

**1. Has Barnet Council a ready-made emergency plan, set to go, in the event of an incident occurring in the Barnet Tunnel?**

No, any plans for this tunnel are held by Network Rail.

**2. Who co-ordinates this and/or which particular emergency services co-ordinate this?**

Not applicable.

**3. How often do these meetings occur?**

Not applicable.

**4. What emergency services are involved in responding to an incident in the Barnet Tunnel?**

Not applicable.

**5. Is Network Rail and/or the Fire Services/Hospital, Medical services been consulted re this plan?**

Not applicable.

**6. Have they been consulted in regards to accessing the tunnel in case of a derailment, fire, explosion and/or toxic chemicals?**

Not applicable.

**7. Do any of these consultations refer to accessing the tunnel?**

Not applicable.

**8. In regards to the Emergency Tunnel Plan Is there a specified route for emergency vehicles on the North side of the tunnel that covers Simmons Close and or Simmons Way, and/or the South side bordered by Weirdale Avenue and Beresford Avenue?**

Not applicable.

**9. What happens if these access routes are blocked?**

Not applicable.

**10. In terms of the Barnet Emergency Tunnel Plan what decision is needed to block or build over an access point?**

Not applicable.

**11. What is the role of Network Rail in this process?**

Not applicable.

**12. Does the emergency tunnel plan reference any trains going through the tunnel containing flammable substances or other chemicals cargos?**

Not applicable.

**13. Has Barnet Council Planning Department knowledge of the Emergency Plan for the Barnet Tunnel? What is their role in this process?**

No.

**14. If not, is there an explanation for this?**

This is not a planning consideration.

**15. If yes, what consideration and weight and value do they give when assessing and analysing the merits and demerits of planning applications for builds over the Barnet Tunnel?**

The planning considerations are available online – see links below.

[Planning policies and Local Plan | Barnet Council](#)

[Town and Country Planning Act 1990 \(legislation.gov.uk\)](#)

**16. Was the Planning department aware that 49 and 51 Beresford Avenue have restricted covenants in place that blocked housing builds?**

The planning department is aware of any planning restrictions associated with the properties.

**17. If, not, please provide and explanation?**

N/A

**18. Was the Planning Department responsible for bringing this to the attention of Developers who were intending to build over the Barnet Tunnel at 49 and 51 Beresford Avenue, N20 0AD?**

No.

**19. If not, please provide an explanation?**

It is not the responsibility of the Planning Authority to inform applicants of covenants on property.

**20. With regards to 49 and 51 Beresford Avenue and their proposed development of a housing scheme build what responsibility did the Planning department have in regards to the access road footway landowners owners?**

For application 19/5079/OUT (which is the Outline application for the current Reserved Matters application 20/6076/RMA) the applicant signed Certificate C which acknowledges that part of the site is owned by third parties but the applicant does not know who these third parties are and they placed an advert in a newspaper accordingly.

**25. Ownership Certificates and Agricultural Land Declaration**

**CERTIFICATE OF OWNERSHIP - CERTIFICATE C - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14**

I certify/The applicant certifies that: - Neither Certificate A or B can be issued for this application - All reasonable steps have been taken to find out the names and addresses of the other owners\* and/or agricultural tenants\*\* of the land or building, or of a part of it, but I have/the applicant has been unable to do so.

\* 'owner' is a person with a freehold interest or leasehold interest with at least 7 years left to run. \*\* 'agricultural tenant' has the meaning given in section 65(8) of the Town and Country Planning Act 1990.

The steps taken were:

Solicitor conducted land registry searches, enquiries to adjacent land owners

- I have/the applicant has given the requisite notice to the persons specified below being persons who, on the day 21 days before the date of this application, were owners/agricultural tenants of any part of the land to which this application relates.

Owner/Agricultural Tenant

**25. Ownership Certificates and Agricultural Land Declaration**

Name of Owner/Agricultural Tenant	
Number	49
Suffix	
House Name	
Address line 1	Beresford Avenue
Address line 2	
Town/city	Barnet
Postcode	N20 0AD
Date notice served (DD/MM/YYYY)	16/09/2019

Name of Owner/Agricultural Tenant	
Number	51
Suffix	
House Name	
Address line 1	Beresford Avenue
Address line 2	
Town/city	Barnet
Postcode	
Date notice served (DD/MM/YYYY)	16/09/2019

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated)

Times Local Newspaper

On the following date (which must not be earlier than 21 days before the date of the application) (DD/MM/YYYY)

23/09/2019

Person role	
<input checked="" type="radio"/> The applicant	
<input type="radio"/> The agent	
Title	Mr
First name	Vince
Surname	Millen
Declaration date (DD/MM/YYYY)	18/09/2019
<input checked="" type="checkbox"/> Declaration made	

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Planning Portal Reference: PP-08156459

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**26. Declaration**

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application) 18/09/2019

The above document is available online.

**21. That is, did they inform, consult or contact the landowners Persimmons that Millen Homes and 49 and 51 Beresford Avenue were claiming they owned Persimmons Property – the access road footway?**

Land ownership query answered above.

Consultation has been carried out as per the statement of community involvement, available online. The consultation would be as per the application received, which is also available online.

[Simple Search \(barnet.gov.uk\)](http://barnet.gov.uk)

Insert '49 Beresford Avenue' into the search field.

**22. Please provide an explanation, if the Planning department did not inform Persimmons?**

Land ownership query answered above.

**23. If the planning department did inform Millens please provide evidence?**

Land ownership query answered above.

**24. If, the Planning department did not inform or consult with Persimmons, the landowners of the access road footway about the claims on their land did they contact the Planning Inspectorate to state this omission?**

Land ownership query answered above.

The planning inspectorate received all appropriate documentation about the application.

**25. If, the planning department did not inform the Planning Inspectorate, please provide an explanation?**

N/A

**26. When it became clear that Millen Homes and 49 and 51 Beresford were making repeat applications, with little changes and maliciously doing so, and had no access or permission from Network Rail or Persimmons, why did the planners not use the relevant section of the Town Planning and County Act to throw out their application? Please provide an explanation?**

The applications received were considered in accordance with the legislation.

**27. Does Barnet Council own, lease, or sublease the land over any part of the land over the Barnet Tunnel?**

Please see attached lease.

**28. If leased, who leased it to Barnet Council?**

Please see attached lease.

**29. If leased, what were the costs involved, how long is the lease and if properties are sub-leased is there any conditions on the lease such as, rights of way, easements, benefits, light, or privacy?**

Please see attached document.

**30. If leased to the Council are there any positive and restrictive covenants involved?**

Please see attached document.

**31. If leased, are there covenants – who is the beneficiaries? Who benefits? Who is burdened?**

Please see attached document.

**32. What wording is contained within the positive or restricted covenants?**

Please see attached document.

**33. If, sub-leased, are the tenants subjected to any positive or restricted covenant?**

Please see attached document.

**34. What wording is contained within these positive or restricted covenants?**

Please see attached document.

**35. Is there a 2020 planning officers report presented to the Planning Inspectorate regarding 49 and Beresford Avenue, N20 0AD/Millen Homes Developers appeal in November 2020 ?**

Yes.

**36. Can I have a copy of this report?**

This cannot be released until the statements have been exchanged with the appellant. To do so earlier could adversely impact the Council's case.

**37. Is there a BAPA (Basic Asset Protection Agreement) between Millens Developers/49 and 51 Beresford Avenue, N20 0AD and Network Rail dated 2016 or earlier, in the Planning Department's documents?**

The BAPA is not a matter for the Planning application it is between the developer and Network Rail.

**38. Can I have a copy?**

As above.

**39. If there is no copy in existence please provide an explanation for this omission?**

As above.

**40. Does the Planning Department have knowledge of two Eruvs installed on the access road and footway between 47 and 49 Beresford Avenue, N20 OAD?**

Yes.

**41. What is this knowledge referring to and can I get a copy?**

All the planning information regarding the Eruvs is available online.

[Simple Search \(barnet.gov.uk\)](http://barnet.gov.uk)

Insert 'Eruv Beresford Avenue' into the search field.

**42. Has planning permission been granted for the two Eruvs?**

This information is available online.

[Simple Search \(barnet.gov.uk\)](http://barnet.gov.uk)

Insert Ref 15/00905/FUL into the search field.

**43. If planning permission has been given can the planning department explain how Millens can also be given permission for their build on the same piece of land?**

An Eruv is not a planning consideration.

**44. Once the planning department were aware of the above Eruvs did they consult with the Jewish Eruv Committee or Synagogue?**

The consultation was carried out as per the legislative requirements. The Eruv committee and synagogue were not consulted.

**45. What actions did the planners take in regards to these Eruvs?**

The consultation was carried out as per the legislative requirements.



**46. Did they correct the Eruv's omission with the Planning Inspectorate?**

It is not the Planning Authority's responsibility to amend the application.

**47. Can I have a copy of this?**

As above.

**48. If, the Planners did not inform the Planning Inspectorate of these omissions please provide an explanation on why they did not?**

An Eruv is not a planning consideration.

**49. The Planning department informed the Planning Inspectorate in 2020 that Network Rail had been consulted by them. Network Rail found out about this and complained that they had not been consulted. What action did the planning department take to correct this?**

The History of Consultation with Network Rail is very clearly set out in the Committee Report which is now published and available on the Council's website (Committee B).

**50. Did they inform the Planning Inspectorate?**

The planning inspectorate received all appropriate documentation about the application.

**51. If, not, please provide an explanation.**

N/A.

**52. Does the Council, the Planning Department and the Planning Committee acknowledge the validity, legality and legal implications of the restricted covenants, on 53, 51, 49, 47, 41 and 37 Beresford Avenue in relation to the proposed Development at 49 and 51 Beresford Avenue and the reserved matters/terms and conditions/access set by the Planning Inspectorate?**

The planning department are aware of all planning matters that affect the application and considered them when making a decision.

**53. Does the Council, the Planning Department and the Planning Committee acknowledge the validity, legality and legal implications of the restricted covenants on 48 Weirdale Avenue In relation to the proposed Development at 49 and 51 Beresford Avenue and the reserved matters/terms and conditions/access set by the Planning Inspectorate?**

As above.

**54. Does the Council, the Planning Department and the Planning Committee acknowledge the validity, legality and legal implications of Persimmons, the landowner's denial of consent to use the access road footway between 47 and 49 Beresford Avenue in relation to the proposed Development at 49 and 51 Beresford Avenue and the reserved matters/terms and conditions/access set by the Planning Inspectorate?**

As above.

**55. Does the Council, the Planning Department and the Planning Committee acknowledge the validity, legality and legal implications of my refusal (I live at 47 Beresford Avenue) to permit my front and back garden fences being demolished and replaced by an acoustic fence and that my front fence is obscuring the sight lines of drivers entering and exiting the access road footway, in relation to the proposed Development at 49, and 51 Beresford Avenue and the reserved matters/terms and conditions/access/ safety standards set by the Planning Inspectorate?**

As above.

**56. Has it been confirmed that Millen Homes, 49 and 51 Beresford Ave and the Planning Inspectorate have duly been informed re the above**

The relevant parties were consulted as part of the planning application.

**57. What code of conduct is applicable to the Planning Department Employees?**

N/A

**58. Have all the co-ordinating caseworker planners and managers responsible for 49 and 51 Beresford Avenue, N20 0AD/Millens Developers have been or are Barnet Employees?**

The planning officer is a Regional Enterprise employee, the manager is a Barnet employee.

***59. Can I have a copy of all internal emails and miscellaneous notes, memos and meta data relating to me/identifying me between all planning department employees, agents and their managers re: the planning application on 49 and 51 Beresford Ave, N20 OAD and Millen Homes.***

Please see attached.