



**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 106 Policy _____ Paragraph _____

Figure/Table _____ Policies Map change _____

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 checked="" 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 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.

Allocated Site 25: East Finchley Substation

The Local Plan Main Modification 106 seeks removal of the reference to percentages in the proposed floorspace of:

~~“95% residential floorspace with 5% commercial (offices).”~~

“Residential led mixed use development with small quantum of commercial (office) uses.”

The justification for the redaction of wording is “to provide flexibility for the design-led approach should an alternative application come forward, and changes to the approach to heritage assets to ensure consistency with national policy.”

We support the removal of percentages used to identify proposed use allocations.

However, the alternative wording continues to limit flexibility on the uses that would be acceptable on site.

Whilst we acknowledge that consultation on Main Modifications should typically focus on the modifications themselves, the site has an unusual set of circumstances. When the Examination in Public took place in November 2022, the appeal against the refusal of the planning application (21/5217/FUL) on the site had been lodged, but a Start Letter had not been issued.

Question 3 continued:

The application proposed office, residential and retail uses and included a sequential assessment with respect to the office and retail uses.

The appeal was allowed in March 2023, which confirmed the acceptability of retail use on the site. It is therefore appropriate that the draft allocation should be updated to reflect the current circumstances.

Thus, we propose a modification to the wording to allow for retail use, as reference to office as the only commercial use would be unsound. Paragraph 35 of the NPPF sets out four criteria that must be met if Local Plan is to be considered 'sound'. Plans should be positively prepared, justified, effective and consistent with national policy. These changes would therefore bring the plan into soundness through justification.

The existing wording in the Main Modifications fails to account for reasonable alternatives to proposed uses based on the evidence of the previously approved application, including the sequential assessment that was conducted as part of the application. The sequential assessment demonstrated that there were no other available and suitable sites within the town centre, such that the site is the sequentially preferable site for retail use. East Finchley town centre has an extremely low vacancy rate, which suggests that it has frustrated demand. It therefore has potential for a natural expansion to accommodate this demand and the growing population of the area.

Paragraph 110(a) of the NPPF states that policy should 'support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities'. This site is optimal for development that utilises the sustainable location (PTAL 4), and draws footfall from the locality, thus, an appropriate mix of uses would be appropriate in such a location. The increased flexibility afforded by this revision would ensure that the draft Local Plan is accurate and sound and would facilitate the delivery of a high quality development on a sustainably-located brownfield site.

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.

Allocated Site 25: East Finchley Substation

Existing wording

“residential led mixed use development with a small quantum of commercial (office) uses.”

Proposed wording

“residential led mixed use development with a small quantum of commercial uses”

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.

The Council's Privacy Notice can be viewed at <https://www.barnet.gov.uk/your-council/policies-plans-and-performance/privacy-notices>

The legal basis which enables the Council to process your data for this purpose is consent from the data subject (you) under Article 6, paragraph (a) of the GDPR. Information provided will be stored in accordance with the Council's retention and disposal guidelines.

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 _____