



Barnet Council
2 Bristol Avenue
London
NW9 4EW

Nick.Lynch@Barnet.gov.uk

Letter sent by email to Programme Officer Ian Kemp ikemp@icloud.com

FAO Inspectors Wildgoose BSc (Hons) MSc MRTPI and
Philpott BA (Hons) MA MRTPI

11th March 2022

Dear Inspectors

Examination of the Barnet Local Plan 2021 to 2036

1. Thank you for your letter dated 9th February 2022. This letter is the Council's response to that letter in which you set out a number of initial issues as identified from your preliminary appraisal of the Barnet Local Plan.

2. Your letter identified three main concerns and set out next steps in relation to each main concern. For reference, a summary of the Council's response to these main concerns is set out as follows:

a. Duty to Cooperate - The Council, in producing the Local Plan, has engaged consistently with neighbouring local planning authorities (LPAs), the GLA, TfL and statutory bodies. This is evidenced by the Duty to Cooperate (DtC) Statement (Core_Gen_05) and the Reg 22 Consultation Statement (Core_09). Further corroboration, confirming outlined stances, is provided by the iterative sign-off of individual SoCGs which the Council intends to complete by April 14th.

b. Habitats Regulation Assessment (HRA) - The Council is currently revisiting the Screening Opinion, contained within Appendix 4 of Part Three of the Integrated Impact Assessment. This will help to clarify the position of Barnet with regards to the HRA. Further the Council is revisiting the SoCG with Natural England (NE) to re-confirm the NE's position on the Screening Opinion. The Council expects to have clarified the HRA Screening Opinion and revised the SoCG with NE by April 14th.

c. Proposed site allocations – The Council has provided further clarification on the Local Plan's approach to selecting sites. The approach is set out to the consideration of 'reasonable alternatives' within the context of a London borough, where the London Plan forms part of the Development Plan for Barnet. The Council highlights that, in providing a statement of general conformity with the London Plan, the Greater London Authority on behalf of the Mayor of London (Core_Gen_06) have not identified specific concerns with either the proposed allocations included within the Barnet Local Plan, or the site selection process undertaken.

The Housing Technical Paper (HTP) sets out how Barnet's approach meets the requirements of the NPPF and National Planning Policy Guidance and that the Council has taken a sensible and proportionate approach to site selection. It also sets out how the Council has taken into account London Plan policies on Housing Supply (Policy H1) and Small Sites (Policy H2).

The Council has considered flood risk as an environmental factor in the site selection and assessment process, meaning that there is potential to mitigate the flood risk, for example through

site layout and design and flood defences. There has been ongoing cooperation between the Council and the Environment Agency (EA) throughout the process of Local Plan preparation. Further consultation feedback was provided by the EA on the Regulation 19 consultation, as a result of which the Council undertook the Sequential and Exceptions Test which has now been agreed with the EA and is ready to be added as (EB_GI_18) to the Examination Library. As further corroboration of co-operation with the EA a SoCG is in circulation and proceeding towards sign-off before April 14th.

The Council does not consider that the funding position around many critical or essential infrastructure items as set out in the Infrastructure Delivery Plan (Core_Gen_19) is uncertain. Barnet's CIL Charging Schedule was adopted by the Council on 1st March 2022 and the revised CIL charging schedule will be effective from May 2022. These documents will shortly be added to the Examination Library.

The Council considers that it has undertaken a proportionate and realistic approach to assessing site capacity. Indicative capacities within proposals are intended as high-level assessments that will be firmed up by further design and master-planning work as proposals transition to planning applications. Carrying out a full design-led site assessment at the allocation stage would be disproportionately resource intensive and lead to less flexibility.

3. You also set out some further initial questions and requests to assist you at this stage of the examination. For reference, a summary of the Council's response to these initial questions is as follows:

a. Council response to Regulation 19 representations - The Council has produced within the Regulation 22 Consultation Statement (Core_09) a summary of the main issues raised in responses to the Regulation 19 Local Plan, and views expressed in relation to soundness, legal compliance or the duty to cooperate when preparing the Local Plan. The Council will use this as the basis of a new document setting out an initial response to issues of soundness, legal compliance or duty to cooperate raised by Regulation 19 representations. The Council's expectation is that this will be completed by May 6th at the latest.

b. Policies map – The Council is looking to produce a single Borough-wide map at an appropriate scale that accurately shows the proposed land proposals and other designations. Our expectation is that this will be completed by May 12th.

c. Biodiversity - The Council will produce a Biodiversity Technical Paper that will set out and signpost the work that the Council is carrying out with regards to Biodiversity. The Council expects to have finalised the Biodiversity Technical Paper by April 14th.

d. Developer contributions and viability - The Council has attached the Viability Assessment Q and A Paper (which will shortly be added to the Examination Library). This Paper will help address your additional concern in terms of site selection and assessment. This letter addresses in more detail the approach of the Local Plan to 'other contributions'. This will also be set out in the Local Plan Viability Technical Paper by April 14th.

e. Supplementary Planning Documents (SPDs) – The Council has no intention of producing SPDs that are contrary to the purpose of such documents as defined in the NPPF. The Council will make a limited number of proposed modifications to the Local Plan to address this matter and ensure that a consistent, sound and appropriate approach is taken. The Council intends to set out these proposed SPD related modifications by April 14th.

f. Examination Documents – The Council is undertaking a thorough review of all documents referenced in the Plan. The Examination Library will be updated by, at the latest, March 31st, as a consequence of this review.

4. The following sections of the letter addresses each of the above points in more detail

Duty to Cooperate

5. The Council recognises that in the absence of submitted signed Statements of Common Ground ('SoCG') the difficulties you will have in reaching a formal view on whether the Duty to Co-operate has been satisfied.

6. As a London borough, Barnet has a good track record of partnership working. The Council, in producing the Local Plan, has engaged consistently with neighbouring local planning authorities (LPAs), the GLA, TfL and statutory bodies.

7. The Duty to Cooperate (DtC) Statement (Core_Gen_05) which accompanied the submission of the Plan outlines how the Council has proactively engaged with neighbouring LPAs, the Greater London Authority (GLA) and other statutory and key stakeholders in a constructive and on an on-going basis throughout the preparation of the Plan. Corroboration is provided in Appendix A in terms of meetings held and the issues discussed. Appendix C provides an audit trail of issues raised by neighbouring and statutory authorities at Reg 18 stage, how they have been dealt with, and consequential drafting changes made to the Local Plan at Reg 19 are set out in this section. Appendix C signposts that any unresolved issues will be set out in forthcoming SoCGs, demonstrating progress made on matters between the Council and stakeholders. In addition, the Reg 22 Consultation Statement (Core_09) sets out what consultation and engagement has been undertaken on Barnet's draft Local Plan and how this has shaped the revision of the document. Appendix J provides a summary of the main issues raised in Regulation 19 responses, and views expressed in relation to soundness, legal compliance or the duty to cooperate when preparing the Local Plan. Further corroboration, confirming outlined stances, is provided by the iterative sign-off of individual SoCG.

8. The Council has been using SOCG as 'living documents', providing a narrative of what has been done as well as what will be done. The SOCG with neighbouring LPAs serves Barnet as well as our neighbours in progressing their Local Plans. This ongoing dialogue and the current position reached with each of the parties is set out in the suite of SoCG that have been prepared. A number of these (as listed below) have been agreed, signed-off and published on the examination website. Each SOCG states the known position of the organisation, and how the Council is working to address this. Inevitably there are still some matters that will require further discussion and resolution throughout the examination process. The Council will seek to resolve issues such as flood risk (with Environment Agency) and tall buildings (with Historic England) through SoCG.

9. The Council has made good progress in ensuring the agreement of SoCG with neighbouring LPAs (with the exception of Hertsmere Borough Council for reasons set out below). The strategic issues on which we have been working with neighbouring LPAs are covered in the suite of SoCG listed below. The strategic issues covered include: housing targets; tall buildings and protected views; Growth and Opportunity Areas; town centres; flood risk and water management; air quality; Gypsy and Travellers; strategic infrastructure; Green Belt and biodiversity.

10. In terms of strategic issues with strategic partners the Council is progressing another suite of SoCG (listed below). The partners and the relevant issues are:

- TfL Spatial Planning: Sustainable Growth and Growth Areas, transport infrastructure, car parking;
- TfL Commercial Development: Growth Areas, Town Centres, Tall Buildings, site proposals;
- Natural England: climate change, green infrastructure and biodiversity;
- Environment Agency: Growth Areas, tall buildings, biodiversity, flood risk, and site proposals;
- Historic England: Tall Buildings, Barnet's heritage, climate change mitigation and site proposals;
- National Highways: impacts of growth on the Strategic Road Network;
- Thames Water and Affinity Water: impacts of growth on water infrastructure;
- National Health Service (NHS) (HUDU) North Central Clinical Commissioning Group – emphasise strong relationship between health and planning, healthcare infrastructure

requirements in the Growth Areas and alignment with the NHS North Central London Estates Strategy and estate priorities in Barnet.

Suite of Statements of Common Ground agreed with Local Planning Authorities

LB Brent	published February 2022
LB Camden	published February 2022
LB Enfield	published February 2022
LB Haringey	published February 2022
LB Harrow	published February 2022
Hertsmere Borough Council and Hertfordshire County Council – paused following Council's decision in January 2022 to withdraw the Draft Local Plan	

Suite of Statements of Common Ground with Strategic Partners

Natural England	published February 2022 (to be reviewed)
Environment Agency	In progress
Greater London Authority	In progress
Historic England	In progress
National Highways	In progress
NHS (HUDU) North Central	Awaiting sign- off
NHS Property Services	Awaiting sign- off
NHS Property Services (Edgware Hospital)	In progress
Thames Water	In progress
Transport for London (Commercial Development)	In progress
Transport for London (Spatial Planning)	In progress

The Council is working to have all of the outstanding SoCG signed off by April 14th. It will also highlight any partners where by that date it may not have proved possible to achieve a signed off SoCG despite the best endeavours of the LPA. Once agreement has been reached on these draft documents, signed versions of the relevant SoCG will be published on the examination webpages and forwarded to you via the Programme Officer.

Habitats Regulations Assessment (HRA)

11. You have stated that you consider further work is necessary to “ensure legal compliance and robust conclusions”.

12. The Council is currently revisiting the Screening Opinion, contained within Appendix 4 of Part Three of the Integrated Impact Assessment. Nonetheless it is useful if we clarify the position of Barnet with regards to the HRA. In summary the position is that there are four sites in the national site network (formerly European sites as referred to in the HRA) that were considered as part of the Screening Opinion. The closest of these is located approximately 11km from the London Borough of Barnet boundaries, and the other three are all over 15km away. A Screening Opinion was undertaken in 2019 and the conclusion reached any plan or project not directly connected with or necessary to the management of any of the site was not likely to have a significant effect thereon, either individually or in combination with other plans and projects. As a result, the Council's decision taken at that time not to proceed to undertake an Appropriate Assessment.

13. The relevant statutory body Natural England (NE) were consulted in November 2019 just prior to issuing of the Screening Opinion and indicated their agreement with the Council's conclusion, “that there are not likely to be any significant effects on European sites due to the fact that there are no sites within the Boroughs boundaries and the nearest site is approximately

11km away” and were also of the view “that Barnet is not considered a high-risk area and it is quite possible that Natural England will agree with the conclusion in the HRA”. Finally, NE indicated that if they had specific comments on the HRA these would be conveyed as part of their response to the Council’s Regulation 18 consultation draft Local Plan. Whilst a subsequent Regulation 18 stage representation was received from Natural England (document ID098) this does not specifically address the approach of the HRA of the Plan as submitted. In accordance with judicial guidance the Council has seen no reason not to give the views of NE material weight. In response to the Inspectors letter the NE have re-confirmed their position to the Council that they don’t have major concerns about the impact of the Barnet Local Plan on designated network sites and are happy with the 15km buffer as well as the conclusion of no Likely Significant Effect on any designated network site. The Council will confirm and corroborate the NE’s position on the Screening Opinion through a revision to the SoCG. The Council expects to have clarified the HRA Screening Opinion and revised the SoCG with NE by April 14th.

Proposed site allocations

14. In your letter you state that you are concerned about the soundness and approach to identification and assessment of proposed site allocations. This includes:

- a. The approach of the Sustainability Appraisal / Integrated Impact Assessment;
- b. The site selection methodology;
- c. The approach to flood risk; and,
- d. Assumptions on site development capacity given infrastructure dependencies and other site constraints.

15. The Council have prepared a Housing Technical Paper (‘HTP’), provided with this letter, which addressed in full these concerns. A summary of the information contained in the HTP is set out below.

Approach of the Sustainability Appraisal / Integrated Impact Assessment

16. The approach to the proposed site allocations in Annex 1 - Schedule of Site Proposals of the Plan - is summarised in terms of the site selection methodology in the Site Selection Background Document (Core_Gen_07), with associated site assessments provided as part of the SA set out in the IIA. The Council recognises that based upon an initial examination of that evidence you have raised concerns regarding the robustness of the approach taken towards the assessment and selection of the proposed site allocations. Further you highlight that there is seemingly limited justification for the selection of preferred sites for allocation when compared with other alternative sites, or otherwise no suitable explanation as to why sites not proposed to be allocated in the Plan are not considered to be “reasonable alternatives”.

17. The Integrated Impact Assessment (IIA) (Core_Gen_02) does set out a high level consideration of reasonable alternatives. In the IIA Part 1 - paragraphs 3.7 – 3.10 – there is a discussion of the need to consider reasonable alternatives associated with the scale and location of housing growth within the Borough. It is highly significant when considering possible reasonable alternatives to have regard to the framework in which the draft Barnet Local Plan is being made – in particular, the fact that the London Plan sets Borough level housing targets and identifies locations for future growth along with strategic policies for delivering the identified growth. As a result of this it is argued that the SA has been restricted in its consideration of what can be a reasonable alternative. The IIA goes on to point out that the Council has undertaken a rigorous review of land that is available for development, and which is likely to be deliverable and developable within the plan period. A preferred policy approach was set out as part of the Draft Local Plan preferred approach (Reg 18) and a summary assessment of these alternatives is set out in the IIA Appendix 8.

18. Planning Guidance on SEA and SA regulations is that the sustainability appraisal needs to consider and compare all ‘reasonable alternatives’ as the plan evolves, including the preferred

approach, and assess these against the baseline environmental, economic and social characteristics of the area and the likely situation if the plan were not to be adopted. National Planning Policy Guidance (NPPG) goes on to say that 'reasonable alternatives are the different realistic options considered by the plan-maker in developing the policies in the plan' (Para: 018 Reference ID: 11-018-20140306). The emphasis is on alternatives that are reasonable, and which are realistic in terms of capable of being delivered during the Local Plan period. The Council did not consider that it would be an appropriate use of resources to set out and assess options that had no realistic chance of progress - by way of example these would include sites which would require the removal of land from the Green Belt, notwithstanding the clear policy protection for it not only within the NPPF but more particularly in the London Plan and the ability of the Council to meet the London Plan's housing target for Barnet without removing land from the Green Belt means that there was no realistic prospect as a matter of judgement of any site meeting the 'exceptional circumstances test'. As explained in the HTP, alternative approaches would nearly entirely relate to Green Belt and Metropolitan Open Land sites that could not reasonably be progressed in the Barnet and London context and were thus considered to not be reasonable alternatives for the reasons already given.

19. The Local Plan is supported by a Green Belt and Metropolitan Open Land (MOL) Study (EB_GI_16 Pt1 & EB_GI_16 Pt2). The Study assessed existing Green Belt land in relation to the five purposes of the Green Belt designation set out in the National Planning Policy Framework 2018 (NPPF) (which remains unchanged in the 2021 NPPF) and NPPG, with a view to identifying pockets of land which perform relatively poorly in Green Belt terms. The Study concluded that the vast majority of Green Belt within Barnet continues to serve its purposes very well, safeguarding the identity of Barnet and Greater London by maintaining the openness of the Green Belt. Similarly, the Study found that the vast majority of MOL within Barnet is open, helping to maintain and protect the functions, Green Links and features they contain, as well as the physical structure of London. A significant proportion of the MOL within the Borough contains buildings and structures which compromise openness to varying degrees. However, the majority are of a relatively small scale and have a use which supports the use of the MOL as open space. The Plan does not require the release any Green Belt to meet its growth needs during the Plan Period.

20. We have been reinforced in our view by our consideration of the outcome for the neighbouring London Borough of Enfield's proposals for potential Green Belt release among the options in its Regulation 18 Local Plan consultation in 2021. The Mayor's response was very clear that the Enfield Plan was not in conformity with the London Plan, as set out in his letter of 13th September 2021:

'Having considered Enfield's draft Plan and the evidence to support the preferred approach it is the Mayor's opinion that the exceptional circumstances that are required to justify the release of Green Belt land through the Local Plan process have not been established.'

21. In this context the Council has considered it significant to note that, in providing a statement of general conformity with the London Plan, the Greater London Authority on behalf of the Mayor of London (Core_Gen_06) have not identified specific concerns with either the proposed allocations included within the Barnet Local Plan, or the site selection process undertaken. As noted in your letter these London Plan policies set out that boroughs should seek to optimise the potential for housing delivery on all suitable and available brownfield sites, consider sites with existing or planned public transport access levels (PTALs) of 3-6 or which are located within 800m distance of a station or town centre boundary, and achieve minimum housing targets for small sites. The Council fully recognises this and considers that its draft Local Plan, in being in general conformity with the London Plan, has fully adhered to this approach. Consequently, it is not the case that a more limited area of site search has been applied, nor that our approach to small sites is contradictory to the requirements of the London Plan. The Council expects to finalise a SoCG with the GLA by April 14th.

22. The HTP further sets out how Barnet's approach meets the requirements of the NPPF and NPPG and that the Council have taken a sensible and proportionate approach to site selection and consideration of reasonable alternatives. This includes drawing in sites from a range of sources and carrying out extensive 'call for sites' information gathering exercises. The HTP highlights that site assessments were undertaken systematically on the basis of planning designations and environmental factors. It also sets out how the Council has taken into account London Plan policies on Housing Supply (Policy H1) and Small Sites (Policy H2). The Local Plan must be in general conformity with the London Plan but does not need to be in absolute conformity. The HTP helps set the context and explains where there are issues of conformity with Policies H1 and H2.

23. The process of carrying out the call for sites and sites' assessment means that there has already been a consideration of alternatives, i.e. the sites that were promoted and then assessed for suitability but not included as site proposals within the draft Barnet Local Plan. Those sites deemed suitable have been included in the Schedule of Site Proposals. The consideration of 'reasonable alternatives'; reasonable in terms of there being a realistic possibility of actually being delivered; this is: availability, free of overriding policy constraints (or at least these being capable of being mitigated against) and viable. The site assessment process needs to be based on proportionate evidence and the Council considers that that requirement has been met.

Site Selection Methodology

24. The Council's approach to site selection is detailed in the Housing Technical Paper which itself provides further information to the explanations provided in the Local Plan Annex 1 and Site Selection Background Report.

25. The Council identified sites from a range of sources that are consistent with Policy Guidance. This included carrying out a call for sites in 2017-18 that added to the previous call for sites carried out in 2009, 2010 and 2015. Other sources for sites included:

- Estate regeneration schemes
- Allocated in other planning documents adopted by the Council
- Growth Areas identified in previous plan documents
- Carried forward from Barnet's previous site proposals document, the 2006 UDP.

26. An assessment of the sites was carried out based on suitability in terms of planning land uses. The great majority of the sites that were removed were due to their Green Belt or MOL status, for the reasons described above. The only other reason for rejecting a site was because of site classification as a Site of Local Importance for Nature Conservation (SINC). The full list can be seen in the Site Selection Background Report (Core_Gen_07).

27. Physical or environmental factors, such as flood risk, or conservation areas, were taken into consideration as potentially further restraining development capacity. The approach to flood risk is discussed in further detail below.

Approach to Flood Risk

28. You raise concerns over the approach to flood risk with the site selection process. The Council considered flood risk as an environmental factor in the site selection and assessment process, meaning that there is potential to mitigate the flood risk, for example through site layout and design and flood defences. There has been ongoing cooperation between the Council and the Environment Agency (EA) throughout the process of Local Plan preparation. The EA provided feedback on the sites during the Regulation 18 consultation in 2020. Extensive discussions were undertaken between the Council and the EA during preparation of the Strategic Flood Risk Assessment (SFRA) Level 2, with the Council amending the study to reflect issues raised, including, for example, on climate change allowances. Further consultation feedback was

provided by the EA on the Regulation 19 consultation, as a result of which the Council undertook the Sequential and Exceptions Test (EB_GI_18). The Test has been agreed with the EA and is ready to be added to the Examination Library.

29. The Sequential and Exceptions Test indicated that two sites (no. 6 Watling Avenue and no.9 Colindeep Lane) should be removed, addressing the concerns on these sites which were raised by the EA. Amendments to the text for other sites was recommended by the EA and has been accepted by the Council. Further correspondence and discussions have taken place between the Council and the EA on a SoCG, a version of which has now been agreed in principle and is proceeding towards sign-off before April 14th

Assumptions on site development capacity given infrastructure dependencies and other site constraints

30. The funding position around many critical or essential infrastructure items as set out in the Infrastructure Delivery Plan (Core_Gen_19) is uncertain.

31. The great majority of sites included in the Local Plan are deliverable with the existing infrastructure. Where additional infrastructure is required, we can confirm that the Council is continuing to liaise as necessary with infrastructure bodies, including National Highways and Thames Water specifically referenced in your letter, in order to robustly justify the proposed site allocations. The Council is awaiting publication of the Strategic Infrastructure Delivery Plan for West London. This was commissioned through the West London Alliance. Upon publication it will be added to the Examination Library.

32. With regard to your concerns over the viability assessments and the overall cumulative cost of policy requirements, the Examiner's report on the Community Infrastructure Levy Charging (CIL) Schedule was received on 14th February 2022. Subject to a recommended modification, the Examiner concluded that the London Borough of Barnet CIL Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations and therefore recommended that the Charging Schedule be approved. The CIL Charging Schedule was adopted by the Council on 1st March 2022 and the revised CIL charging schedule will be effective from May 2022. These documents will shortly be added to the Examination Library.

33. You raise concerns over the application of London Plan in relation to site capacity estimates, and whether a capacity range should be provided rather than a single figure. The Council used the density matrix as an established London mechanism (in the absence of reasonable alternatives) for determining indicative densities in a London borough. The Council would also note that the Local Plan must be in general conformity with the London Plan but does not need to be in exact conformity. The matrix approach identifies greater development potential in locations with high public transport accessibility, fewer environmental constraints such as a Conservation Area or areas at flood risk, and where the urban context is suitable to denser forms of development.

34. During preparation of the site allocations the option of using a capacity range was considered but found to be impractical due to the need for an identifiable output that could feed into the overall supply total. The approach of other London boroughs to site allocations in their Local Plans was studied by way of comparison, with the provision of single value estimate being a common approach (including the adopted Plans of Brent and Redbridge, and Islington's Local Plan which is under examination). Indicative capacities within proposals are intended as high level assessments that will be firmed up by further design and master-planning work as proposals transition to planning applications.

35. The Council is concerned about the proportionality and realism of undertaking an extensive process of design options. Carrying out a full design-led site assessment at the

allocation stage would be disproportionately resource intensive and lead to less flexibility. It must be borne in mind that the Local Plan is allocating sites and is not seeking to prepare planning applications. There is a need to avoid being overly prescriptive so as to maintain flexibility for the potential development and design options that may come forward in the future. It is highly likely that factors affecting development will change during the Plan Period, and the Local Plan should avoid being too restrictive and potentially stymying development due to overly rigid site allocation requirements. It is not possible to foresee all eventualities, for example the recent impact of COVID-19 which has affected the need for outdoor amenity space and ability to work from home.

36. The Council has consistently approved significantly more new homes than the annual requirement figure and has improved upon the number of homes delivered year on year when measured against the annual London Plan requirement figure. The Housing Delivery Test (HDT) 2021 shows that Barnet met its need at 108% of the requirement, and therefore it is clear that on the present application of the HDT there are no immediate consequences for the Borough in terms of presumption in favour of development, provision of a buffer, or preparation of a Housing Action Plan.

37. In accordance with the NPPF Framework delivering the right homes in the right locations at the right time underpins successful and sustainable growth in Barnet. The Council has been required to produce three consecutive Housing Delivery Action Plans (HDAP) since the introduction of the Housing Delivery Test. Barnet's third HDAP (EB_H_10), published in December 2021, highlights the causes of delays to development following planning consent and the actions the Council proposes to undertake to speed up the delivery of new homes. Barnet has significantly improved delivery of housing over the past five years with completions steadily moving beyond the London Plan target. This progress may be at risk by strategic problems faced by housebuilders. The 2021 HDAP signposted the significant challenges for housing construction. In December 2021 these largely arose from the impact of the COVID-19 pandemic in terms of increased demands for building materials, mainly generated by home improvements, at a time when there have been shortfalls in production. Supply chain issues and associated rising costs have been compounded by Brexit particularly in terms of labour shortages in the construction industry. These issues are impacting on housing delivery across the country. In addition, inflationary pressures arising from increased energy costs and global economic uncertainty as a result of the conflict in Ukraine have added to the challenges of delivering new homes. The response to these significant global and national challenges is beyond the scope of a local authority HDAP.

Summary and potential outcome

38. You express concerns that both the site selection and site assessment processes that have identified the proposed proposals and informed the Plan, together with the associated identification and assessment of reasonable alternatives in the accompanying IIA, may be neither robust nor clearly explained. You also express concerns that the current evidence available does not enable you properly to consider whether the Plan is justified and represents an appropriate strategy as required by para 35b) of the Framework.

39. Furthermore, you comment that prior to compiling a Housing Technical Paper to justify the approaches in those respects, it would appear that there is a necessity for re-assessment of and justification for the site selection and site assessment processes. Continuing, that amongst other things, this is likely to include: significant updates and additions to the approach taken in the IIA; suitably assessing the relevant constraints such as necessary procedures relating to flood risk where appropriate; and demonstrating an understanding of the influence of heritage assets and infrastructure dependencies. Emphasising the vital importance that the preparation of additional evidence in those respects is required in order that it constitutes a robust and objective process when seeking to achieve soundness, rather than a pre-determined outcome based on the Plan as submitted.

40. The Council does not consider that the additional evidence required to undertake the above tasks need necessarily result in making further changes to the Local Plan that are sufficient to trigger a requirement for additional formal consultation. The Council's position is that the alterations required will neither alter, nor significantly impact on, the Local Plan's overall spatial strategy. Consequently, the Council is confident that the additional work currently underway ought not to result in a major delay to the examination.

Other Initial Questions and Requests

Council responses to Regulation 19 representations

41. To assist your understanding of the current position in relation to the legal compliance and soundness of the Plan as a whole, you request that the Council prepares an updated version of the Reg 19 Schedule of Representations (Core_03) that includes the Council's initial response to the summary of main issues to each policy raised in the representations made at Regulation 19 and any action intended as a result.

42. The Council has produced a summary document within the Regulation 22 Consultation Statement (Core_09). Appendix J of the Consultation Statement provides a summary of the main issues raised in responses to the Regulation 19 Local Plan, and views expressed in relation to soundness, legal compliance or the duty to cooperate when preparing the Local Plan. This represents Council officer summaries of the key representations made on the policies and proposals within the Reg 19 Local Plan. Reference should be made to full representations for complete text and context in which the summarised representation was made.

43. The Council will therefore use Appendix J as the basis of a new document setting out an initial response to issues of soundness, legal compliance or duty to co-operate raised by Regulation 19 representations. This will be completed following the sign-off of the suite of Statement of Common Ground documents. The Council's expectation is that this will be completed by May 6th at the latest

Policies Map

44. With regard to your views on Changes to the Policies Map (Core_05) the Council is working to improve the quality of the mapping information with the addition of scales and necessary annotations creating a clearer representation of what is proposed by the Local Plan and the precise geographic extent of policies.

45. Therefore, as requested, we are looking to produce a single Borough-wide map at an appropriate scale that accurately shows the proposed land proposals and other designations. Our expectation is that this will be completed by May 12th.

Biodiversity

46. The Council's views are sought on the extent to which the Plan should firstly, identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks; and secondly, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species. The Council will produce a Biodiversity Technical Paper (BTP) that will set out and signpost the work that the Council is carrying out with regards to Biodiversity. The BTP will clarify the contribution of the Local Plan to this work which goes beyond the requirements of the NPPF and the London Plan. The Council expects to have finalised the Biodiversity Technical Paper by April 14th.

Developer contributions and viability

47. Referring to paragraph 12.6.4 of the Local Plan which sets out the contributions that may be expected from development via planning obligations, and the Local Plan Viability Assessment (Core_Gen_01) your letter highlights that there are potential inconsistencies insofar as some of those contributions listed have not been accounted for, as they are assumed to be funded by CIL or are deferred to scheme-specific viability at the time of application submission.

48. The examination of the Council's Community Infrastructure Levy Draft Charging Schedule Review has now been completed and the Inspector's report published and the revised CIL charging schedule will be effective from May 2022. These documents will be added to the Examination Library.

49. In relation to your concerns that the viability assessment may not have accurately assessed the overall cumulative cost of policy requirements the Council refers you to the Viability Assessment Q and A Paper. This will help address your additional concern in terms of site selection and assessment.

50. With regards to providing clarity as to whether there would be any other requirements with abnormal costs not accounted for such as flood risk mitigation or any other mitigation measures the Plan does make it clear that these 'other requirements' will "vary depending on the development scheme and its location". Para 12.6.5 in the Local Plan notes that these contributions will be subject to negotiation. Given that the full extent of any requirements (other than affordable housing, which is assessed in the Viability Assessment separately from other obligations) is only settled at the application stage, the best we can do for viability testing at the Local Plan examination stage is to include an allowance in our appraisals to reflect potential requirements. This approach is set out within the Viability Assessment at para 4.31.

51. Any S106 requirements as set out in Local Plan para 12.5.4 will be considered at the planning application stage alongside affordable housing, the latter being applied flexibly having regards to site-specific viability. If a particular site has extensive planning obligations that exceed the allowances in our appraisals, and it is not possible to pass the cost of these obligations back to the landowner through a reduced land value (due to a high EUV), then the tenure mix and or overall quantum of affordable housing may need to be flexed to accommodate the total package.

52. The Council would like the Inspector to note that in a complex development landscape like Barnet (where there are multiple potential benchmark land values and development scenarios), it is not possible to set a fixed quota for affordable housing at the Local Plan stage. This is acknowledged through the approach adopted in the London Plan for an explicit 'viability tested' route for affordable housing. Inevitably, in some cases there will need to be a negotiation on the extent of planning obligations and how this may impact on affordable housing requirements. Further, the extent to which developers may be required to contribute towards the items listed in Local Plan para 12.6.4 depends on the availability of funds from other sources (e.g. from Transport for London for improvements to public transport). Funding available from other organisations is fluid and not possible to identify for the whole of the Local Plan period.

53. As requested, in order to ensure that the cumulative burden of policy requirements does not undermine the deliverability of the Plan, further evidence in the form of a Technical Note will be provided to justify the robustness of the assessment of the viability of the Plan's policy requirements. The Council expects to have finalised the Local Plan Viability Technical Paper by April 14th.

Supplementary Planning Documents

54. In relation to your concerns regarding the approach of deferring a number of policy requirements within the Plan to Supplementary Planning Documents, this is certainly not the Council's intention. We fully appreciate that to attempt to do so would be contrary to the purpose of such documents as defined in the NPPF. The Council have therefore reviewed the terminology

used throughout the draft Local Plan in terms of the relationship between policies and SPD and, as a consequence, have identified the need to make a limited number of proposed modifications in order to address this matter and ensure that a consistent, sound and appropriate approach is taken. A few SPDs have been renamed following publication of Barnet's 8th Local Development Scheme in September. The Council intends to set out these proposed SPD related modifications by April 14th.

Evidence on Parks and Recreation

55. With regards to the request for a justification of the Plan's approach to the need for open space, sport and recreation facilities and opportunities for new provision in the Plan, including whether the supporting evidence can be considered 'robust and up-to-date' the Council is producing a Parks and Recreation Technical Paper. This Paper will set out policy requirements drawing together the supporting evidence that justifies the approaches taken in the Plan. The Council expects to have finalised the Parks and Recreation Technical Paper by April 14th.

Examination documents

In terms of the Examination Library your letter highlights a number of omissions of documents referenced in the Local Plan. As requested, the Council is undertaking a thorough review to ensure that, liaising as necessary with the Programme Officer, all documents referenced in the Plan are included and therefore publicly available to download and view, in the Examination Library. This includes the Brent Cross - Integrated Transport Strategy (document EB_T_06) which was previously denoted as available on request. The Examination Library will be updated by, at the latest March 31st, as a consequence of this review.

Conclusion and Next Steps

56. It is the Council's view that most – if not all – of the matters and initial concerns raised in your letter dated 9th February are either addressed above in the clarifications and reassurances provided in this response and in the attachments enclosed with this letter or are capable of being rectified through a limited amount of additional work as identified above. Where extra work is in train, the Council will deliver against the highlighted timescales and will provide the Programme Officer with regular updates in terms of the progress being made in this regard. Meanwhile, once you have had an opportunity to consider the contents of this letter and reviewed the additional documentation provided, we would be grateful to receive an indication of how you envisage that the examination progresses and, if possible at this juncture, indicative timescales for doing so.

57. The Council notes your view that the reply to this letter will lead to the submission of further new evidence and other documents on which interested parties would not have had the opportunity to comment. The Council's view on this matter is that there is little by way of fresh evidence being produced; rather, it is more a case of repackaging, presenting and explaining the evidence that was made available at the time of the Reg 19 stage Local Plan publication. The suite of Statements of Common Ground will help inform debate at the forthcoming examination hearing sessions and then shape the form that Main Modifications to the Local Plan will take as part of the Examination in Public. These Main Modifications will be subject to formal public consultation as part of the EIP process.

58. Officers are happy to provide the inspectors with any further assistance and would be pleased to meet inspectors by way of a virtual meeting.

Yours sincerely

Nick Lynch

