrdn are of the view that improved clarity and amendments are required for soundness consistent with the provisions of the NPPF.