



Report to London Borough of Barnet Council

by Douglas Machin BSC DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT OF THE EXAMINATION INTO
THE MILL HILL EAST AREA ACTION PLAN**

Document submitted for Examination on 12 May 2008

Examination Hearings held on 13 and 16 October 2008

File Ref: LDF 000908

1 Introduction and Overall Conclusion

1.1 Under the terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004, the purpose of the independent Examination of a development plan document (DPD) is to determine:

- (a) Whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document; and
- (b) Whether it is sound.

1.2 I am satisfied that the Mill Hill East Area Action Plan ("the AAP") meets the requirements of the Act and Regulations. My role is also to consider the soundness of the submitted AAP against each of the tests of soundness set out in Planning Policy Statement (PPS) 12: *Local Development Frameworks* 2004 (PPS12). A more recent version of PPS12 was published during the Examination and this is a material consideration. However, given the Examination was in progress prior to the publication of the new PPS12 I have assessed the AAP in the light of the tests of soundness set out in the earlier version of PPS12. The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the soundness tests. None of these changes should materially alter the substance of the AAP, or undermine the sustainability appraisal and participatory processes already undertaken.

1.3 My report firstly considers the procedural tests, and then deals with the relevant matters and issues considered during the Examination in terms of the tests of conformity, coherence, consistency and effectiveness. My overall conclusion is that the AAP is sound, provided it is changed in the ways specified in Annex 1. The principal changes that are required are, in summary:

- a) Delete references to the re-opening of Sanders Lane;
- b) Assess the feasibility of a decentralised heating and cooling network;
- c) Protection for existing and future employment uses.

For completeness I also include the minor changes suggested by the Council at Annex 2. These changes do not relate to the soundness of the AAP, but I support them in the interests of updating and reducing the document's length.

2 Procedural Tests [Soundness Tests (i)-(iii)]

2.1 The AAP is contained within the Council's Local Development Scheme, and is shown as having an Examination Hearing date of October 2008. Test (i) of paragraph 4.24 of PPS12 is met.

2.2 The Council's Statement of Community Involvement has been found sound by the Secretary of State and was formally adopted by the Council before the Examination Hearings. It is evident from the Regulation 28 Statement of Consultation and Conformity that the Council has met the requirements of the Regulations.

2.3 Alongside the preparation of the AAP the Council has carried out a parallel process of Sustainability Appraisal. In accordance with the Habitats Directive, an Appropriate Assessment – Screening Report has been undertaken. It concludes that there would be no potential significant

effects on any of the Natura 2000 sites, which are more than 10 km from the Plan area, as a result of the Policies in the AAP.

- 2.4 Accordingly, I am satisfied that these procedural tests have all been satisfied. In addition, the Mayor of London has indicated that the AAP is in general conformity with the London Plan (Consolidated with Alterations since 2004) 2008.

3 Conformity, Coherence, Consistency and Effectiveness Tests [Soundness Tests (iv)-(ix)]

An Overview:

- 3.1 Government guidance on what an AAP should include is contained in PPS 12, and in the guidance from the Planning Advisory Service. Essentially, an AAP should be a spatial plan that draws together the plans and programmes of all relevant bodies and authorities to provide the land use planning framework for areas where significant change or conservation is contemplated, with a key feature being the focus on implementation. AAPs should identify the distribution of uses and their inter-relationships, including site specific allocations, and set the timetable for the implementation of proposals.
- 3.2 The Mill Hill East AAP is being produced to promote and guide significant regeneration in an "Area for Intensification" identified in the London Plan. The AAP's Vision for this brown field site, formerly the Inglis Barracks, is clearly expressed in paragraph 4.2.2. In summary, this is to transform Mill Hill East into one of the highest quality sustainable developments and successful suburbs in that part of London. The priority accorded by the Council to this AAP, in advance of the adoption of a Core Strategy, is an appropriate reflection of the significant and imminent change that is expected to occur at Mill Hill East.
- 3.3 I am satisfied that the AAP is founded on a robust and credible evidence base, which comprises the London Plan, the Sub Regional Development Framework for North London (SRDF), the Unitary Development Plan, the Community Strategy, a Sustainability Appraisal, an Equalities Impact Assessment, as well as other relevant reports.
- 3.4 The AAP defines Development Principles, which then lead to locally distinctive Policies to promote and guide development. A Design Guidance section elaborates the Council's expectations for the quality of new development. Much of the AAP is about providing new housing in the context of regenerating previously developed land. I am satisfied that the AAP conforms to the detailed requirements of PPS3, summarised in paragraph 10. The implementation of Policies will achieve high quality, well designed housing built to high quality design and environmental standards; there will be a large supply and a good mix of open market and affordable dwellings; those dwellings will be built with good access to public transport, to employment, community and shopping facilities.
- 3.5 In relation to Government guidance on how measures to combat climate change should be dealt with in spatial plans, I am satisfied that the AAP is fundamentally sound in that it promotes and guides the redevelopment of land in a highly accessible and sustainable location, supported by an existing public transport network. Policies promote travel by means other than the private car. Other Policies promote sustainable design and

construction to achieve the Government's goal of ensuring that new housing is built to zero carbon standards by 2016. Provision is also made for sustainable urban drainage systems.

3.6 The AAP contains a separate chapter on Delivery and Implementation. Policy MHE18 provides for two alternative means of delivery; a landowners' agreement or a Council led approach. These alternatives are elaborated well, and a delivery timescale is set down in paragraph 6.3.6. The role of planning obligations in delivery is spelt out in Chapter 7. A monitor and manage framework to measure the extent of success in delivering the AAP's Policies is detailed in Table 7.1. The evidence does not reveal any difficulties in achieving a mixed use development. Consequently, I find that the crucial issue of delivery is well addressed by the AAP. The discussion at the Hearings revealed no unusual obstacles to delivery. I am satisfied that the Plan is sound in this respect.

3.7 In summary, I am satisfied that the AAP is a spatial plan that reflects national guidance on this matter. The AAP is consistent with national planning policy, generally in relation to the content of such plans, and particularly with regard to the priority to be attached to achieving a step change in the supply of housing, built in a sustainable way. Nonetheless, the following issues, related to the AAP's soundness, require more detailed consideration:

Issue 1 – Whether the AAP's assumptions on housing numbers, densities, and impact on local character are justified by the evidence, and are the most appropriate in all the circumstances?

3.8 In considering the soundness of the AAP in respect of this issue, I must be guided firstly by the context provided by Government guidance in PPS 3. The Government places considerable importance on achieving a step change in the supply of housing to remedy a national shortage of good quality and affordable homes. A key objective in PPS3 is to maximise the re-use of previously developed land, like the AAP area, in locations that are, or can be, well served by public transport and that can be integrated with existing communities. Amongst other advantages, such an approach will help to minimise the loss of countryside and other green field land, as well as ease pressure on the Green Belt.

3.9 The strategic planning context for the AAP is very clear, up to date and compelling. The Mill Hill East AAP is shown in the first London Plan 2004 and the subsequent revised version 2008 as within "An Area for Intensification". The SRDF, at Diagrams 3 and 4, shows Mill Hill East at the confluence of growth areas of National importance. The principle of regeneration, including the indicative housing capacity of the AAP site, has been rigorously tested at the London Plan Examination in Public. The London Plan and SRDF clearly require Mill Hill East to contribute to the strategic level of growth and change envisaged for this important Sub Region. The London Plan seeks to maximise the potential of sites, exploiting public transport accessibility and the potential for increases in residential, employment and other uses, through higher densities and more mixed and intensive uses. The AAP site is included in the Council's "Three Strands Approach" document, which looks to Mill Hill East to become a premier, quality strategic development that will help deliver the 20,000 new homes target for Barnet for the next 10 years.

3.10 In terms of the number of new dwellings proposed in the AAP for the 48 hectare site, the evidence base shows that the Council has carefully

assessed the capacity of the site. The 2,000 new dwellings proposed, in addition to 300 replacement dwellings and 360 dwellings already permitted, is less than the London Plan 2008 target of 3,500, albeit that figure relates to a wider area than the AAP. I am satisfied that the 2,000 figure has been arrived at after the capacity of the site has been tested in relation to transport infrastructure, flood risk as well as other matters. The Greater London Authority has agreed that the 2,000 figure is appropriate for the AAP, taking into account the possibility of other developments in the wider area of Mill Hill. Importantly, no evidence of any alternative, properly tested figure for the AAP's dwelling provision has been placed before the Examination. Furthermore, no evidence was presented to me on where, if a lower figure than 2,000 were to be recommended, any shortfall in housing provision on the AAP site would be compensated for within the Borough. I must therefore conclude that the AAP dwelling provision figure is sound.

- 3.11 Turning to the proposed density of development, I do understand the concern expressed at the Hearings that the AAP is proposing too dense a form of development, particularly in the southern portion of the site. I am mindful that PPS3 advises that where intensification of the urban fabric is proposed, careful attention to design is particularly important. New development should complement and enhance existing patterns of development. However, PPS3 also advises that the density of existing development should not dictate that of new development and thereby stifle innovation in new, high quality design.
- 3.12 Strategic guidance on densities is provided by the London Plan. Policy 3A.3 of that Plan states that Boroughs should ensure that development proposals achieve the maximum intensity of use compatible with local context, the design principles in Policy 4B.1, and with public transport capacity. Boroughs are advised by the London Plan to develop residential density policies in their DPDs in line with this Policy, and to adopt the residential density ranges set out in Table 3A.2 of the Plan.
- 3.13 The AAP proposes varying densities across the site, with an average density of 85 dwellings per hectare. Character Area Proposals MHE – CA1 to 5 provide both a target density and an acceptable density range to allow flexibility for detailed proposals to be presented at the planning application stage. These density ranges clearly fit with the London Plan Table 3A.2 Density Matrix, provided assumptions are made about the urban/suburban character of the surroundings to the AAP site. The AAP's residential densities have been properly informed by a character led approach to the design of new development.
- 3.14 Part 3 of the AAP contains extensive and detailed design guidance on how varying housing densities can be achieved to ensure the site develops its own character whilst respecting the character of the surroundings. I find this guidance is a valuable aid to assist in the development of a detailed scheme and to ensure successful implementation and delivery.
- 3.15 I have considered whether the AAP strikes the correct balance between the need to achieve the critically important strategic level of growth in this part of North London on the one hand, and on the other hand sufficient respect for local character, where that is justified. I am satisfied that the AAP's proposed densities for the northern and eastern edges of the site will allow the character of Partingdale Lane, Frith Lane and the Green Belt beyond, to be preserved. The AAP provides for higher densities in the

central and southern parts of the site. It is here that implementation of the AAP will have the greatest impact on existing local character with the Plan providing for 100-145 dwellings per hectare in buildings of four to five storeys with limited six storey sections. I am in no doubt that such a form of development will bring about a considerable intensification of development and a much more urbanised feel to Mill Hill, particularly when compared to the mainly two to four storey housing on the other side of Bittacy Hill.

- 3.16 Nevertheless, the intensive form of development proposed in such a location that is well served by public transport is strongly advised by Government guidance, is required by the London Plan, and is necessary to meet the strategic housing objectives of the Borough. I consider that the AAP site is large enough and sufficiently well defined for it to develop its own, new character. I do not consider that the existing character of the built environment to the west and south of the AAP site is so special or uniform that it should dictate the density and design for new housing. I am in no doubt that the AAP affords the opportunity for an exemplar residential development to be built, that will provide a substantial proportion of affordable housing, and all built to achieve the high standards required by the Government's Code for Sustainable Homes. Were the AAP to propose a smaller number of dwellings simply to mimic the lower density of existing development to the west and south of the site, which was built at a time when land was used much more extravagantly, I believe that it would be a regrettable, wasted opportunity. There would be adverse consequences for the delivery of housing in the Borough and additional pressure placed on other potential development sites and on open land.
- 3.17 There was some discussion at the Hearings on the public transport accessibility levels (PTAL) within the AAP site and whether the site's gradient imposed a constraint on the achievement of higher densities of development. The best evidence available to me on this is the PTAL Assessment by the Halcrow Group for the Inglis Consortium. The conclusions of that study support the densities of development being proposed in the AAP. There is insufficient evidence to the contrary to cause me to doubt the soundness of the Plan in this respect.
- 3.18 I have considered whether the AAP's reference to a "total" of 2,000 dwellings should be changed to "target" to allow more flexibility. However, I am satisfied that the use of "around" in relation to the dwelling figure ensures sufficient flexibility. I have also considered whether the Character Area Policies should be changed to allow a greater number of small dwelling units. However, I am not convinced by the limited evidence presented at the Hearings that such a change and all its implications have been fully assessed and justified. I am not therefore prepared to recommend that the AAP be changed in this respect.
- 3.19 In relation to fears over the possible risk of off site flooding caused by the AAP's provisions, paragraph 5.9.10 refers to the preliminary flood risk assessment undertaken and the need to provide attenuation features. Policy MHE14 requires a detailed drainage strategy to be prepared and approved before development proceeds. I consider that with the involvement of the Environment Agency, this Policy is a sufficient safeguard. The Plan needs no change in that respect.

- 3.20 As for affordable housing, Policy MHE2 seeks to achieve a target proportion of 50%. This is in line with Policy 3A.9 of the London Plan to ensure consistency, and continues with the adopted UDP's approach at Policy H5. Nevertheless, it is important, as paragraph 29 of PPS3 makes clear, that the actual proportion of affordable housing sought is guided by a viability assessment. The AAP recognises this requirement at paragraph 5.4.11 and in Table 5.3. However, MHE2 should make explicit the requirement for a viability assessment in determining the proportion of affordable housing to be sought. I recommend the amended wording at Item 1 to make the AAP sound in this respect.
- 3.21 I therefore conclude that the AAP's assumptions on housing numbers, densities, and impact on local character are indeed justified by Government guidance, by the London Plan, and by the evidence of the assessment of all relevant considerations. The AAP Policies in this respect are the most appropriate in all the circumstances. Only one change to ensure soundness is necessary.

R1	Change the AAP in accordance with Item 1 in Annex 1.
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Issue 2 - Whether the implications of development on the wider highway network are properly assessed and provided for. In particular, what is the justification for including paragraph 5.8.14?

- 3.22 The AAP is underpinned by a comprehensive transport assessment, which has been endorsed by Transport for London (TfL). TfL confirms that it does not consider that the travel demands arising from implementation of the AAP will result in an adverse impact on the Transport for London Road Network. This carries considerable weight. There is no detailed evidence that challenges the conclusions of that assessment, nor any properly appraised alternative to the provisions of the submitted AAP. I am satisfied that Policies MHE 10 to 13 are, for the most part, consistent with Government guidance and the relevant policies of the London Plan. The AAP Proposals Map and the Illustrative Development Framework correctly provide a starting point for a detailed development scheme to be prepared. Matters such as the alignment of routes through the AAP site, junction arrangements, and measures to encourage travel by means other than the private car can be developed within the policy framework of the London Plan, the Unitary Development Plan and the AAP itself. The planning application stage is the most appropriate level for that detail, and I am not persuaded that it should be specified in the AAP.
- 3.23 However, there is one soundness issue that is of concern. Policy MHE10 requires development not to constrain the potential re-opening of Sanders Lane as a link to Devonshire Road at a future date. My role is to recommend to the Council whether the AAP is sound in respect of what is stated in the Plan. Sanders Lane is outside the AAP boundary. Many of the matters that concern local residents and expressed at the Hearings can be addressed at a later stage. Paragraph 5.8.14 states that this route is not required as part of the AAP but in the longer term it will be re-opened to improve Borough wide east-west movement. The Council drew my attention to the strategic level of growth being planned across the Borough and the need to consider all options to improve connectivity by all transport modes.

- 3.24 I note the provision in the Council's Corporate Plan 2008/09 to 2011/12 for a "Sanders Lane Extension" but this is confusing as the scheme is included under "Mill Hill East AAP Infrastructure" despite the submitted AAP stating that the scheme is not required for the level of development proposed. At the Hearings the Council confirmed that the necessary transport assessment work to support a re-opening of Sanders Lane had not started, let alone any public consultation carried out on such a proposal. Again, the Corporate Plan confuses the matter by stating that the project will be completed by 2011. Irrespective of the merits of any such proposal, which I acknowledge is a very controversial issue, the evidence before me to support the inclusion of the re-opening of Sanders Lane in the AAP is thin, contradictory and unconvincing. Until there is clear and sufficient justification for a re-opening, the AAP would be unsound if it continued to refer to such a longer term Council objective. Accordingly, references to Sanders Lane need to be deleted, as detailed in Items 1 to 4 of Annex 1, to make the AAP sound.
- 3.25 I have also considered arguments made at the Hearings about the alleged inadequacy of the Mill Hill East Underground Station, and the services there from, to serve the development proposed by the AAP. Again, I have to be guided by the best evidence available to me. On this matter it is provided by TfL, which has confirmed that the Underground has the capacity to cope with the additional demand from the AAP site. Furthermore, Policy MHE12 requires a public transport strategy to be prepared in consultation with TfL, and requires developers to make appropriate contributions to the provision of public transport. Therefore I conclude that the AAP is sound and needs no change in this respect.

R2	Change the AAP in accordance with Items 2 to 5 in Annex 1.
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Issue 3 – Will the site's biodiversity be appropriately protected and enhanced?

- 3.26 I am satisfied that the AAP is underpinned by an adequate Habitat Survey. Policy MHE9 requires more detailed surveys before development can commence to ensure that appropriate mitigation measures are undertaken. The protection of wildlife and habitats afforded by European and National legislation will be further safeguards. The Sustainability Appraisal concludes that the AAP's approach to wildlife and landscape will have a neutral-positive effect on sustainability. There is no specific evidence to suggest that the AAP is anything other than sound in relation to this issue.

Issue 4 – Whether the AAP's provision for open space is justified by the evidence?

- 3.27 Policy MHE7 requires around 5.5 hectares of public open space to be provided as part of the residential development. In addition, developer contributions will be required to enhance existing open spaces and recreational facilities in the vicinity. I note that 5.5 hectares would be below the NPFA standard. The issue turns on whether the level and type of provision is justified by the evidence.
- 3.28 In considering the open space and recreation requirements of the new residents of Mill Hill East, I have borne in mind Government guidance in

PPG17, and Policies 3D.11 and 12 of the London Plan. They require local authorities to undertake robust assessments of existing and future needs for open space, sport and recreation facilities. The guidance and development plan policies state that standards of provision for new facilities should be determined locally.

- 3.29 The best, indeed the only, evidence before me of the scope, quality and accessibility of existing open space and recreational facilities around Mill Hill East, and therefore the requirement for additional provision to be made, is provided in the "Open Space, Sport and Recreation Study" undertaken for the Inglis Consortium. This reveals that within 5 km of the AAP site outdoor sports facilities and nearly all indoor facilities exceed the NPFA standards. The Study also reveals that there are quantitative deficiencies in children's play space, local and district parks but that the quality of facilities is generally good.
- 3.30 Using this evidence, the AAP seeks to supplement and support existing open spaces and recreational facilities. It does this by providing 5.5 hectares of open space that could be used to accommodate sports pitches, equipped/dedicated play space for children and young people, and amenity areas for informal recreation. In addition, the AAP will facilitate the provision of door step play spaces for younger children, allow the landscaped gardens to the former Officers' Mess building to be publicly available, and protect the 0.6 hectare part of the Green Belt that falls within the site. Furthermore, the AAP provides for developer contributions to improve existing open space and recreational facilities in the vicinity of Mill Hill East. The layout and disposition of new open spaces, how they are linked, and special access arrangements in the case of any shared use of the existing Scout Camp in the Green Belt, are all matters that should be addressed at the planning application stage. They are too detailed to be determined at the AAP level.
- 3.31 In conclusion on this issue, I am satisfied that both the assessment of need and the provision made in the AAP is justified by robust evidence. The most appropriate options in all the circumstances are being pursued, and it follows that the AAP is sound in this respect.

Issue 5 – Whether the AAP should require a decentralised heating and cooling network?

- 3.32 Policy MHE14 aims to create a sustainable development by specifying the performance requirements for buildings, materials, drainage, energy production and waste recycling. The London Plan is specific on how sustainable forms of energy production can be delivered to serve new development. In particular, Policy 4A.6 encourages London Boroughs in their DPDs to require all development to demonstrate that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. The use of combined heating, cooling and power facilities should be evaluated by developers. Policy 4A.7 urges Boroughs in their DPDs to adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.
- 3.33 The Council recognises that the AAP could be strengthened and placed on a consistent and sound basis in these respects. Whilst there would be no justification for Policy MHE14 to *require* a decentralised heating and

cooling network to be provided, nevertheless the Policy should encourage one to be evaluated by the developer and provided, if feasible. Changes to MHE14 and the supporting text, as detailed in Items 5 to 7, would ensure that the AAP is in conformity with the London Plan, that the Policy would be the most appropriate in all the circumstances, and would therefore be sound.

R3	Change the AAP in accordance with Items 6 to 8 in Annex 1.
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Issue 6 – Whether the heritage assets on the site are appropriately protected?

- 3.34 Policies MHE6 and 17 provide for the retention and protection of the heritage assets on the site. The Policies are underpinned by the Cultural Heritage Assessment undertaken by the Inglis Consortium. In respect of the locally listed former Officers' Mess building, MHE6 requires its retention and conversion to an appropriate new use that respects and reflects its heritage importance to the history of the site as the former depot of the Middlesex Regiment. Suitable uses are listed as community, commercial or residential use.
- 3.35 Clearly, an economic use is needed to sustain this building in the long term. Nevertheless, I consider that there is also a case for this building to contribute to the social infrastructure of the new community by providing not just the accommodation for community uses but also to retain the important link with the past that the Mess building provides. However, the precise mix of new uses for the building needs to be left to the developer and the Council, working with local community organisations. I am satisfied that MHE6 strikes the right balance between encouragement and prescription, and that the Policy is the most appropriate in all the circumstances.
- 3.36 In respect of the War Memorial, currently located next to the Mess building, there is no dispute that this is a very important part of local heritage. Originally commemorating those who gave their lives in the First World War, it has also been inscribed with the names of those who fell before and after 1914-1918. MHE6 provides for the retention of the Memorial or its sensitive relocation. I understand from the Hearings that the latter option has more support with a new location outside the AAP boundary being the favoured option. Nevertheless, precisely how the Memorial would be relocated and financed are detailed matters that require thought and negotiation. They are not appropriate details to include in the AAP.
- 3.37 I have considered whether the AAP should require any of the other buildings that comprised the former Inglis Barracks to be retained. I accept that some of the Troopers' barrack blocks have some heritage value. However, they were built for one purpose only and at a time when accommodation for soldiers was the only consideration. Now the priority is accommodation for households, especially providing affordable housing. A requirement for the retention and conversion of the barrack blocks for residential use would impose a significant constraint and cost on the design and layout of new development. I am not persuaded that the limited heritage value of those blocks would justify such a constraint. In

conclusion, MHE6 and 17 are appropriate and measured responses to heritage protection. The AAP is sound on this issue and needs no change.

Issue 7 – Whether the AAP properly recognises and protects the significant employment use and potential of IBSA House

- 3.38 IBSA House, in the north western corner of the AAP site, is clearly a significant employer in Mill Hill, providing around 500 jobs. There is no dispute that its operational integrity, especially the print works producing “The Watchtower” magazine, should be protected from complaints about noise from future residents. The Council accepts that this is best achieved by an appropriate buffer zone being included in the layout for the new residential development. Policy MH3 should be changed to require appropriate buffer zones around all employment uses, including IBSA House. The supporting text should also refer to this matter. The AAP will thereby be made sound.

R4	Change the AAP in accordance with Items 9 and 10 in Annex 1.
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The Other Tests of Soundness

- 4.1 There is nothing that causes me to question whether the other Tests of Soundness, not considered above, have been met.

Minor Changes

- 5.1 The Council wishes to make minor changes to the submitted AAP in order to update various parts of the text and to shorten the document, which is desirable. Although these changes do not address soundness matters, I endorse them on a general basis. These changes are shown in Annex 2.

6 Overall Conclusion

- 6.1 I conclude that, with the amendments I recommend, the AAP satisfies the requirements of s20 (5) of the 2004 Act and the associated Regulations, is sound in terms of s20 (5) (b) of the 2004 Act, and meets the tests of soundness in PPS12.

Douglas Machin

INSPECTOR

ANNEX 1 – SCHEDULE OF CHANGES REQUIRED TO MAKE THE DPD SOUND

Item No	AAP Reference	Page No	Change Required
1	MHE2	44	Second paragraph to read "The Council has a target of 50% affordable housing, in line with the London Plan. The maximum amount of affordable housing will be sought having regard to this target and to a viability assessment. Affordable units should be distributed throughout the site and well integrated into the development".
2	MHE10	58	Delete the last sentence.
3	Para 5.8.10	61	Delete the last sentence.
4	Para 5.8.14	62	Delete the paragraph.
5	Fig 5.6	60	Delete "Potential Highway Improvement Areas".
6	MHE14	67	After "An Energy Strategy" insert the words "which will include a feasibility study of the provision of district heating including a Combined heat and Power analysis,".
7	New Para after 5.9.2	67	"An energy strategy will be required to detail the requirements for strategic energy infrastructure to support the AAP proposed development. The strategy should include a feasibility study of the provision of district heating and an analysis of whether this can be supplied by Combined Heat and Power. This will establish a framework to minimise carbon dioxide emissions in the AAP area through energy efficient design, achieve connection to any district heating system and the use of complementary on-site renewable energy technologies."
8	Para 5.9.7	68	After "energy infrastructure" insert the words "If the energy strategy finds that the provision of district heating and cooling should be supplied by Combined Heat and Power, new development in the AAP area will be required to be designed to connect to any future system for power, heating and cooling by incorporating communal heating, centralised plant space and facilities to easily connect to a decentralised energy network."
9	MHE3	47	Add at the end of the Policy "Appropriate mitigation measures including landscaping and boundary treatment or other measures will be required to

			minimise any potential conflict between employment uses and residents”.
10	Para 5.5.5	48	Add “The operations at IBSA House, and future employment uses, should not be compromised by residential development being too close to its site boundary. Therefore an appropriate landscaped buffer will be required in the layout of Character Area 1, and other areas where necessary”.

ANNEX 2 – SCHEDULE OF MINOR CHANGES THAT DO NOT RELATE TO SOUNDNESS, PROPOSED BY THE COUNCIL, WHICH I SUPPORT

Item No.	AAP Reference	Suggested Change
A0	Front page	Delete 'Submission document, May 2008'
A1	Foreword (pg 4)	Delete 'In October 2006 we held a public exhibition where we asked for your thoughts on how the site should be developed and in April 2007 presented a series of development options in another public exhibition. In September 2007 the council consulted on the Preferred Options Report for Mill Hill East which considered different ways in which the site could be developed, based on the results of the previous consultation and technical testing. This report has been amended in light of representation received and forms the Area Action Plan (AAP) Submission Document for Mill Hill East.' And replace with: 'Following lengthy public consultation and a formal Examination in Public this document forms the Area Action Plan (AAP) for Mill Hill East'.
A2	Foreword (pg 4)	Amend 'The AAP when formally adopted will provides the planning framework for the next ten years until 2016 '
A1	Preface (pg 5)	Delete
B1	Introduction (pg 6) Paras 1.1, 1.1.1, 1.1.2, 1.1.3, 1.2, 1.2.1	Delete
B2	Introduction (pg 7) Para 1.2.2	Re-number 1.1.1 And amend 'Priority has been is being given to the preparation of the Mill Hill East Area Action Plan (AAP).'
B3	Introduction (pg 8) Para 1.2.3	Amend 'the Mill Hill East AAP will be is a statutory document which will forms part of the Barnet LDF' and re number 1.1.2
B4	Introduction (pg 8) Para 1.2.4	Delete
B5	Introduction (pg 8) Para 1.2.5 and 1.2.6	Re-number 1.1.3 and 1.1.4 Para 1.2.5 amend as follows: 'The AAP area covers a total of approximately 48 hectares <i>currently</i> under the ownership of seven different landholders....who have recently vacated the existing barracks <i>in 2008...</i> '
B6	Introduction (pg 8)	Delete

	8) Para 1.2.7	
B7	Introduction (pg9) Para 1.3.2	Delete
B8	Introduction (pg10) Section 1.4 Preparation of AAP	Delete
B9	Introduction (pg 13) Section 1.5.1 Community Involvement	Delete 'The council has produced a Statement of Community Involvement (SCI) which sets out its commitment to public engagement during the AAP process.' Replace with: 'The AAP was produced in accordance with the Council's Statement of Community Involvement which sets out its commitment to public engagement.'
B10	Introduction (pg 13) Section 1.5.2, 1.5.3	Delete
C1	Policy Context (pg 18) Paras 2.3.4, 2.3.5	Delete
C2	Policy Context (pg 18) Para 2.3.6	Amend The role of the AAP is to have tested the targets contained within the strategic guidance. This includes the process of sustainability appraisal and taking into account extant planning permissions since the SRDF was published to establish the true level of development which can be accommodated on the site. The AAP has assessed the scale of development which can be accommodated on the site taking into account the overall objectives of developing a balanced, sustainable community, maximising development whilst minimising impacts on the environment and the surrounding areas. Section 5.2 provides further details of the assessment work that has been undertaken to determine the scale of development which can be accommodated on the site.
C3	Policy Context (pg 20) Section 2.5	Delete
D1	Existing site characteristics (pg 22)	Delete 'and the principal issues that have been addressed in preparing the AAP. A full baseline report is available on the Council's Website www.barnet.gov.uk/planning-consultations/
D2	Existing site characteristics (pg 23) para	Delete

	3.1.2, 3.1.3, 3.1.4	
D3	Existing site characteristics (pg 23) para 3.2.2	Amend 'Mill Hill East underground station, a branch of the Northern Line which is included within the study <i>site</i> boundary.'
D4	Existing site characteristics (pg 24) para 3.3.2	Amend 'A first phase of 104 dwellings with access from Frith Lane is currently under construction <i>commenced construction in 2008.</i>
D5	Existing site characteristics (pg 24) para 3.3.3	Amend 'The MoD have recently vacated Inglis Barracks as part of the MoDEL project and the relocation of existing operations to RAF Northolt <i>in 2008.</i>
D6	Existing site characteristics (pg 24) para 3.3.4	Delete ' The council are currently considering a range of options with a view to relocating some or all of the depot operations off site. '
D7	Existing Site characteristics (pg 26) para 3.4.2	Amend 'The landscape is characterised by mature trees and lawns in the northern part of the site, where the MoD Barracks are presently located, <i>part of the former MoD Barracks,</i> and sloping grassland to the south.
D8	Existing site characteristics (pg 26) Para 3.4.3	Amend 'Approximately eight hectares of recreational open space are currently located within the Mill Hill East AAP area, although most is in the ownership of the MoD and therefore <i>historically has</i> not been available for public access at present . There are substantial areas of open space and leisure facilities within 1.5km of the site, including <i>Bittacy Hill Park</i> '
D9	Existing site characteristics (pg 27) Para 3.4.5	Amend 'Ecological surveys have been undertaken and have shown the AAP area to be dominated...'
D10	Existing site characteristics (pg 27) Para 3.4.6	Delete ' A report detailing the Phase 1 ecological surveys undertaken on the site can be found in the Baseline Report on the council's website. '
D11	Existing site characteristics (pg 27) Para 3.4.9 Annington Homes	Amend '...a series of three to four storey apartment blocks and two storey terraces occupying the central steep section of the AAP area.' And 'A proportion of the terraced properties accessed off Frith Lane have recently been demolished in preparation for the redevelopment of the site.'
D12	Existing site characteristics (pg 28) Para 3.4.11	Amend 'To the north of the AAP area <i>is</i> Partingdale Lane has recently been reopened to traffic but due to its character has limited capacity.'
D13	Existing site characteristics	Delete ' This document is available on the council's website. '

	(pg 29) Para 3.5.2	www.barnet.gov.uk/planning-consultations/ .
E1	The vision for Mill Hill East (pg 32) Section 4.4	Delete
F1	Policies and proposals (pg 38) Para 5.2.3	Amend 'A key issue to be <i>which has been</i> addressed in the AAP...'
F2	Policies and proposals (pg 39) Para 5.2.10	Amend 'It is therefore proposed <i>agreed</i> that the Mill Hill East AAP...'
F3	Table 5.3 (pg 42)	Element Residential, Section Proposal: To accommodate in conjunction with the mixed use areas <i>around</i> an additional 2,000 new homes on the AAP site
F4	Policies and proposals (pg 44) Para 5.4.4	Amend 'Furthermore, planning consent exists for 360 units on land owned by Annington Property Ltd/Countryside Properties Plc, the first phase of which is currently under construction commenced construction in 2008.'
F5	Policies and proposals (pg 45) Para 5.4.6	Amend 'The London Plan density matrix (London Plan, 2008, table 3A.2), which has been revised as part of the Further Alterations, provides guidance on appropriate residential densities...'
F6	Policies and proposals (pg 47) Para 5.5.1	Amend '...jobs at the MoD and British Forces Post Office are being have been relocated...'
F7	Policies and proposals (pg 51) Para 5.6.10	Delete ' The ground floor shall ideally have publicly accessible uses and public access to the grounds should be provided. And replace with: 'Public access to the ground floor uses and grounds should be provided'
F8	Policies and proposals (pg 52) Policy MHE7	Amend - improvements to Bittacy <i>Hill</i> Park...
F9	Policies and proposals (pg 52) para 5.7.3	Amend '... existing footpath network through Green Belt land and Bittacy <i>Hill</i> Park...'
F10	Policies and proposals (pg 53) para 5.7.5	Amend '...including better access to Bittacy <i>Hill</i> Park...'
F11	Policies and proposals (pg 54) Fig 5.5	Delete SUDS storage pond from Green Belt/Scout camp
F12	Policies and proposals (pg 61) para 5.8.11	Amend 'Although Partingdale Lane at the northern boundary of the site has recently been reopened to traffic...'

F13	Policies and proposals (pg 78) Para 5.10.16	Amend 'The special character of the Officers' mess and setting , and grounds will be protected and enhanced.'
G1	Implementation and delivery (pg 80) Para 6.1.1	Amend 'A key requirement is to ensure that the development proposed in the AAP can be delivered within the next 10 years plan period...'
G2	Implementation and delivery (pg 82) Para 6.2.6	Amend 'The land that would be excluded from the Landowners' agreement is the first phase of development with extant planning permission, currently being developed...'
G3	Implementation and delivery (pg 82) Para 6.2.9	Amend 'The Area Action Plan will provides the development plan framework within which all future planning applications will be determined, and each application will need to demonstrate to the council how the proposed development will help realise the aims and objectives of the AAP. Whilst the working up of development proposals and planning applications in parallel with the AAP process is welcome, applications will not formally be determined in advance of the adoption of the AAP if it is considered that this would prejudice the objectives and achievement of the vision for Mill Hill East and may be refused on the grounds of prematurity. This will be particularly important to ensure delivery of adequate open space provision, social, economic, environmental and physical infrastructure, and affordable housing across the entire Mill Hill East site.
G4	Implementation and delivery (pg 83) Para 6.2.12	Amend 'The following documents will need to be prepared as <i>part of a Strategic Framework</i> and submitted to, and approved by, LBB at or before the outline planning application stage...'
G5	Implementation and delivery (pg 84) Para 6.3.2	Amend ' At present, 104 dwellings are under construction were constructed in 2008/9 and Annington Homes...'
G6	Implementation and delivery (pg 85) Para 6.4.3	Amend 'In assessing the level of contribution'
G7	Implementation and delivery (pg 87) Para 6.5.3	Delete
G8	Implementation and delivery (pg 87) Para 6.5.5	Amend 'An alternative potential source of funding infrastructure upfront may come from partners such as Communities—England the Homes and Communities Agency (English Partnerships/Housing Corporation). English Partnerships is has been a member of the Mill Hill East steering group...'
G9	Implementation and delivery (pg 87) Para 6.5.6	Amend <ul style="list-style-type: none"> • Strategic new highways link to a new east-west route across the Mill Hill east site

		<p><i>potentially</i> connecting Frith Lane to Devonshire Road <i>subject to the re-opening of Sanders Lane.</i>'</p> <ul style="list-style-type: none"> • Construction of a Combined Heat and Power Plant and renewable energy technologies.
H1	Appendices (pg112) point 3	Delete
H2	Appendices (pg 112)	<p>Delete</p> <p>Supporting documents available on Barnet online:</p> <ul style="list-style-type: none"> • Baseline report • Appropriate Assessment • Equalities Impact Assessment • Sustainability Appraisal • Statement of compliance <p>www.barnet.gov.uk/planning-consultaions</p> <p>Replace with</p> <p>'The following background documents are available from the Council:</p> <ul style="list-style-type: none"> • Baseline report • Appropriate Assessment • Equalities Impact Assessment • Sustainability Appraisal'
H3	Appendices (pg 113) Appendix 1 5.9	Amend Draft SPD Sustainable Design and Construction
H4	Appendices (pg 113) Appendix 1 End of table	Delete All supporting documents including...
H5	Appendices (pg 118-119) Appendix 3	Delete appendix 3