



## **Examination of the Barnet Local Plan Review**

### **Letter confirming a requirement to hold hearing sessions and tasks to be completed in the interim period**

**18 May 2022**

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**Inspectors appointed by the Secretary of State**

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Dear Mr Lynch,

#### **Examination - Next Steps**

1. We thank you for the Council response dated 11 March 2022 (and subsequent addendum dated 18 March 2022) to our initial letter dated 9 February 2022, together with provision of the associated Statements of Common Ground, Council responses to the Regulation 19 consultation, relevant evidence, technical papers and the Barnet CIL Charging Schedule and Inspector's Report that have also been made available in the Examination Library. We have now reflected on that information and evidence alongside our initial assessment of the Barnet Local Plan 2021 to 2036 (the Plan).
2. We have not reached any conclusions at this stage and note that the Council has already committed to undertake some further work including a review of and amendments to the Habitats Regulation Assessment as set out in document EXAM 1L. However, with respect to the main concerns expressed in our initial letter in terms of the duty to cooperate, the integrated impact assessment (particularly the sustainability appraisal), the site selection methodology, site development capacities and the approach to flood risk; we have several remaining or follow up questions relating to the issues we raised. Nonetheless, in the interest of the efficiency and effectiveness of progressing the ongoing Examination we consider that these questions would now be most appropriately explored via hearing discussions, alongside a wider range of other matters relating to the legal compliance and soundness of the Plan.
3. Detailed arrangements for the hearing sessions will be confirmed via the Programme Officer, albeit we would expect them to take place

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during Autumn 2022 with appropriate lead in times for the statutory minimum notification period of six weeks before their start date. We anticipate that the forthcoming hearings will be in two stages (the first block of hearings dealing with legal compliance, strategic matters and related issues, with the remaining non-strategic site allocations, policies and other matters to follow in the second block of hearings). We currently expect that the hearings in total would comprise around 12 sitting days (including some contingency sessions). We will continue to liaise with the Council via the Programme Officer regarding suitable dates between September and November 2022 for both stages, subject to us considering it appropriate for the Examination to progress beyond the stage one hearings.

4. Notwithstanding the above, to enable the progression to hearing sessions in Autumn 2022, we require the Council to undertake the following further work:
  - a) A technical paper relating specifically to the sites in strategic policies (Policies BSS01, GSS01-13) and the proposed allocation of sites listed in Annex 1 of the Plan, to explain and summarise the evidence which is considered to demonstrate their deliverability and/or developability when having regard to the definitions in Annex 2: Glossary of the National Planning Policy Framework (the Framework). The technical paper should also include an up-to-date assessment of the minimum development capacity for residential, employment, retail, leisure, etc, of each strategic policy site and proposed site allocation. The assessment should take account of the influence of site characteristics, constraints, infrastructure dependencies (including their current status and funding arrangements) and implications of relevant policies of the Plan (i.e, tall buildings, heritage, flood risk, etc), the London Plan (particularly the design-led approach set out in Policy D3) and the Framework. This should be provided to us **by not later than 23 August 2022**.
  - b) To accompany the above, an up-to-date site by site trajectory should be produced identifying each site included within the overall supply for residential, employment, retail, leisure, etc. This should be arranged by categories such as completions (to date), existing planning permissions (clearly subdivided as full, outline, etc), proposed site allocations and other commitments (e.g. sites subject to S106) with the likely development timescale for each site broken down on an annual basis. The evidence should also include the estimated total supply annualised during the plan period from other sources, such as windfalls for residential, and any potential updates to Table 5 of the Plan. This should be provided both electronically and in hard copy A3 format **by not later than 23 August 2022**.
5. The Council evidence and responses currently before us include suggestions of potential and proposed Main Modifications (MMs).

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Inspectors only recommend MMs where they are necessary for soundness and/or legal compliance. Moreover, such MMs would be subject to public consultation at the appropriate point of the examination, in accordance with the arrangements set out in Section 6 of the Local Plans Procedure Guide.

6. With this in mind, the Council should also now prepare a document consisting of an up-to-date schedule of proposed MMs (including any necessary updates to reflect the publication of the revised Framework in July 2021 and the London Plan, March 2021). The Council's schedule of proposed MMs should be made available by **not later than 20 June 2022**, with a view to also providing a proposed tracked changes version of the Plan **by not later than 23 August 2022**.
7. Following confirmation from the Council of a willingness to undertake the additional work tasks referred to in paragraphs 4 and 6 of this letter, it would be our aim in Summer 2022 to produce a Matters, Issues and Questions (MIQs) document relating to the legal compliance and soundness of the Plan. The MIQs document would be accompanied by a draft hearings programme and general guidance notes. The Council and those who have made relevant representations will be given the opportunity to submit written statements responding to the questions within our MIQs document in advance of the hearings.
8. We are not proposing to hold a pre-hearing meeting with all participants to discuss procedural and administrative matters for the examination, and ordinarily would intend to deal with any queries regarding the examination process in writing or via the publication of guidance notes. However, there is a need for a process of further and separate engagement with the Council and the Programme Officer regarding the intended method of hosting the hearing sessions to ensure suitable arrangements for participation are in place. Accordingly, we intend to arrange an initial procedural meeting with the Council and the Programme Officer in June 2022. Furthermore, we will also require familiarisation sessions for any hearing venues and/or software platforms in advance of the opening of the hearing sessions. We will arrange those sessions with the Council via the Programme Officer during the Summer.
9. We would welcome a brief Council response to this letter via the Programme Officer **by not later than 31 May 2022** confirming your willingness to undertake the work required to progress to the hearings in Autumn 2022. The Council should also continue to liaise with DTC bodies to produce Statements of Common Ground in advance of the hearing sessions, particularly those that have previously made representations and/or have expressed concerns or objections to the Plan as submitted.

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10. If anything in the preceding paragraphs is unclear, please do not hesitate to contact us via the Programme Officer. Responses from other parties to this letter are not invited and we do not envisage accepting them.

Yours sincerely,

*Gareth Wildgoose*

INSPECTOR

*Mark Philpott*

INSPECTOR