

## Chapter 3: Environmental Resources

### **Policy GEA (Environmental impact)**

#### **Deposit Draft Objections**

GEA / 263 / 1166	The Finchley Society	
GEA / 281 / 1460	Church End Local Agenda 21 Partnership	3.1.1
GEA / 281 / 1462	Church End Local Agenda 21 Partnership	
GEA / 281 / 1461	Church End Local Agenda 21 Partnership	3.1.2
GEA / 182 / 972	Lafarge Redland Aggregates Limited	
GEA / 182 / 973	Lafarge Redland Aggregates Limited	
GEA / 182 / 974	Lafarge Redland Aggregates Limited	3.1.11
GEA / 15 / 798	North Finchley Agenda 21 Partnership	3.2

#### **Support for Policy**

GEA / 281 / 1463	Church End Local Agenda 21 Partnership	3.1.11
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#### **Revised Deposit Draft Objections**

GEA / 263 / 5553R	The Finchley Society	
GEA / 268 / 5314R	Greensquare Residents Association	
GEA / 281 / 5750R	Church End Local Agenda 21 Partnership	
GEA / 15 / 5478R	North Finchley Agenda 21 Partnership	

#### **Support for Policy Changes**

GEA / 282 / 5361R	Friends of Windsor Open Space	3.1.7
GEA / 281 / 5747R	Church End Local Agenda 21 Partnership	3.1.7a

#### **Support for Pre-Inquiry Changes**

GEA / 281 / 6973P	Church End Local Agenda 21 Partnership	3.1.7a
GEA / 286 / 7211	Barnet Friends of the Earth	3.1.6 – 3.1.7

### **Issues**

- The requirements of Environmental Impact Assessment;
- Environmental protection - the Council's strategy.

### **Inspector's Reasoning and Conclusions**

- 3.1 A substantial number of the objections address Environmental Impact Assessment (EIA) and its application to development in Barnet. This is a complex system that is tightly prescribed by DETR Circular 02/99 and the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. In response to the objections, the responsibility for preparing the environmental statement (ES) required for EIA rests with the developer and councils cannot dictate who prepares it. However, there are safeguards; for example, a council can call for additional information if it feels that an ES is inadequate.
- 3.2 It is important to note that EIA is only required for certain projects - those types of development listed in Schedule 1 of the Regulations, and Schedule 2 projects judged as likely to have a significant effect upon the environment. In the Revised Deposit UDP, the Council has made one change that reflects this (to paragraph 2.4.4). Unfortunately Policy GEA does not reflect this change; Schedule 1 developments automatically require an ES.
- 3.3 I do not support the change that the Council has made to the policy - i.e. the insertion of 'potentially significant' before 'environmental impact'. I take this policy as applying to all development proposals (not just those requiring EIA) and it is right that the Council should initially look comprehensively at the environmental impact of a development even though it may be concluded that that impact is limited to certain areas. I

propose new wording for Policy GEA. This removes any reference to Schedule 1 development. I also recommend that paragraph 2.4.4 be redrafted to bring it more into line with the reworded Policy GEA.

- 3.4 LRAL objects to paragraph 3.1.11 on the grounds that it does not address the Borough's present needs for natural resources and energy. However, having regard to the Council's own definition of sustainable development as set out in paragraph 2.3.1, it is entirely reasonable that policies should seek to conserve those resources so that there are adequate resources for future generations to meet their needs. I do not support the objector's proposed change.
- 3.5 In response to CELA's objection (281/1460) I consider that the Council's penultimate sentence to paragraph 3.1.1 may seem a statement of the obvious but it is worth saying, nevertheless. I agree that in some circumstances development can be beneficial in environmental terms, for example a mixed use development that reduces the need to travel. In other circumstances development might have a negative environmental impact. However, I do not think that it is necessary to make that distinction in this introductory paragraph. The text goes on to describe the part that planning can play in securing more sustainable forms of development.
- 3.6 The Revised Deposit UDP contains a number of drafting changes to Section 3.1. In the main these update the text and I support them.

## RECOMMENDATION

- 3.7 I recommend that:

- (i) Policy GEA be reworded as follows:

**The Council will take full account of all aspects of environmental impact when assessing development proposals. For development defined in the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as Schedule 2, the Council will follow the guidance of DETR Circular 2/99 to determine whether it is likely to have a significant effect upon the environment and thereby require an environmental statement;**

- (ii) Paragraph 2.4.4 be reworded to incorporate the 'significant effect upon the environment' test; and
- (iii) Section 3.1 be amended as set out in the Revised Deposit UDP and the subsequent PICs.

## **Policy GEnergy (Energy efficiency)**

### **Deposit Draft Objections**

GEnergy / 281 / 1464	Church End Local Agenda 21 Partnership	
GEnergy / 287 / 1943	Barnet Regeneration	3.1.6
GEnergy / 47 / 1770	London Transport Users Committee	
GEnergy / 15 / 800	North Finchley Agenda 21 Partnership	3.2

### **Support for Policy**

GEnergy / 50 / 507	Thames Water Property Services Ltd
GEnergy / 146 / 480	Department of Trade & Industry - ETSU

### **Revised Deposit Draft Objections**

GEnergy / 287 / 5860R	Barnet Regeneration	3.1.6
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## Issues

- Reducing the generation of traffic.

## Inspector's Reasoning and Conclusions

- 3.8 The objections to this policy centre upon item iii. which links 'seeking to reduce traffic generation' with the overall aim of conserving resources and minimising pollution. This is a matter that is addressed in detail in Chapter 7 on Movement. While the Council's Transport Strategy sets targets to reduce traffic levels, individual new developments of any scale are almost certain to generate some additional traffic. One aim of the UDP's Movement policies is to reduce the scale of this through measures such as limiting parking, and siting development in locations well served by public transport. It is unrealistic automatically to reject individual developments that will generate increased traffic. As far as this general policy is concerned, the wording is adequate.

## RECOMMENDATION

- 3.9 I recommend that no change be made to Policy GEnergy.

## **Policy GLand (Re-use of brownfield land)**

### **Deposit Draft Objections**

GLand / 121 / 736	St. Joseph's College	
GLand / 281 / 1465	Church End Local Agenda 21 Partnership	
GLand / 15 / 799	North Finchley Agenda 21 Partnership	3.2

### **Support for Policy**

GLand / 162 / 714	Jonathan King
GLand / 126 / 643	Teresa McDermott

### **Revised Deposit Draft Objections**

GLand / 121 / 6825	St Joseph's College
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## Issues

- The sequential test and the protection of greenfield land;
- The application of the policy to existing buildings.

## Inspector's Reasoning and Conclusions

- 3.10 The policy reflects national guidance as set out in PPG3 *Housing*. It does not of itself prevent greenfield development, although given that Barnet's greenfield land to a large measure coincides with the Green Belt there is this additional obstacle to its development. Regarding CELA's concern about the possible demolition of sound properties, I would expect this to be taken into account by the Council in its assessment of any 'brownfield' application. Policy H2 and its supporting text deals in more detail with the sequential test for housing.

## RECOMMENDATION

- 3.11 I recommend that no change be made to Policy GLand.

## **Policy Env1 (Renewable/ efficient energy production)**

### **Policy Env2 (Energy efficient design)**

#### **Deposit Draft Objections**

Env1 / 146 / 1913	Department of Trade & Industry - ETSU	
Env1 / 15 / 801	North Finchley Agenda 21 Partnership	3.3.7

#### **Support for Policy**

Env1 / 146 / 627	Department of Trade & Industry - ETSU	
Env1 / 146 / 621	Department of Trade & Industry - ETSU	3.3.2
Env1 / 146 / 623	Department of Trade & Industry - ETSU	3.3.3
Env2 / 146 / 630	Department of Trade & Industry - ETSU	Env2

#### **Revised Deposit Draft Objections**

Env1 / 263 / 5536R	The Finchley Society	3.3.7
Env1 / 146 / 5816R	Department of Trade & Industry - ETSU	
Env1 / 281 / 5748R	Church End Local Agenda 21 Partnership	3.3.16
Env1 / 287 / 5863R	Barnet Regeneration	3.3.5

#### **Support for Policy Changes**

Env1 / 286 / 5643R	Barnet Friends of the Earth	3.3.2
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#### **Pre-Inquiry Change Objections**

Env1 / 281 / 6972P	Church End Local Agenda 21 Partnership	3.3.2
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#### **Support for Pre-Inquiry Changes**

Env1 / 286 / 7210P	Barnet Friends of the Earth	3.3.2
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### **Issues**

- The potential for renewable energy developments in Barnet and the potential sources of such energy;
- Policy towards retail development;
- Planning for alternative vehicle fuel supplies.

### **Inspector's Reasoning and Conclusions**

- 3.12 This section on energy supply and conservation has been substantially modified, largely in response to objections from the GLA and ETSU. Those changes and the Council's PICs improve the text and make it more positive in tone. They embrace a wide range of technologies as potential sources of renewable energy in the future. There are two complementary policies, ENV1 which addresses renewable energy sources and Env2 which deals with energy efficiency in developments. Both are generally in line with wider national policies aimed at more sustainable forms of development.
- 3.13 NFLA proposes a new policy in respect of retail developments. This would encompass the refurbishment or redevelopment of existing centres before any permission were granted to develop new shopping centres. To a large extent however, this issue is covered by the town centre policies of Chapter 11 and a new policy here is unnecessary.
- 3.14 There is the potential to reduce CO2 and other emissions through greater use of alternative fuels such as Liquified Petroleum Gas (LPG), Compressed Natural Gas (CNG) and Biodiesel. The Council gives recognition to this in a Revised Deposit addition to Policy ENV1. Public safety is one criterion. There is a linked PIC to paragraph 3.3.7 which

responds to a BFoE objection. Here the Council indicates that the most appropriate location for petrol filling stations 'is on or near to the principal road network'. That may be true as a matter of general planning policy but it is a contentious statement in the midst of a paragraph that addresses energy consumption matters. Instead, the change should deal solely with provision for alternative fuels.

## RECOMMENDATION

3.15 I recommend that:

- (i) The third sentence of paragraph 3.3.7 be amended to state : 'The council will favourably consider plans to install equipment to provide alternative vehicle fuels where it is safe to do so';
- (ii) The PIC in respect of paragraph 3.3.7 be not proceeded with; and
- (iii) Otherwise, paragraphs 3.3.1 to 3.3.7 and Policies ENV1/Env2 be modified as set out in the Revised Deposit UDP and in the relevant PICs.

## **Policy Env3 (Waste management facilities)**

### **Deposit Draft Objections**

Env3 / 182 / 982	Lafarge Redland Aggregates Limited	3.3.8
Env3/102/675	London Borough of Brent	

### **Support for Policy**

W1 / 45 / 435	Chris Price
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### **Revised Deposit Draft Objections**

Env3 / 287 / 5864R	Barnet Regeneration	3.3.8
Env3 / 15 / 5479R	North Finchley Agenda 21 Partnership	3.3.8

## **Issues**

- National and Regional Policies on waste;
- The identification of sites for waste management and disposal.

## **Inspector's Reasoning and Conclusions**

- 3.16 This section has been substantially modified following comments made at Initial Deposit stage. Thus it now mentions the National Waste Strategy and the guidance of RPG3. However, for the Modifications stage, there is a need for further updating to take into account the policies of the adopted London Plan and the Mayor's Municipal Waste Management Strategy published in September 2003. Those documents pave the way for moving towards regional self sufficiency and set challenging targets for recycling/composting. They also envisage new strategic guidance to inform the preparation of SRDFs and, in the interim, set out criteria to be used by the boroughs in the selection of sites.
- 3.17 The London Borough of Brent objects on the grounds that no waste management sites have been identified in the UDP. For its part, the Council states that it relies on its criteria based policy. Strategically, however, it is clear that more will have to be done throughout London. According to the Council's PIC in respect of Paragraph 3.3.9 (which itself needs to be updated) Barnet is already working with six other boroughs on

waste management. Based on this, and the new London-wide strategies, this Council will be able to play an important part in the achievement of the strategic targets for waste.

## RECOMMENDATION

3.18 I recommend that:

- (i) Policy Env3 and its supporting text be modified on the lines set out in the Revised Deposit UDP and in the PIC; and
- (ii) The supporting text also be updated to take into account the relevant policies of the London Plan and the Mayor's Municipal Waste Management Strategy.

## **Policy Env4 (Recycling facilities)**

### **Deposit Draft Objections**

W2 / 26 / 613	The House Builders Federation	
Env4 / 281 / 1467	Church End Local Agenda 21 Partnership	3.3.11
281 / 1468	Church End Local Agenda 21 Partnership	
Env4/15/802	North Finchley Agenda 21 Partnership	

### **Revised Deposit Draft Objections**

W2 / 219 / 5319R	Environment Agency
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### **Support for Pre-Inquiry Changes**

Env4 / 281 / 6975	Church End Local Agenda 21 Partnership	3.3.9
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## Issues

- The need for recycling facilities within new developments.

## Inspector's Reasoning and Conclusions

- 3.19 The HBF draws attention to the recycling facilities required of developers under Policy Env4. It questions that need, particularly in respect of housing developments. The policy refers to residential estates and in designing higher density developments, certainly, it should be possible to provide communal space for the stationing of recycling bins. But how would this work in lower density developments where walking distances would be greater and where there might be no obvious centre? In such cases it might be better to rely on the standard door to door collection.
- 3.20 This policy needs further development, possibly through the production of SPG. It should specify at what scale or intensity of development recycling facilities would be required and, for those cases, it should indicate what provision would be expected.
- 3.21 CELA and NFLA would each like to see a new policy that seeks to expand household recycling. However, I believe that this is a matter for the Council's Waste Management Strategy.

## RECOMMENDATION

3.22 I recommend that:

- (i) SPG be prepared in respect of the need for, and specification of, recycling facilities within different types of new development; and
- (ii) Policy Env4 and supporting paragraph 3.3.10 be reworded accordingly.

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## **Policy Env5 (Aggregates facilities)**

### **Deposit Draft Objections**

Env5 / 182 / 975      Lafarge Redland Aggregates Limited

### **Issues**

- The siting and design of aggregates facilities.

### **Inspector's Reasoning and Conclusions**

- 3.23 The Council's modifications at Revised Deposit stage satisfactorily address this objection. Aggregates facilities are inherently noisy and dusty operations and the aim must be to minimise those impacts as far as practicable. This should be done through a combination of careful siting and design.

### **RECOMMENDATION**

- 3.24 I recommend that Policy Env5 be modified as set out in the Revised Deposit UDP.
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## **Policy Env6 (Light pollution)**

### **Deposit Draft Objections**

Env6 / 279 / 1452      Laing Field & Moat Mount Residents Association      3.3.16

### **Support for Policy**

Env6 / 279 / 1459      Laing Field & Moat Mount Residents Association      3.3.16  
LP1 / 92 / 1015      Miss M. Dewing

### **Support for Policy Changes**

Env6 / 319 / 5353R      Royal Society for the Protection of Birds (RSPB)      3.3.16  
Env6 / 282 / 5370R      Friends of Windsor Open Space      3.3.16

### **Issues**

- Lighting schemes and their effect upon wildlife.

### **Inspector's Reasoning and Conclusions**

- 3.25 This section on light pollution responds to the objection of LFMM by incorporating a reference to the possible effects upon wildlife. However, I agree with FWOS that there should also be a reference to this in the policy itself. I propose revised wording below.

### **RECOMMENDATION**

- 3.26 I recommend that:

- (i) The first sentence of Policy Env6 be reworded as follows:

**Proposals for lighting schemes will be permitted provided that they do not have a demonstrably harmful impact on residential amenity, on wildlife interests and on the environment generally; and**

- (ii) Paragraph 3.3.16 be modified as set out in the Revised Deposit UDP.

## **Policy Env7 (Air pollution)**

### **Policy Env7a (Air quality measures)**

#### **Map 3.1 (Air quality)**

##### **Deposit Draft Objections**

Env7 / 281 / 1470	Church End Local Agenda 21 Partnership	3.3.24
Env7 / 281 / 1469	Church End Local Agenda 21 Partnership	
Env7 / 182 / 976	Lafarge Redland Aggregates Limited	
Env7 / 15 / 803	North Finchley Agenda 21 Partnership	3.3.21
281 / 1471	Church End Local Agenda 21 Partnership	Env7a
Map 3.1 / 284 / 1558	The Barnet Society	3.3.22

##### **Revised Deposit Draft Objections**

Env7 / 263 / 5537R	The Finchley Society	3.3.23
Env7 / 268 / 5316R	Greensquare Residents Association	
Env7 / 281 / 5751R	Church End Local Agenda 21 Partnership	
268 / 5317R	Greensquare Residents Association	Env7a
Map 3.1 / 286 / 5597R	Barnet Friends of the Earth	
Map 3.1 / 281 / 5752R	Church End Local Agenda 21 Partnership	

##### **Support for Policy Changes**

Env7 / 150 / 5812R	Moxon Street Residents Association
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##### **Pre-Inquiry Change Objections**

Env7 / 281 / 6976P	Church End Local Agenda 21 Partnership	3.3.20
Env7 / 263 / 6942P	The Finchley Society	

##### **Support for Pre-Inquiry Changes**

Env7 / 263 / 6923P	The Finchley Society	3.3.23
Env7 / 263 / 6925P	The Finchley Society	3.3.20
Env7 / 286 / 7209P	Barnet Friends of the Earth	3.3.23 – 3.3.24

#### **Issues**

- Air quality and public health;
- Mapping areas of poor air quality;
- Policies regarding development within areas of poor air quality.

#### **Inspector's Reasoning and Conclusions**

- 3.27 There have been substantial changes to this section on air pollution at Revised Deposit stage and as PICs. The amended paragraphs/policies:
- Identify road traffic as the main source of air pollution in the Borough and indicate that the main pollution problems derive from nitrogen dioxide and PM10 particles. The assessment of acceptable levels of pollution and its impacts will take into account national legislation and regulations, and the results of any Air Quality Action Plans (AQAPs), monitoring and reviews (para.3.3.20).
  - State that there is to be an Action Plan to improve air quality in the Borough wide Air Quality Management Area (AQMA). However the Action Plan or Plans may change over time as may the AQMAs. SPG is to be prepared (para.3.3.23).
  - Indicate that in areas of poor quality, proposals for both potentially



polluting uses and developments sensitive to pollution will not normally be acceptable unless they embrace suitable mitigation. The proposed SPG will cover this further (para.3.3.24).

- Substitute Policy Env7 for the former Air 1. This addresses the air quality impacts of development proposals and restates the Council's aim of minimising pollution.
- Reinstate the former Policy Air 2 (as Policy Env7) that had been deleted at the Revised Deposit stage. This addresses development that is proposed in areas of poor air quality.
- Delete map 3.1 which shows the five localised areas of poor air quality (in terms of nitrogen dioxide) that are listed in paragraph 3.3.22 and the earlier reference in paragraph 3.3.23 to the likelihood that these would be designated as separate AQMAs.

- 3.28 This is a difficult area that is intimately related to transport trends and policies both at the Barnet level and the London/national level. Also, it is a cross boundary issue and there will need to be close consultation with neighbouring boroughs as well as with the GLA, having regard to the Mayor's strategic responsibilities in terms of air quality. The Mayor's Air Quality Strategy (September 2002) is of clear relevance and the final text of this UDP should take this into account. As far as this UDP is concerned, the Council has now opted for a single AQMA and AQAP while holding open the option that this might change again in the future. This sounds vague and there needs to be greater clarity.
- 3.29 Otherwise, I can understand why the Council is deleting Map 3.1. Such a map is unlikely to remain relevant over the lifetime of the UDP and it would be better for the Council to publish air quality maps on a regular basis. On that basis I support this change. I also support the other modifications to the original text which both improve it and address many of the objections. I think that it is right to reinstate Policy Air 2 which deals with development in 'areas of poor air quality', providing it is clear in the final text which those areas are. The proposed SPG will provide more detailed advice.
- 3.30 In my Chapter 13, I discuss air quality issues in respect of the proposed new town centre at Brent Cross/Cricklewood. I recommend there that this area become the subject of an enhanced programme of pollution monitoring.

## RECOMMENDATION

- 3.31 I recommend that:

- (i) The final text take into account the provisions of the Mayor's Air Quality Strategy, and it embody greater clarity in respect of whether there should be a single AQMA or several, and on the number of AQAPs;
- (ii) Map 3.1 be deleted but that there be a commitment by the Council to publish regular updates on local air quality;
- (iii) Policy Air 2 be reinstated (here as Policy Env7a);
- (iv) SPG be prepared as proposed; and
- (v) Otherwise the text be modified as set out in the Revised Deposit UDP and the Council's PICs.

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## **Policy Env8 (Water quality)**

**Deposit Draft Objections**

Env8 / 279 / 1448	Laing Field & Moat Mount Residents Association	3.3.25
Env8 / 281 / 1472	Church End Local Agenda 21 Partnership	

**Support for Policy**

Env8 / 50 / 508	Thames Water Property Services Ltd	
Env8 / 219 / 899	Environment Agency	3.3.25

**Support for Policy Changes**

Env8 / 286 / 5644R	Barnet Friends of the Earth
Env8 / 319 / 5354R	Royal Society for the Protection of Birds (RSPB)
Env8 / 282 / 5374R	Friends of Windsor Open Space

**Issues**

- Water quality and its protection.

**Inspector's Reasoning and Conclusions**

- 3.32 Policy Env8 has been amended through the deletion of 'normally'. I support this change, given the comments of the Environment Agency and other objectors regarding the fundamental importance of water quality. The change to paragraph 3.3.26 draws attention to the effect of underground structures upon water flows and is a helpful addition to the text.

**RECOMMENDATION**

- 3.33 I recommend that Policy Env8 and paragraph 3.3.26 be modified as set out in the Revised Deposit UDP.
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**Policy Env9 (Flood risk areas)****Policy Env10 (Increased flood risk)****Map 3.2 (Flood plain)****Deposit Draft Objections**

Env9 / 26 / 615	The House Builders Federation	
Env9 / 263 / 1167	The Finchley Society	
Env9 / 281 / 1474	Church End Local Agenda 21 Partnership	3.3.29
Env9 / 281 / 1475	Church End Local Agenda 21 Partnership	
Env9 / 281 / 1473	Church End Local Agenda 21 Partnership	3.3.27
Env9 / 15 / 1517	North Finchley Agenda 21 Partnership	
Env10 / 263 / 1168	The Finchley Society	
Env10 / 281 / 1476	Church End Local Agenda 21 Partnership	
Env10 / 15 / 1518	North Finchley Agenda 21 Partnership	
map 3.2 / 219 / 885	Environment Agency	

**Support for Policy**

Env9 / 219 / 884	Environment Agency
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**Revised Deposit Draft Objections**

Env9 / 268 / 5315R	Greensquare Residents Association	3.2.23
Env9 / 281 / 5759R	Church End Local Agenda 21 Partnership	3.3.29
Env9 / 281 / 5769R	Church End Local Agenda 21 Partnership	

Env9 / 281 / 5760R	Church End Local Agenda 21 Partnership	3.3.28
Env9 / 282 / 5384R	Friends of Windsor Open Space	3.3.32
Env9 / 287 / 5861R	Barnet Regeneration	3.3.28
Env9 / 287 / 5862R	Barnet Regeneration	
Env9 / 15 / 5485R	North Finchley Agenda 21 Partnership	3.3.29
Env8 / 282 / 5376R	Friends of Windsor Open Space	3.3.27
Env8 / 282 / 5381R	Friends of Windsor Open Space	3.3.28
Env8 / 282 / 5382R	Friends of Windsor Open Space	3.3.30
Env10 / 281 / 5755R	Church End Local Agenda 21 Partnership	
Env10 / 282 / 7126R	Friends of Windsor Open Space	3.3.27

### Support for Policy Changes

Env9 / 286 / 5645R	Barnet Friends of the Earth	3.3.31
Env9 / 319 / 6845R	Royal Society for the Protection of Birds (RSPB)	3.3.30
Env9 / 319 / 6844R	Royal Society for the Protection of Birds (RSPB)	3.3.28
Env9 / 331 / 5820R	Herts & Middlesex Wildlife Trust	3.3.28
Env9 / 331 / 5819R	Herts & Middlesex Wildlife Trust	3.3.27
Env10 / 286 / 5646R	Barnet Friends of the Earth	
Env10 / 319 / 6842R	Royal Society for the Protection of Birds (RSPB)	3.3.27

### Pre-Inquiry Change Objections

Env9 / 263 / 6929P	The Finchley Society	3.3.27
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### Support for Pre-Inquiry Changes

Env9 / 281 / 6974P	Church End Local Agenda 21 Partnership	3.3.28
Env9 / 281 / 6977P	Church End Local Agenda 21 Partnership	3.3.27
Env9 / 281 / 6978P	Church End Local Agenda 21 Partnership	3.3.29
Env9 / 263 / 6921P	The Finchley Society	3.3.29
Env9 / 263 / 6922P	The Finchley Society	3.3.27
Env9 / 286 / 7208	Barnet Friends of the Earth	3.3.27 – 3.3.29

### Issues

- The importance of floodplains and urban washland;
- Whether any development is acceptable and the role of mitigation;
- Flood risk assessment - responsibilities;
- The effects of climate change.

### Inspector's Reasoning and Conclusions

- 3.34 Policy Env9 addresses the possible accommodation of development in areas at risk of flooding and states that this will only be acceptable where there has been a proper flood risk assessment and where suitable flood prevention measures have been taken. The Revised Deposit UDP removes the qualifying word 'normally' and it embodies substantial changes to the supporting text; in the main these are responses to the objections made by the Environment Agency. Policy Env10 deals with individual proposals likely to have significant effects; again the revised Deposit UDP deletes 'normally'.
- 3.35 National guidance is provided by PPG25 *Development and Flood Risk*. This makes it clear that development is not automatically precluded by the possibility that there might be flooding. However, the planning response should depend upon the degree of risk as is depicted in Table 1 to the PPG. Thus, areas with an annual probability of river flooding of 0.1 to 1.0% are regarded as 'low risk' and 'suitable for most development'. However a flood risk assessment would need to accompany an application for planning permission in such areas.
- 3.36 Within already developed areas, further development may be acceptable where the annual probability of flooding is greater than 1%, subject again to a flood risk assessment and the maintenance of suitable flood defences over the lifetime of the development. Flood risk assessments should take

into account the risk to the development itself and its possible effect on flood risks elsewhere. These matters will be a material consideration in the determination of planning applications.

- 3.37 Based on this national guidance and the changes made by the Environment Agency, I consider that the text is acceptable. There have been a number of PICs. These further improve the text. Thus the PIC to paragraph 3.3.27 refers to the amenity value of the land, while 3.3.28 now cross refers to PPG25 and its Appendix F on the requirements for undertaking a flood risk assessment. In response to the objection from the HBF, the responsibility for preparing an assessment rests with the developer although the Environment Agency and other operating authorities may be able to provide relevant information. The PIC to paragraph 3.3.29 indicates that to make them acceptable, the scaling down of developments might be needed. This is a sensible change.
- 3.38 Some objectors are concerned about the added risks imposed by climate change and PPG25 does draw attention to the prospect of an increased risk of river flooding due to more intense rainfall. I do not think that it is necessary to further amend Map 3.2 which shows the '1 in 100 year floodplain envelope of rivers in Barnet'. This is a useful indicative map which does not show detailed boundaries and, as the revised text says, more detailed advice may be obtained from the Environment Agency. However, given the timescale of the UDP and the recognition that climate change is happening, it would be useful to add a reference to the possible implications for development.

## RECOMMENDATION

3.39 I recommend that:

- (i) Policies Env9 and Env10 and their supporting text, and Map 3.2 be modified as set out in the Revised Deposit UDP and in the PICs; and
- (ii) A suitable reference to the possible implications of climate change be added to paragraph 3.3.30.

## **Policy Env11 (Drainage infrastructure)**

### **Deposit Draft Objections**

Env11 / 26 / 616	The House Builders Federation	
Env11 / 50 / 6755	Thames Water Property Services Ltd	
NewPol / 50 / 506	Thames Water Property Services Ltd	
Env11 / 279 / 1447	Laing Field & Moat Mount Residents Association	3.3.32
Env11 / 279 / 1454	Laing Field & Moat Mount Residents Association	3.3.32
Env11 / 281 / 1478	Church End Local Agenda 21 Partnership	
Env11 / 15 / 1519	North Finchley Agenda 21 Partnership	3.3.32
Env11 / 15 / 804	North Finchley Agenda 21 Partnership	

### **Revised Deposit Draft Objections**

Env11 / 15 / 5487R	North Finchley Agenda 21 Partnership	3.3.32
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## **Issues**

- The case for a policy on drainage infrastructure;
- Sustainable drainage systems.

### Inspector's Reasoning and Conclusions

- 3.40 While, as the HBF says, the need for development to have adequate foul and surface water drainage is addressed through other legislation, the supporting text to this policy valuably places much stress on the use of sustainable drainage systems. The desirability of these has been raised by the Environment Agency, and by others, in particular in respect of run off from parking areas in front gardens. Sustainable drainage systems can contribute to the prevention of flooding and it is right that this UDP should encourage their use in development. While I welcome their mention in paragraph 3.3.32, the policy itself should cover them.

### RECOMMENDATION

- 3.41 I recommend that:
- (i) The following be added to Policy Env11:  
**Wherever this is practicable, the Council will require the use of sustainable drainage systems; and**
  - (ii) Paragraph 3.3.32 be modified as set out in the Revised Deposit UDP.

### **Policy Env12 (Location of noisy development)**

#### **Deposit Draft Objections**

Env12 / 263 / 1170	The Finchley Society	3.3.35
Env12 / 15 / 1520	North Finchley Agenda 21 Partnership	3.3.35

#### **Revised Deposit Draft Objections**

Env12 / 263 / 7190R	The Finchley Society	3.3.35
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### Issues

- The requirements of Environmental Impact Assessment.

### Inspector's Reasoning and Conclusions

- 3.42 In response to the objections, I have already addressed, under Policy GEA, the question of who is responsible for preparing an EIA when this is required by the regulations. Not all potentially noisy developments will require EIA. However, noise effects would still need to be taken into account as part of the development control process. Key guidance is provided by PPG24 *Planning and Noise*. The UDP text is in line with that guidance. In response to the Finchley Society, I consider that the use of the word 'expect' in the final line of paragraph 3.3.35 gives the supporting text sufficient force.

### RECOMMENDATION

- 3.43 I recommend that no modification be made to Policies Env12 or Env13, or to the supporting text.

## **Policy Env14 (Contaminated land)**

### **Deposit Draft Objections**

Env14 / 281 / 1479	Church End Local Agenda 21 Partnership	3.3.37
CL2 / 281 / 1480	Church End Local Agenda 21 Partnership	

### **Revised Deposit Draft Objections**

Env14 / 281 / 5753R	Church End Local Agenda 21 Partnership	3.3.27
Env14 / 281 / 5756R	Church End Local Agenda 21 Partnership	3.3.37

### **Support for Policy Changes**

Env14 / 286 / 5647R	Barnet Friends of the Earth
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### **Issues**

- Site investigations of contamination - responsibilities.

### **Inspector's Reasoning and Conclusions**

- 3.44 The revised wording for this section is in line with national guidance. The responsibility for any necessary site investigations rests with the developer.
- 3.45 CELA suggests a new policy for contaminated land that cannot be fully restored. They suggest that it might be managed instead for wildlife purposes. I am not aware that any such land has been identified and I do not think that there is a case for a new UDP policy. In the hypothetical situation that they envisage their proposal might have merit. But its implementation would depend, among other things, upon the attitude of the landowner and the type of contamination present.

### **RECOMMENDATION**

- 3.46 I recommend that Policy Env14 and its supporting text be modified as set out in the Revised Deposit UDP.

## **Policy Env15 (Hazardous substances and notifiable installations)**

### **Deposit Draft Objections**

Env15 / 263 / 1171	The Finchley Society
NewPol / 286 / 1801	Barnet Friends of the Earth

### **Issues**

- Publicity about notifiable installations;
- The responsibilities of developers.

### **Inspector's Reasoning and Conclusions**

- 3.47 There are just two existing notifiable installations in Barnet. I agree with the Council that, if and when planning applications are received, the details of any consultation should be informed by government regulations and the type of development proposed. The policy itself goes far enough.
- 3.48 BFoE seek a new policy drawing the attention of developers to their responsibilities in respect of noxious and hazardous substances and governing the routes used for the transportation of these substances.

While I agree with the objector that these are important matters, they do not directly concern land use planning and hence fall outside the scope of this UDP.

### **RECOMMENDATION**

3.49 I recommend that:

- (i) No change be made to Policy Env15 or to its supporting text; and
  - (ii) The proposed new policy be not adopted.
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