

London Borough of Barnet Local Plan – Examination

Inspectors' Matters, Issues and Questions for Hearing Sessions - Autumn 2022

Matter 3: Meeting the Borough's Housing Needs

Issue 1:

Whether the Plan has been positively prepared and whether it is justified, effective, consistent with national policy and in general conformity with the London Plan in relation to meeting the Borough's housing needs?

Questions:

- 1) What is the overall quantity of new homes that are to be planned for in the Borough up to 2036 and are the Council's proposed modifications regarding this matter, necessary for soundness?

The Council proposes to meet the London Plan target of delivering a minimum of 35,460 new homes (equating to 2,364 new homes per annum) over the lifetime of the Local Plan, up to 2036, while providing a supply of sites for up to 44,000 new homes. Table 5 of the Local Plan sets out new homes delivery, where and when the 44,000 homes will be delivered over the plan period. Table 5 as set out in the Proposed Modifications (EXAM 4) (MM36) provides further detail on the breakdown of the 44,000 new homes housing that the Plan can supply with regards to each of the locational components of GSS01.

- 2) Taking account of any response to Question 3 under Matter 2, relating to the Plan period, should the housing requirement be modified to cover the period up to 2038?

No. The Council in its response to Matter 2 - Q3 justifies the 15 year lifetime of the Local Plan. It would not be practical nor proportionate to extend beyond 2036. The policies in the draft plan are looking ahead up to 2036. They are underpinned by a proportionate, robust and relevant evidence base that has been used to inform the contents of the Local Plan and shape its development. The Council also highlights the requirement of the NPPF to review local plan policies at least once every 5 years to assess whether there is a need to update them.

- 3) Having regard to the London Plan housing requirement of 2,364 homes per year for the ten-year period covering 2019/20 to 2028/29:
 - a) What is the basis for the Plan identifying the housing requirement for the remaining years to the end of the Plan period and would it be in general conformity with the London Plan?

The Council refers to NPPG para: 034 Ref ID: 2a-034-20201216 which highlights that responsibility for the overall distribution of housing need in London lies with the Mayor as opposed to individual boroughs and para 0.0.21 of the London Plan 2021 (Core_Gen_16) sets out that boroughs do not need to revisit the housing targets set by the Mayor. As stated in para 4.1.11 of the London Plan, in terms of a target beyond 2028/29, boroughs should draw on the 2017 SHLAA (EB_H_02) findings (which cover the plan period to 2041) and any local evidence of identified capacity, in consultation with the GLA, and should take into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements, and roll forward.

- b) Is there any justification for departing from the London Plan housing requirements?

The Council does not accept that it has departed from London Plan housing requirements. It has produced a Local Plan which is in general conformity with the London Plan as evidenced by the Mayor's Statement (Core_Gen_06).

- 4) Is the housing requirement/target identified correctly on the Housing Trajectory in Figure 3 (as informed by Tables 5 and 5a) and if so, why does it include a base year of 2020/21?

The Council refers to the Main Modifications (EXAM 4). MM39 shows the revised Figure 3 - Housing Trajectory with a baseline of 2021/22. This is the correct baseline for the Local Plan. In response to the Inspector's Next Steps Letter of May 18th (EXAM 4) the Council has produced and submitted a Sites Trajectory Technical Paper.

- 5) Detailed questions on housing supply are to be addressed separately under Matter 11. However, in overall terms, is the Plan approach positively prepared insofar as it seeks to meet the identified housing requirement, particularly as the five-year supply must be made up of "specific, deliverable sites", with "specific, developable sites" also being a component of the supply over the rest of the Plan period?

The Council is able to meet in full its objectively assessed identified housing need and is able to demonstrate a five year housing land supply of deliverable sites. The Council refers to the Housing Trajectory and 5 Year Supply Paper (Core_Gen_29). The Council defended its position on the 5 Year Supply at the Barnet House Planning Appeal (EB_SDG_05) in May 2022. Barnet House is also a proposal site in the draft Local Plan (Site No. 54). Para 67 of the Inspector's decision letter sets out that the Council considers that it has a housing land supply of 6.5 years, the appellant 4.65 years. According to the appellant's case, the supply is 890 dwellings short of a five year supply. The Inspector, at para 98, in allowing the appeal, found that as the proposal accords with the development plan as a whole he did not need to consider the disputed housing land supply issue further.

Under Matter 11 the Council will set out an update to the 5 Year Supply.

- 6) Policy H2 of the London Plan, amongst other things, sets out that boroughs should identify and allocate appropriate small sites (defined as below 0.25 hectares in size) for residential development. Would the proportion of housing anticipated to come forward on small sites in the Borough provide a genuinely plan-led approach to meeting the requirements of the London Plan?

The Council refers to para 2.34 of the Housing Technical Paper (EXAM 1B) which explains the Plan's approach to small sites. Appendix 4 of the Technical Paper sets out how the Plan is addressing each requirement of London Plan Policy H2.

- 7) Is the Plan sufficiently clear as to the respective amount of housing that is to be delivered on small and medium sized sites (no larger than one hectare) in accordance with the Framework?

Yes. The Council considers that the Housing Technical Paper (EXAM 1B) has demonstrated that the Plan is sufficiently clear with regards to housing delivery on small and medium sites of up to a hectare in size.

Issue 2:

Whether the Plan will be effective in delivering affordable housing to meet the needs of the Borough and an appropriate mix and standard of housing to meet the other housing needs of different groups in the community over the Plan period?

Questions:

- 1) What is the basis for the Council approach to meeting objectively assessed needs for affordable housing?

Barnet's SHMA (EB_H_04) identifies the Full Objectively Assessed Need (OAN) for housing in Barnet as 3,060 dwellings per year. This equates to a need of 46,000 new homes over the lifetime of the Local Plan. In terms of meeting the objectively assessed need for affordable housing the SHMA states a need to provide as a minimum 23% of the overall objectively assessed need as affordable accommodation. This equates to a minimum of 10,600 new affordable homes by 2036. The delivery of this level of affordable homes should be viewed within the context of a strategic London Plan (Core_Gen_16) target of 50% affordable provision for residential proposals on public land, or where agreed with public sector landowners a target of 50% affordable housing across a portfolio of sites where at least 35% affordable housing is provided on each site.

- 2) Policy HOU01 sets out the specific approach to affordable housing, in that regard:

- a) Is the policy sufficiently clear and in general conformity with the strategic target and approaches set out in Policies H4 and H5 of the London Plan?

Yes it is. The Council refers to the Mayor's Statement of General Conformity (Core_Gen_6) which requests that the draft Local Plan should mention the 50% affordable housing threshold for public sector land and loss of industrial land or reference the relevant London Plan policies, as these affordability levels could potentially be viable. The Mayor has also requested a revision to para 5.4.10 in order to be consistent with London Plan policy H5C. The Council refers to its Proposed Modifications (EXAM 4) and in particular MM118 and MM120 with regards to improving consistency with the London Plan.

- b) Is there a justifiable reason why a minimum requirement for the number of affordable homes to be delivered in the Borough over the Plan period is not included?

Yes. Delivering affordable housing is more of a question of affordability rather than just numbers. As highlighted in the response to Q2a delivering affordable housing in a London borough needs to reflect the strategic context provided by the London Plan. The London Plan does not require boroughs to set a minimum number of affordable homes. Whilst supporting the Mayor's 50% overall strategic target and seeking to maximise the delivery of genuinely affordable housing, the Council does not consider that the setting of a minimum requirement number of affordable homes is merited and is best reflected in the percentage terms consistent with the London Plan approach.

- c) In the absence of an identified minimum requirement for the number of affordable homes to be delivered, is the Plan positively prepared and how would the effectiveness of affordable housing delivery be monitored?

The Council refers to its response to Q2a and Q2b. Table 24 of the Local Plan sets out Monitoring Indicators including Housing 4 which sets out a target that the Local Plan will deliver a minimum of 35% affordable housing from all new developments of 10 or more dwellings.

- d) The policy states 'For all schemes, the basis of calculations for the affordable housing will relate to the number of habitable rooms or the habitable floorspace of the residential development'. Is the policy effective if it does not include the specific detail of such an approach nor cross refer to where it could be found in the Plan?

The Council refers to the supporting text for Policy HOU01. Para 5.4.11 provides sufficient detail on how the Council will assess affordable housing contributions. The Council expects the supporting text of all policies to be read in conjunction with the Local Plan policy. It therefore questions the merits of adding the cross-reference.

- e) Is the proposed approach to affordable housing tenure splits in Policy HOU01 justified, or should it include greater certainty and/or flexibility for individual site

circumstances when having regard to the thresholds and tenure splits otherwise set out in Policies H5 and H6 of the London Plan?

Yes, it is justified. Policy HOU01 works within the strategic framework provided by the London Plan (Core_Gen_16). The affordable housing tenure split set out in HOU01 is required to comply with London Plan Policy H5. The Mayor has requested more consistency with London Plan Policy H5 – Threshold Approach to Applications. The Council refers to its Proposed Modifications (EXAM 4) and in particular MM118 and MM120 with regards to improving consistency with the London Plan. London Plan Policy H6 - Affordable Housing Tenure sets out the Mayor’s requirements for affordable products. This requires that 30% of new affordable housing should be low cost rental, including Social Rent/ London Affordable Rent; and that a minimum of 30% of affordable housing should be intermediate including, London Living Rent and London Shared Ownership.

In line with London Plan Policy H6 the remaining 40% of affordable homes has been determined by the Borough based on identified need, the tenure split of 60/40 between rented and intermediate products and in accordance with the Housing Strategy. The Mayor has not raised any issues of inconsistency between HOU01 and H6 in either the Statement of Common Ground (EB_SoCG_10) nor the Mayor’s Statement of General Conformity (Core_Gen_6).

- f) Is Policy HOU01 part c) sufficiently clear in terms of the ‘threshold’ to which it refers, and if not, how should the approach be altered to make it sound and consistent?

Yes. The Council considers that the threshold of 10 or more dwellings (gross) is sufficiently clear and is well established through the NPPF (Core_Gen_33). NPPF para 64 states that provision of affordable housing should not be sought for residential developments that are not major developments. Major development is defined within the NPPF’s Glossary as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.

- g) Is the approach to affordable housing supported by robust evidence to demonstrate financial viability, when having regard to other requirements in the Plan, and would the decision-making approach to viability be sufficiently clear?

Yes. The ability to deliver affordable housing along with other policy requirements within the Plan has been drawn out within the Viability Assessment (Core_Gen_01). National policy requires that affordable housing requirements be realistic, with particular regard to viability. In accordance with the London Plan (Core_Gen_16), and the Barnet Local Plan Viability Assessment (Core_Gen_01), the final proposed requirements have been arrived at. This strikes a balance between ensuring viability and therefore delivery, and enabling a significant proportion of Barnet’s affordable housing

need to be met after testing a range of scenarios. The Viability Assessment notes that in some development scenarios, the full affordable housing requirement may be unviable. In these circumstances, the Council would apply its requirements flexibly, in line with the two viability 'routes' set out in London Plan Policy H5. This flexible approach would ensure that affordable housing is maximised while also avoiding rendering sites as undeliverable by imposing rigid targets.

- h) Are the Council's proposed modifications to Policy HOU01 and its supporting text, to optimise capacity below its threshold and allow deviation from affordable housing requirements; justified, effective and otherwise necessary for soundness?

The Council considers that the proposed modifications improve the soundness of Policy HOU01.

- i) Would Policy HOU01 be effective with respect to its approach to 'innovative housing products' and is the Council's proposed modification necessary for soundness?

The Council encourages innovative design when it helps to increase choice in addressing housing needs and deliver the right homes in the right places at the right time. The Council's proposed modification MM121 was made to ensure greater consistency with the NPPF.

- j) Are the other proposed modifications to Policy HOU01 and its supporting text, necessary for soundness and would any further changes be needed to provide specific requirements or approaches relating to First Homes, Starter Homes or Build to Rent?

The Council considers that the proposed modifications help improve the soundness of Policy HOU01.

The Council approved the Publication Local Plan on June 16th 2021 and submitted it to the Planning Inspectorate on November 26th 2021. According to the Ministerial Statement on First Homes (published on 24th May 2021) (EB_H_24) an advanced Local Plan stage (such as Barnet's) would benefit from transitional arrangements and is not obliged to reflect First Homes requirements. However the Council are considering the deliverability and affordability of First Homes for the Borough, taking into account market values, the discount needed to meet national and Mayoral criteria, and local incomes. The Council's position on First Homes is likely to be determined by a revision to the Housing Strategy. Build to Rent (BtR) forms part of the housing choices supported by the Plan at para 5.17. It is an emerging housing tenure amongst a range of housing options, contributing to addressing a proportion of Barnet's housing needs. Therefore, a proportionate approach to securing BtR is merited, and this is reflected by Policy HOU06 as well as HOU01. In accordance with the NPPF definition the Plan at para 5.4.2 makes reference to Starter Homes as an affordable housing product for first time buyers.

- k) Overall, is the Plan approach likely to ensure that the identified need for affordable housing is met?

Yes. The Council considers that within the strategic parameters set by London Plan Policy HOU01 will help ensure the need for affordable homes is met.

- 3) Is the approach in Policy HOU02 in terms of housing mix; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? Responses should address the following:

- a) Whether the preferred housing mix is based on up-to-date evidence?

The preferred housing mix is based on the 2018 SHMA (EB_H_04). In the absence of the full results of the 2021 Census this is the most up-to-date evidence at the moment. The Council acknowledges that dwelling size priorities can change and therefore need to be subject to periodic review of housing need. This can be done through the Housing Strategy or a review of the Local Plan.

Further the Council is justified in highlighting the importance of monitoring housing trends in Barnet in the implementation of this housing mix policy. Such changes are an important material consideration in making planning decisions enabling the Council to avoid getting the wrong homes in the wrong locations at the wrong time.

- b) If the Plan is sufficiently clear as to how the housing size requirements set out in Table 6 and Table 7 have informed the policy approach?

Policy HOU02 reflects priorities identified through the SHMA rather than prescriptive requirements. The Council has utilised Tables 6 and 7 to inform the priorities identified in HOU02 rather than seeking a rigid application of percentages. There is sufficient flexibility in Policy HOU02 to apply the preferred housing mix on a site by site basis.

- c) If the approach which references 'innovative housing products' is consistent with the options available for affordable housing delivery set out in Annex 2 of the Framework and the First Homes Written Ministerial Statement (of 24 May 2021)?

The Council considers that 'innovative housing products' is sufficiently generic and therefore appropriate terminology to reflect the ever changing policy landscape for affordable housing delivery.

- d) Whether the overall approach provides an appropriate and effective level of flexibility to enable an efficient and effective use of land, whilst ensuring that identified housing needs would be met?

Policy HOU02 recognises that site size and characteristics and location are relevant to determining the delivery of an appropriate housing mix across the Borough. Local development context should be regarded as a key influence

on housing mix; different parts of the Borough demand a variety of approaches in order to deliver an appropriate mix of dwelling types, sizes and tenures in the right locations. This aligns with the design-led approach to maximising effective use of land and optimising site capacity. This will be further detailed in the Council's Designing for Density SPD. The Council's approach on Housing Mix has a very strong link with the bespoke policy on Housing Conversions (HOU03) and protecting the existing stock of family homes.

- 4) Is the approach of Policy HOU03 relating to residential conversions and re-development of larger homes; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? Responses should address:
- a) Policy H1 of the London Plan, amongst other things, encourages development within existing or planned PTALs 3 to 6 or which are located within 800m distance of a station or town centre boundary. Why does Policy HOU3 part a), including as proposed to be modified, take a different and more localised approach to residential conversions and re-development of larger homes and is it justified, effective and consistent with national policy in that context?

The Council refers to the Housing Technical Paper (EXAM 1B) which explains the Plan's approach to these 800 metre boundaries. Appendix 4 of the Technical Paper sets out how the Plan is addressing each requirement of London Plan Policy H1. It justifies the distinction from the London Plan in that within the outer London Barnet context 400m is considered a reasonable walking distance across the Borough and is referenced in policies HOU03 on Residential Conversions, HOU04 on Specialist Housing and TOW03 on Managing Hot Food Takeaways. Within Annex 1 Town Centre proposal sites are identified as those within 400 metres of the town centre boundary. Similarly, Major Public Transport Infrastructure sites are identified as within 400 metres of an existing or new public transport hub and which have not otherwise been identified as within Growth Areas, Town Centres or Major Thoroughfares. This differentiation from the 800 metre distance specified in London Plan Policy H1 (part B2a) has not been highlighted by the Mayor as an issue of non-conformity. The Council re-iterates that, whilst the Local Plan must be in general conformity with the London Plan, it is not necessary to be in exact conformity.

- b) Are the policy requirements, otherwise effective and consistent with national policy insofar as how a decision maker should react to development proposals?

Yes. The Council considers that HOU03 is a realistic and proportionate approach to managing growth in the Borough, addressing concerns about the conversion and re-development of larger homes. Policy HOU03 will help achieve a better housing balance, protecting family homes while delivering

new converted homes in the right locations. It helps decision makers by specifying the requirements expected for proposals that entail the conversion and re-development of existing houses.

In addressing the need to deliver a sufficient supply of homes the NPPF highlights that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes families with children. The Council considers that it is in a strong position to protect the existing housing stock given that it can demonstrate through the Local Plan that it can meet the minimum London Plan target of 35,460 new homes over the lifetime of the Local Plan, up to 2036, while providing a supply of sites for up to 44,000 new homes.

- c) Would any further changes to the policy or supporting text, including the proposed modifications suggested by the Council, be needed to achieve soundness?

No. The Council considers that the proposed modifications improve the soundness of Policy HOU03.

- 5) Is the approach in Policy HOU04 to specialist housing; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? In particular:

- a) In terms of the delivery of the benchmark provision for housing for older persons falling within Class C2 of the Use Classes Order as identified in Table 4.3 of the London Plan, is the policy approach in general conformity and if not, is there justification for departing from the London Plan?

The Mayor has not raised any concerns about HOU04 in his Statement of General Conformity (Core_Gen_6). In his response to the Reg 18 Local Plan the Mayor requested that the Policy should make it clear that specialist older persons housing provision should be delivered in line with London Plan Policy H13, including the requirement for affordable and accessible housing. The Council revised the Policy at Reg 19 stage to address the Mayor's comment.

- b) Is the policy justified in its approach to delivery of additional supported housing for vulnerable people, its focus on increasing the supply of extra care housing and remodelling of residential care homes to other forms of specialist accommodation?

The Council considers that Policy HOU04 is justified and appropriate for the Borough. The supporting text clearly sets out the challenging housing circumstances faced by vulnerable people in Barnet. HOU04 is clear with regards to benchmark targets, appropriate locations and providing choice for people with social care and health support needs.

- c) Paragraph 5.9.2 of the Plan refers to the application of optional technical standards for accessible and adaptable dwellings to assist housing choice for people with disabilities, requiring M4(2) of the Building Regulations 2015 for all new homes in the Borough and 10% of homes to meet M4(3) standards for wheelchair user dwellings. Is that approach in general conformity with Policy D7 of the London Plan?

The Building Regulations standards (LP_LEG_14) referred to in para 5.9.2 are not optional. The Council refers to Policy CDH02 which sets out the Plan's approach on Sustainable and Inclusive Design. It also highlights Proposed Main Modifications (EXAM 4) MM142, MM147 and MM148 that were made in response to the GLA's additional comments on General Conformity (Core_Gen_06). The Statement on General Conformity includes a specific email with regards to Building Regulations M4(2) and M4(3) from the London Plan team. Policy CDH02 and supporting text have been revised to accommodate the comments from the London Plan team.

- d) In the interest of effectiveness, should the approach of Policy HOU04 to Houses in Multiple Occupation (HMO) provide justified definitions of what would constitute 'a harmful concentration of such a use in the local area' and are any other changes required for clarity?

The Council's view is that harmful concentrations of HMOs are a matter of planning judgement on individual proposals, responding to local circumstances rather than a prescriptive formulaic approach.

- e) Are the criteria of Policy HOU04 part 3 relating to student accommodation justified and otherwise effective and consistent with national policy in respect of providing certainty to decision makers reacting to development proposals?

Yes. The Council considers that Local Plan policy on student accommodation is consistent with London Plan policy H15 – Purpose Built Student Accommodation. In addressing the need to deliver a sufficient supply of homes the NPPF highlights that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. This includes students.

- f) Is Policy HOU04 Part 4, and the associated paragraphs 5.13.8 to 5.13.9 and 5.14.2 to 5.14.3 of the Plan in general conformity with the London Plan, particularly Policy H15 relating to purpose-built student accommodation and Policy H16 relating to large-scale purpose-built shared living development?

Yes, they are in general conformity. The Council considers that HOU04 draws a distinction between purpose built student accommodation and purpose

built shared living accommodation. They are different forms of housing and the London Plan makes this distinction as well with policies H15 and H16.

- g) Are there any requirements set out in the supporting text that are not reflected in the policy wording, are they justified in the context of Policy H9 of the London Plan and should they be included within the policy for effectiveness?

The Council considers that the supporting text between Section 5.7 and Section 5.14 is sufficiently clear in helping with the implementation of HOU04. Policy H9 – Ensuring the Best Use of Stock of the London Plan refers to Boroughs taking account of the role of HMOs in meeting local and strategic needs. The Council fully recognises the role of HMOs as a form of low cost housing and seeks to protect it as set out in para 5.12.5. This protection is provided by Policy HOU05 which sets out criteria where the loss of residential accommodation may be acceptable.

- h) Would any further modifications to Policy HOU04 or its supporting text be needed to achieve soundness?

The Council considers that the proposed modifications improve the soundness of Policy HOU04.

- 6) Are the approaches in Policy HOU05 relating to loss of residential accommodation and protection from permanent conversion to short-stay accommodation; justified and effective insofar as providing certainty of how a decision maker should react to development proposals?

Yes. Policy HOU05 seeks to ensure that homes are lived in and are meeting the Borough's growing housing needs. It provides a clear message to decision makers that the housing stock is protected. This includes setting out the limited circumstances where the loss of housing may be acceptable and makes clear that short-term lets do not form part of Barnet's housing solution. In meeting housing targets and addressing housing need it is important that the Plan sets out all the tools at the Council's disposal. This includes reference to the Council's regulatory powers to reduce the number of vacant homes.

- 7) Paragraph 5.15.5 of the Plan appears to include requirements of future application proposals. Are they justified and if so, should they be included within Policy HOU05 for effectiveness?

The Council agrees that there are merits in making specific reference at HOU05(4) to temporary housing being encouraged as a meanwhile use subject to this not having an unacceptable impact on residential amenity or preventing sites from being redeveloped in a timely manner.

- 8) Would any other modifications to Policy HOU05 or its supporting text be needed to achieve soundness?

The Council considers that an additional modification to HOU05(4) as set out at Q7 will improve the soundness of Policy HOU05.

- 9) Is the approach of Policy HOU06 to meeting other housing needs, such as Build to Rent, and self-build and custom housebuilding, sound and in general conformity with the London Plan?

In his response at the Reg 18 stage (Core_Gen_27) the Mayor welcomed Barnet's positive approach to Build to Rent development, noting its distinctive economics and ability to contribute to the delivery of new homes. There is a clear link between HOU06 and London Plan Policy H11. The Council acknowledges that HOU06b should refer to Policy H11 rather than H13. It will make a proposed minor modification to correct this.

The Self-build and Custom Housebuilding Act 2015 (LP_LEG_05) introduced an obligation on local authorities (from April 2016) to maintain a list of people and groups interested in building their own homes. The Self-Build Register is a list of individuals / groups who are interested in building their own home. Their need to build their own home has not been objectively assessed. The Council re-iterates that entrants on the Self Build Register represent an exceptionally small proportion of Barnet's housing need and this is clearly stated in our Draft Local Plan. Therefore, having regard to the very low demand at present, the Council has not allocated any specific sites in the Local Plan for self-build and custom housebuilding but has committed to keep this matter under review.

Issue 3:

Whether the Plan is positively prepared, justified, effective, consistent with national policy, and in general conformity with the London Plan, in its approach to meeting needs for Gypsy, Traveller and Travelling Showpeople accommodation?

Questions:

- 1) What is the justification for the approach of the Plan of not allocating sites for additional pitches for Gypsies and Travellers and additional plots for Travelling Showpeople during the Plan period?

The Council's approach is justified and considered sound based on the fact that it has no pitches and plots for Gypsies, Travellers and Travelling Showpeople. Further the Council refutes any suggestion from those who have made representations on this policy that there has been a deliberate approach to not allocate sites. The Local Plan's approach is based on evidence. The Council as part of the West London Alliance commissioned ORS consultants to produce a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA)

in 2018 (EB_H_06) in accordance with the Government's Planning Policy for Traveller Sites (PPTS) (Core_Gen_35). The GTAA identifies no gypsies, travellers and travelling show people in Barnet and therefore no demand for pitches.

- 2) To what extent are the West London Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (WL-GTAA) and Barnet Gypsy Traveller and Travelling Showpeople Accommodation Assessment Update (GTAA Update) considered to:
- a) Provide a robust assessment of need and is the evidence, sufficiently up-to-date and reflective of current circumstances?

The Council have re-examined this evidence and identified incidences of unauthorised encampments as part of a GTAA update in 2021 (EB_H_11). With this new evidence there still remains no known current need for providing accommodation for either Gypsy Travellers or Travelling Showpeople within Barnet. The Council continues to actively monitor and, working with Mayor of London and the London wide GTAA that he has committed to commissioning, commits to keep this matter under review.

- b) Take appropriate account of needs identified in previous assessments?

The previous assessment of the accommodation needs of gypsies, travellers and travelling showpeople was undertaken by the Mayor of London in 2008. Policy H14 of the London Plan (Core_Gen_16) states that Boroughs who have not undertaken a needs assessment since 2008 should use the figure of need provided in Table 4.4 of the London Plan. The figure in Table 4.4 is based on an assessment carried out at least 14 years ago and sets out a need for 8 pitches in Barnet. Much has changed since 2008. This includes the revision of Planning Policy for Traveller Sites (PPTS) in 2015 (Core_Gen_35) which changed the definition of Travellers for planning purposes.

- c) Provide sufficient justification for any changes in numbers of Gypsies and Travellers or Travelling Showpeople resident in the Borough since the previous assessment?

The ethnicity question in the 2011 Census included for the first time 'Gypsy and Irish Traveller' as a specific category. The 2011 Census recorded 51 households that identify as Gypsy or Irish Traveller who live in a house or flat in Barnet. ORS, as set out in para 3.19 of the 2018 GTAA (EB_H_06) apply a rigorous approach to seeking contacts with bricks and mortar households. None of the 51 households from the 2011 Census were identified in the 2018 GTAA. The Council awaits publication of further results from the 2021 Census.

- d) Provide justified assumptions for new household formation rates and is there any evidence of concealed households or overcrowding on existing sites, pitches or plots that should be accommodated in the Borough?

ORS who produced the 2018 GTAA (EB_H_06) are experienced consultants on assessing the accommodation needs of gypsies and travellers. No Gypsy and Traveller pitches or Travelling Showpeople plots were identified in Barnet. ORS found no gypsy and traveller households in Barnet so an assumption about rates of new household formation is not applicable. ORS advised the Council on the 2021 Update (EB_H_11) to the GTAA.

- 3) Can the Council explain its approach relative to the accommodation requirements and unmet needs outside of the Borough but within the West London GTAA area and why it has sought not to identify sites to contribute to meeting such requirements in the Plan? Is such an approach – justified, effective and in accordance with the Planning Policy for Traveller Sites (PPTS) and the Public Sector Equalities Duty?

The Council considers that it can demonstrate no objectively assessed need for pitches and plots. Policy HOU 07 provides a criteria-based policy that is capable of determining applications for any future proposals for such accommodation. The Council has produced statements of common ground (EB_SoGC) with all neighbouring boroughs (including Hertsmere) covering cross boundary strategic matters including accommodation requirements and unmet needs outside of the Borough. These are live documents to be reviewed on a regular basis, informed by continued communication between the parties through meetings, statutory consultation at key plan making stages and electronic communication.

The cross-boundary strategic issue of Gypsies and Travellers is set out in Statements of Common Ground with neighbouring boroughs. Through such platforms requests from neighbouring boroughs, to help address their accommodation needs for gypsies, travellers and travelling showpeople, can be made. The Council confirms that no requests have been made to address accommodation needs.

The Council is working with RRR Consultancy Ltd who the Mayor has commissioned to undertake the London-wide Gypsy and Traveller Accommodation Needs Assessment (GTANA). The GTANA will assess the accommodation needs of Gypsies, Travellers, and Travelling Showpeople over the period 2022-2032. The GLA expect the assessment to provide robust, up-to-date information on the volume and types of accommodation, including sites, yards and transit provision, required by Gypsy and Traveller communities in London over the next decade.

The Council's approach is in accordance with the 2015 PPTS and in meeting the Public Sector Equality Duty (LP_LEG_24) has had due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. The Council's response to Matter 1 Qs 17 and 18 sets out how the Local Plan has addressed equalities. Within the EqIA and the HIA (Appendices 5 and 6 of (Core_Gen_02 pt3) the Council has specifically addressed impacts of Policy HOU07 on Gypsies, Travellers, and Travelling Showpeople.

- 4) Having regard to Policy H14 of the London Plan and its associated Table 4.4 which identifies a need for 8 pitches for Gypsy and Travellers covering the period of 2007 to 2017, does the Plan take appropriate account of the needs of those no longer falling within the planning definition of a Gypsy and Traveller as required by Section 8 of the Housing Act 1985?

The Council refers to its response to 2b. It further highlights that the Mayor has not raised gypsy and traveller accommodation as an issue of general conformity Core_Gen_06. Policy HOU07 has been produced in accordance with the planning definition set out in the 2015 PPTS. The Council questions the need for the Local Plan to take appropriate account of needs outside this definition.

- 5) Is the approach of the Plan justified in not allocating transit sites and emergency stopping places, given the evidence of previous unauthorised encampments in Barnet?

Yes. The Council considers that a strategic approach is the most appropriate way to address transit provision. The 2018 GTAA considered that any recommendation for future transit provision will need to make use of a robust post-PPTS (2015) evidence base. With the impact of COVID there has not been sufficient time yet for this to happen. The 2018 GTAA recommended that the situation relating to levels of unauthorised encampments should be monitored whilst any potential changes associated with PPTS (2015) develop. This monitoring should gather information from residents of unauthorised encampments on the reasons for their stay in the local area; whether they have a permanent base or where they have travelled from; and whether they have any need or preference to settle permanently in the local area; and whether their travelling is a result of changes to PPTS (2015). This information could be collected as part of a Welfare Assessment (or local equivalent).

The Council considers that the London-wide Gypsy and Traveller Accommodation Needs Assessment (GTANA) will help establish whether there is a need for investment in any further transit sites or emergency stopping places, or whether a managed approach is preferable.

In the short-term the Council has used Negotiated Stopping Agreements for dealing with unauthorised encampments. The term 'negotiated stopping' is used to describe agreed short-term provision for Gypsy and Traveller caravans. It does not describe permanent 'built' transit sites but negotiated agreements which allow caravans to be sited on suitable specific pieces of ground for an agreed and limited period of time, with the provision of limited services such as water, waste disposal and toilets. Agreements are made between the Council and the (temporary) residents regarding expectations on both sides.

- 6) If the Plan does not allocate sites during the Plan period, would Policy HOU07 provide a positively prepared approach in setting criteria for sites to come forward and is it justified and consistent with the PPTS? Would it provide an effective approach to accommodating any needs arising from the London-wide Gypsy and Traveller accommodation needs assessment if and when it comes forward?

Yes. The Council maintains a record of unauthorised encampments and will continue to monitor such incidents. Although on the basis of this monitoring there is no current identified need to provide pitches or plots for Gypsies, Travellers and Travelling Showpeople in Barnet, the Council has followed the advice of PPTS in setting out a positively prepared criteria based policy. This will enable consideration to be given for any future proposals for such accommodation needs in the Borough that meet the PPTS planning definition. This enables the Council to proactively plan for Gypsy and Travellers' accommodation needs, ensuring that any sites that may be provided are well-connected to social infrastructure, health care, education and public transport facilities, and contribute to a wider, inclusive neighbourhood.

The Council is working with the Mayor on the emerging Londonwide GTANA. This will help inform the next review of both the London Plan and the Local Plan.

- 7) Is Policy HOU07, otherwise justified, effective and in general conformity with the London Plan?

Yes. The Council considers that HOU07 is justified and effective. This is evidenced by our responses above. With respect to general conformity the Council highlights the Mayor's Statement of General Conformity (Core_Gen_6) which acknowledges the findings of the 2018 GTAA and the Council's confirmation that it will work with the Mayor on the London-wide GTANA. The Mayor requests that the Borough should work with adjoining boroughs to consider if sites in Barnet could contribute to meeting their identified needs. The Council considers that this is addressed by the statements of common ground (EB_SoGC) it has produced with all neighbouring boroughs, including Hertsmere.