

Meeting

MS Teams. Start 1000 Finish 1240.

Meeting attended by various members of staff of Barnet Borough Council and Louise Crosby (Planning Inspector)

Introduction

I explained that the main purpose of the meeting was to discuss the notes and agenda that the Council had emailed to the Planning Inspectorate and some other issues that I thought the Council may wish to think about. However, I cannot decide whether the Plan is sound or legally compliant as those are matters for the examining Inspector.

I advised that I would not be involved in the Plan after this meeting, other than to prepare this note to send to the Council and MHCLG for their information. PINS will also retain a copy of this note, and it is normal practice for it to be sent to the examining Inspector when they are appointed (although it is in no way binding on them).

Role of Examining Inspector

Advice

Inspectors have considerable discretion in terms of how to run the examination. But you should expect them to broadly follow the **PINS Procedure Guide published in February 2021**. Make sure you are familiar with that as well as the **PPG ID: 61** published in July 2020 (plan making).

Inspectors should seek a consensual approach, and be positive, flexible and supportive of the aim of getting your Plan adopted.

It's very unusual for a plan to be found sound without main modifications, so be prepared to work with the appointed Inspector to draft those and, towards the end of the examination, carry out public consultation on them (Advice on MMs in Section 6 of PINS Procedure Guide).

Practical arrangements for examination and hearings

Advice

Procedure Guide paras 4.5-4.10

We have now held a great deal of virtual local plan hearings and two blended events (a mix of face to face and virtual). I would suggest that you be prepared for the possibility of both virtual, blended and real hearings. The Inspector will take account of the views of the Council when deciding the format of the hearings.

Using an experienced PO will help the examination process considerably. Experience in LP examinations as well as skills in IT may be particularly important if hearings have to be wholly or partially virtual ones.

Background to the Plan

- The existing Local Plan (comprising Core Strategy and Development Management Policies Development Plan Documents) was adopted in 2012. This new emerging plan will completely supersede the previous one
- North London Waste Plan – currently being examined
- Adopted AAPS in figure 1 of reg 19 plan will not be superseded by this plan and will remain in place
- London Plan now adopted – this plan needs to be in general conformity - Act says Council must requested the opinion of the Mayor. If there are non-conformity issues it would be best to try to resolve them before the submission of the plan and if there are disagreement to have a SOCG. S20(5) makes the general conformity requirement in 24(1) something the examiner needs to determine - ie whether S24(1) is satisfied.
- Reg 18 consultation held in Winter 2020
- Reg 19 consultation planned for this summer (June 2021), with submission autumn (October 2021) and Council is currently on track to meet these timescales.

Housing OAN headlines – based on SHMA 46,000 homes (3,060 dpa being planned for). LHN figure in Dec 2020 was 80,415 (5,361 dpa). Adopted London Plan figure is 35,460 (2,364 dpa).

Strategy – Significant residential growth to increase affordable homes. Growth in most sustainable locations.

Timetable for submission and examination

- Pre-submission consultation June 2021. SCI has been amended to take account of pandemic.
- Submission October 2021?
- Hearings possibly early 2022 – depending if Inspector happy with evidence base etc.

The Plan strategy and the plan period

15 year plan period – good and strategy seems sensible.

Housing need and housing requirement (

Council's question

Within the context of a newly adopted London Plan and the Gov'ts LHN assessment is Barnet's Housing target based in its OAN from a SHMA robustly justified.

Advice

London Plan figures are based on capacity rather than need. It is widely accepted that the need is much greater. It is laudable to plan for a higher figure in terms of supply, which in turn will help with the general housing need and affordability problem. However, I advised the Council to set its housing requirement to match that handed down by the adopted London Plan (35,460), but keep the supply as at present (closer to 46,000). This would give them a very healthy supply and provide much greater flexibility if, for example some sites fail to deliver or deliver more slowly than expected and this would also be advantageous in terms of 5 yr HLS and the housing delivery target.

Relevant advice in PPG: Where a spatial development strategy has been published, local planning authorities should use the local housing need figure in the spatial development strategy and should not seek to re-visit their local housing need figure when preparing new strategic or non-strategic policies.

Paragraph: 013 Reference ID: 2a-013-20201216

Also, figures in the reg 19 plan referring to the London Plan need to reflect those in adopted version of the London Plan e.g. table 5 of the reg 19 Barnet Plan.

Advised that topic papers are a good idea for areas such as housing to explain to the Inspector and others the evolution of the housing requirement figure and supply etc.

Duty to Cooperate

Council's question

As an outer London Borough we welcome clarification on expectations of DtC with Herts authorities.

Advice

- The duty applies up to the point of submission. So, if there are any outstanding issues with neighbouring LPAs or prescribed bodies you should continue to address them. The Duty applies to neighbouring Herts authorities and other neighbouring London Boroughs.
- You should prepare Statements of Common Ground in accordance with the advice in PPG ID:61-010. These should set out specific arrangements and activities for ongoing engagement throughout the plan preparation process with prescribed bodies relevant to the strategic matters.
- You need to demonstrate that you have done all that you reasonably could have to reach agreement. But, it's not a duty to reach agreement – there can be outstanding issues in dispute.

The selection of sites for allocation in the Plan

Council's questions

1. We would welcome clarification on justifications for any removal of sites at Reg 19 stage.
2. Also, any views on structure of site proposals in annex1, particularly the use of indicative capacities.

Advice

1. If there's a change in position e.g. they are no longer available/deliverable, then it's important to remove sites from the plan. In terms of the audit trail of this it could be covered in a housing topic paper.
2. Structure seems logical and clear. Use of indicative site capacities good to understand the total quantum of development planned for. Site capacities based on London Plan matrix seems sensible and transparent.

Housing land supply over the plan period and five-year HLS

Council's question

Small sites – policies GSS01 and CDH01. We welcome comment on our approach to small sites and design codes.

Advice

The small sites target for Barnet in reg 19 plan is 5,100. Adopted London Plan for 10 years is 4,340 (assuming 15 years is 6,510) there's a shortfall of around 1,400. It seems that this is because smaller sites tend to come forward through planning applications rather than call for sites/local plan route. Can the Council demonstrate that a certain number of small sites have come forward as windfalls in the past and that this is likely to continue to be the case and the shortfall will be likely to be made up this way? London Plan seems to take a pragmatic approach in this way...

London Plan at para 4.2.3 says

The relative contribution from large and small sites in each borough may fluctuate across the target period, providing the overall 10 year borough target is met in a way that is consistent with the policies in the Plan. The small sites target can be taken to amount to a reliable source of windfall sites which contributes to anticipated supply and so provides the compelling evidence in this respect required by paragraph 70 of the National Planning Policy Framework of 2019.

Potentially a conformity issue to be discussed with GLA.

Design codes - principle appears to accord with London Plan policy H2. Although this is covered in the white paper on planning reform this is not policy at present.

Advised to plan on the basis of current advice/policy.

Housing needs of different groups in the community

Council's question

Provision of family accommodation – dwelling mix – policy HOU02. We welcome comment on our approach to dwelling mix, with the expression of priorities and highlighting use of AMR/emerging evidence on housing needed for future decision making.

Advice

Advice in policy H10 of London Plan on mix. Main point is that mix is led by evidence base. Difficult in urban areas to be over prescriptive with mix as some sites might lend themselves to certain housing. Level of flexibility seems about right.

Provision for gypsies and travellers

Council's question

Evidence to justify nil pitch provision – policy HOU07. The Borough has no pitches and the GTAA says there is no need. Following challenge from residents at reg18 stage this has been reviewed and updated with new evidence about seasonal unauthorised encampments to further justify no need. Is this a justifiable position?

Advice

HOU07 to accord with PPTS. Council advised that there are currently no traveller sites in the Borough. I raised the issue that there could be some concealed need, but difficult to assess if no permanent community. Need to check if any living in bricks and mortar and if so, have they been interviewed to see if they are in need of a pitch/site. Is a transit site necessary in the Borough or for the wider area to deal with the seasonal unauthorised encampments issue?

Good that there is a DM policy to deal with any applications coming forward for gypsy and traveller sites. This should accord with Planning Policy for Traveller Sites.

Other types of development – requirements and supply

Council's questions

1. Town centres and employment areas – impact of use class E – policy BSS01, Town Centres and Economy Chapters. Following the radical change of the use classes order we now have less remit for planning for town centres and employment areas. What views do you have on Barnet's approach?
2. Tall and Very Tall Buildings including maximum heights – Policy CDH04. Can we justify a max height?

3. Car Parking Standards – variation from London Plan – Policy TRC03. Has Barnet made a convincing case to justify separate residential parking standards from the London Plan? We have always maintained Barnet standards in the UDP and local plan.
4. Barnet's Heritage – Policy CDH08 – any comment? Have we got the approach right on this policy?

Advice

1. Seems fair approach. Main thing is to underpin whatever you do with evidence, especially if you want to depart from national gov't policy. Need to also think about the PD rights for change of use of class E to residential which is being introduced from 1 Aug 2021.
2. I didn't understand the last bit of policy – seems to conflict with first bit? Explanatory text seems out of kilter with policy in relation to 8m high buildings. 16.8.4 *This does not mean that all buildings up to 8 storeys or to a height of 26 metres are acceptable elsewhere in the Borough.* The Council agreed this needed looking at to ensure internal consistency in the plan itself. Max height should be justified with evidence as far as possible. Policy seems to be in conformity with London Plan policy D9.
3. Parking standards don't seem to deviate too much from London Plan but there is still a conformity issue that will need to be addressed through evidence. A topic paper may help with this.
4. Policy seems fine. It's very comprehensive but a bit wordy. Main thing is it accords with London Plan and national guidance. Don't need to replicate national guidance though.

Strategic Infrastructure provision

Advice

It seems that there are some funding gaps. The Council advised that this was significant (£1 billion), but it was in the process of updating its CIL charging schedule and this will be submitted for examination soon (before this plan). It makes sense to submit them in this order as the proposed uplift in the rate will help plug the gap. Advised

the Council to resolve funding gaps as much as possible prior to submission of the plan, particularly gaps that will affect delivery of the plan in years 1-5.

The Council asked if it was okay to update the IDP – my response was that the IDP is a living document and it is inevitable that it will need updating from time to time, especially with regard to any external funding such as that from government funding programmes. Important it is as up to date as possible on submission of the plan however.

Viability

Council's question

Biodiversity Net Gain – Policy ECC06 – risks of awaiting Environment Bill to secure Biodiversity Net Gain.

Advice

Could be dealt with during examination if necessary as MMs if there's an updated position in relation to the bill.

The Council do not have a BAP for the Borough – they rely on the London wide data in this regard. This is something that has been raised by NE. I advised that this should be resolved as far as possible prior to the examination and if there are any outstanding objections from NE these should be set out in a SoCG. Advised further dialogue with NE so there is clarity over what is required by them.

Covid 19 - Implications of the Pandemic

Council's Question

Where medium to long term impacts remain unknown, how far can the local plan go in raising issues? How will Examinations in Public be held in the light of Covid-19?

Advice

Sensible to think about potential implications as you have done and I wouldn't question your approach. There are significant uncertainties, but Government has indicated that progress should continue to be made to get local plans in place. It

seems premature at the moment to plan for a post-pandemic world as what this will look like is very unclear. Plan however should be sufficiently flexible to adapt to rapid change.

At the moment, advice is that all hearings have to be virtual or blended, but it may be that later in the year face to face events will resume. I would suggest that you be prepared for the possibility of both virtual, blended or fully face to face hearings – think about accommodation that could accommodate social distancing and how you would use technology to hold virtual events or livestream etc. Further advice on this is available from PINS once the plan has been submitted and hearing dates have been agreed.

Other helpful advice

Housing delivery/trajectory

Advice

Need a trajectory showing when sites will deliver and how much.

Be realistic about delivery, particularly from larger strategic sites that will have a lead in time for delivery of housing. Make sure this is all backed up by robust evidence and covered in the plan so it's clear to all, including decision makers following adoption, what the situation is and how HLS should be calculated at what point in the plan period.

Evidence

Advice

General point - Don't submit additional evidence once the Plan has been submitted unless the Inspector asks for it and aim to have all the evidence complete before submission.

Where there are conformity issues or for complex matters topic papers can be very helpful for the Inspector as well as representors.

Superseded policies

Advice

The Plan needs to identify all of the extant policies in the current development plan that will be superseded when the Plan is adopted - reg 8(5).

Next steps

This note will be sent to the Council and MHCLG for their information. If the Council want any further advice prior to submission, they should get in touch with Matthew Giles.

Louise Crosby

INSPECTOR

30 April 2021