**London Borough of Barnet Local Plan – Examination**

**Inspectors’ Matters, Issues and Questions**

**for Hearing Sessions - Autumn 2022**

**Introduction**

1. Prior to the forthcoming hearing sessions, responses are invited from participants on the following Matters, Issues and Questions (MIQs) raised by the Inspectors. The MIQs do not intend to cover every policy criterion in the London Borough of Barnet Local Plan (the Plan). Instead, the MIQs are based on the Main Issues relevant to these hearing sessions as identified by the Inspectors and taking account of the views of the Council and other representations.
2. In framing the MIQs, consideration has been given to the definition of soundness in the National Planning Policy Framework, July 2021 (the Framework). The Framework establishes that policies should be clearly written and unambiguous, so that it is evident how a decision maker should react to a development proposal. The Plan should, therefore, set out clear policies on what development will or will not be permitted. Issues relevant to the legal compliance of the Plan also form the basis of several questions.
3. The Council responded to some of the questions in this document in its letter dated 11 March 2022 (and subsequent addendum dated 18 March 2022). The Council also provided a schedule of proposed modifications on 24 June 2022. In producing statements, there is no need for the Council to repeat the information in the letter and subsequent documents added to the Examination library. However, the Council is encouraged to refer to and supplement this previously submitted information in its relevant responses.
4. In responding to the questions in this document, where reference is to be made to evidence and Examination documents produced by the Council these should be clearly cross-referenced by providing the document reference, page and paragraph numbers. The Council should also identify and address related concerns in representations and take account of any updates to national policy which are relevant to the Plan’s soundness and legal compliance. This document may be supplemented with further questions from the Inspectors as the Examination progresses – including before and during discussions at the hearing sessions.
5. Further information about the Examination, hearing sessions and the format for written statements is provided in the accompanying Guidance Note, and the Planning Inspectorate’s Procedural Guide which should be read alongside the MIQs.

**Matter 1: Legal Compliance and the Duty to Co-operate**

**Issue:**

Whether the Plan has been prepared with due regard to the appropriate procedures and regulations and whether the duty to co-operate on strategic matters has been satisfied?

**Questions:**

Consultation / Statement of Community Involvement (SCI)

1. Has the Plan been prepared in accordance with the statutory requirements of the Planning and Compulsory Purchase Act 2004 and the associated Regulations, including in respect of the publication and availability of documents, advertisements and notifications?
2. Were adequate opportunities made available for participants to access and make comments on the Plan and other relevant documents?
3. Were representations adequately taken into account?
4. Is there any clear evidence that the public consultation carried out during the plan-making process failed to comply with the Council’s SCI or any legal requirements?

Sustainability Appraisal (SA)

1. Was the methodology used for the SA as part of the Integrated Impact Assessment (IIA) appropriate? Has the process been iterative and undertaken at each stage of plan preparation?
2. To what extent has the SA informed the content of the Plan? Have the likely economic, social and environmental effects of the Plan been adequately and accurately assessed in the SA for both policies and proposed allocations?
3. Does the IIA methodology reflect and place sufficient emphasis upon the national planning policy objectives relating to the mitigation of, and adaptation to, climate change, including any long-term implications for flood risk and biodiversity?
4. Are the reasons for selecting the development supported by Policies BSS01, GSS01 to GSS13 and identified in Annex 1, sufficiently clear, have reasonable alternatives been identified, and have clear reasons for discounting any alternatives been provided?
5. Are the reasonable alternatives considered by the SA sufficiently distinct to highlight the different sustainability implications of each, particularly in terms of growth scenarios, the spatial strategy and alternative sites for development, and have they been assessed on an appropriate basis?
6. Overall, is there clear evidence in the SA to indicate why, having considered reasonable alternatives, the Plan’s strategy is an appropriate one?

Habitats Regulations Assessment (HRA)

1. How was the HRA carried out and is the methodology appropriate?
2. Is the approach of the HRA legally compliant when having regard to the Court of Justice of the European Union’s judgment in People over Wind, Peter Sweetman v Coillte Teoranta and any other relevant case law?
3. Would the HRA be reliant on proposed mitigation and avoidance measures, including any secured by other plans and projects, to ensure that they would avoid or reduce any potential for adverse effects on the integrity of any identified site within the national site network (formerly known as European or Natura 2000 sites), either alone or in combination with other plans and/or projects?
4. Has sufficient engagement with Natural England taken place with respect to the HRA and if so, are they satisfied with the content of the Plan and associated evidence in the HRA?
5. Have any necessary adjustments been made to the HRA approach as a result of the changes to the Conservation of Habitats and Species Regulations 2017, pursuant to the UK’s exit from the European Union, which came into force on 1 January 2021?
6. Overall, have the requirements of the Habitats Regulations been met?

Equalities

1. How does the Plan seek to ensure that due regard is had to the three aims expressed in Section 149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?
2. Is there any evidence that the Plan would have significant effects on equalities that have not been identified in the IIA?

Local Development Scheme (LDS)

1. To what extent has the production of the Plan followed the LDS and is it in compliance with it? If not, would it be reasonable for the LDS to be updated to reflect the up-to-date position of the Plan and any associated SPDs to which it refers and take account of the Council’s related proposed modifications?

Duty to Co-operate (DtC) and General Conformity with the London Plan 2021

1. Has the Council engaged constructively, actively and on an ongoing basis with all relevant organisations on strategic matters of relevance, including in terms of housing, employment and infrastructure provision, as required by the DtC and to maximise the effectiveness of the preparation of the Plan?
2. Are there any inter-relationships with other authorities in terms of housing markets, economic activity, travel to work areas and the market for employment land and premises, which have not been specifically addressed?
3. Are there any outstanding concerns from adjoining authorities or other DtC bodies regarding the DtC? If so, how has the Council sought to address any issues raised?
4. In overall terms, is the Plan in general conformity with the spatial development strategy for London (i.e. the London Plan)?

Climate Change

1. Does the Plan accord with s19(1A) of the Planning and Compulsory Purchase Act 2004 by including policies that are designed to secure that the development and use of the land in the London Borough of Barnet contribute to the mitigation of, and adaptation to, climate change?
2. Are the proposed modifications indicating that the Council declared a Climate Emergency in May 2022 necessary for soundness and if so, would this require any consequential changes to the Plan?

**N.B. The Council should liaise with DtC bodies to produce Statements of Common Ground in advance of the hearing sessions, if they have not done so already.**

**Matter 2: Spatial Strategy and Strategic Policies**

**Issue:**

Whether the spatial strategy and strategic policies of the Plan are positively prepared, justified, effective and consistent with national policy, and in general conformity with the London Plan, in relation to the scale and distribution of the development proposed?

**Questions:**

1. Does the Plan’s vision and key objectives provide a positively prepared and justified approach for Barnet’s future growth?
2. Does the Plan as submitted appropriately identify “strategic policies” or are the Council’s proposed modifications necessary for soundness?
3. Is the Plan consistent with the Framework which expects strategic policies to look ahead over a minimum 15-year period from adoption? If not, would the Plan period of 2021 to 2036 otherwise be justified?
4. Are the strategic requirements of the Plan as set out in Policy BSS01 intended to correlate with the London Plan when having regard to the approach to spatial development strategies in the Framework? If so, is the Plan’s approach to housing, employment, retail, leisure and other commercial development respectively - positively prepared, justified and consistent with national policy?
5. Is the spatial strategy for the Borough and the overall distribution of development proposed in the Plan as set out in Policy BSS01 based on relevant and up-to-date evidence and would it promote a sustainable pattern and scale of development in accordance with national policy and in general conformity with the London Plan?
6. Is the approach of strategic policies relating to the spatial distribution of development, positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? In those respects:
7. What is the basis for the calculation and identified distribution of housing and employment growth as set out in Policy GSS01 in terms of Growth Areas (Policies GSS02 to GSS07), District Town Centres (Policy GSS08), areas of Existing and Major New Public Transport Infrastructure (Policy GSS09), areas of Estate Renewal and Infill (Policy GSS10), Major thoroughfares (Policy GSS11) and Redevelopment of Car Parks (Policy GSS12)?
8. Is such an approach in seeking to guide and deliver development to the aforementioned areas, appropriate and justified?
9. To what extent is the development sought in the strategic policies consistent with the allocations in Annex 1?
10. If the allocations do not fully meet the identified distribution of housing or employment growth in the areas referred to in Policies GSS01 to GSS12, does the Plan provide sufficient certainty as to how they would otherwise be delivered?
11. How have the boundaries of the aforementioned areas been identified and are they sufficiently clear?
12. Are the approaches to boundaries and extents of the Growth Areas in general conformity with the London Plan, which identifies Opportunity Areas at New Southgate, Colindale/Burnt Oak and Brent Cross/Cricklewood. If not, are variations justified?
13. Are the Council’s proposed modifications to the Plan and the Key Diagram in relation to the Growth Areas and their boundaries, necessary for soundness?
14. Are any other changes to the Growth Areas, Opportunity Areas, or other locations identified in the strategic policies required to achieve soundness?
15. The Council’s vision for Barnet as indicated in Policies BSS01, GSS01 and GSS02, with respect to housing and employment growth places a significant dependency upon the delivery of planning permissions in the Brent Cross Growth Area. In that regard:
    1. What is the status of those planning permissions and when is delivery of the respective components in Policy GSS02 anticipated?
    2. If planning permissions are not implemented, does the Plan provide an effective contingency through a policy response for alternative or revised proposals to come forward pursuant to Policy GSS02 (including certainty of scale, type and form of development that would be required and/or permitted in Brent Cross North, Brent Cross Town and Brent Cross West (Thameslink), as identified by the Council’s proposed modifications)?
    3. Are effective monitoring and implementation processes in place to address and resolve any implications for growth (particularly in terms of housing and employment) arising from delays in delivery within the Brent Cross Growth Area?
    4. Should the Plan include a defined process and/or trigger for an early review should key monitoring indicators in the Brent Cross Growth Area not be met in terms of growth (particularly in respect of housing and employment) by relevant milestones within the Plan period?
    5. Notwithstanding the above, are the relevant criteria of Policies BSS01, GSS01 and GSS02, justified and clearly written and unambiguous so it is evident how a decision maker should react to development proposals in the Brent Cross Growth Area?
    6. Are the potential modifications to Policy GSS02 and its supporting text as put forward by the Council necessary for soundness and/or would any further changes be required?
16. Is the Plan sufficiently clear in terms of any interrelationships between the Brent Cross West (Staples Corner) Growth Area (as identified by a proposed modification for Policy GSS03) and Brent Cross North, Brent Cross Town and Brent Cross West (Thameslink), and would it provide a positively prepared, effective and consistent approach with respect to any shared infrastructure, relationships and/or dependencies?
17. The Brent Cross West (Staples Corner) Growth Area (Policy GSS03 as proposed to be modified) and the Cricklewood Growth Area (Policy GSS04) have linkages to the West London Orbital (WLO) planned transport improvements. In those respects:
    1. Are the policies sufficiently clear as to the forms of development that would be permitted to come forward independent of the delivery of the WLO and any safeguarding of land and/or contributions to funding arrangements for the WLO that may be necessary?
    2. If not, would the Council’s proposed modifications to Policies GSS03 and GSS04 be sufficient to achieve soundness?
    3. Would any further changes to those policies be required to ensure that they are positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?
18. Taking account of the evidence accompanying the Plan, the levels of housing growth sought in the Edgware Growth Area appear particularly ambitious when considering the site opportunities identified (Sites 27 and 28) on Map 3C and other relevant policy considerations relating to matters such as tall buildings, flood risk and heritage assets:
    1. Is Policy GSS05, justified, effective and consistent with national policy in those respects?
    2. If not, would the Council’s proposed modifications be sufficient to achieve soundness or would further changes to the policy be required?
19. The Plan approach to Colindale Growth Area identifies site opportunities on Map 3D (Sites 9, 10, 11, 12 and 13) and other relevant policy considerations, in those regards:
    1. Is Policy GSS06, justified, effective and consistent with national policy, including in terms of the development expected to be delivered at Colindale Underground station, the new local centre at Colindale Gardens, the Grahame Park Estate, the Public Health England site and Middlesex University’s Platt Hall?
    2. Is it necessary to delete Site 9 in light of flood risk considerations and/or to reflect compatibility with improvements to access between Colindale Park and Rushgrove Park, and what changes would be required to the policy as a result?
    3. Would any of the Councils proposed modifications to Policy GSS06 be required to achieve soundness?
    4. Would any further changes to the policy be necessary to ensure that it would be positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?
20. In terms of the approach of the Plan to defining District Town Centres (Policy GSS08):
    1. How were the boundaries identified and what factors were taken into account in defining the potential for Barnet’s Town Centres (beyond Cricklewood and Edgware) to deliver a minimum of 5,400 new homes?
    2. Is it necessary to delete Site 6 in light of flood risk considerations and what changes would be required to the policy as a result?
    3. Would any further changes be necessary to ensure that it is justified, effective, consistent with national policy and in general conformity with the London Plan?
21. Policy GSS09 relates to Existing and Major Transport Infrastructure, in that regard:
    1. Are the Council’s proposed modifications necessary for soundness?
    2. Is the policy sufficiently clear as to the forms of development that would be permitted to come forward independent of the WLO and Crossrail 2 planned transport improvements and any safeguarding of land and/or contributions to funding arrangements that may be necessary?
    3. Are any further modifications required for effectiveness in the above respects or to ensure consistency of identification of existing transport hubs that are not linked to town centres?
    4. Would any other changes be necessary to ensure that it is justified, effective, consistent with national policy and in general conformity with the London Plan?
22. Is the Plan sufficiently clear in terms of any designated neighbourhood areas in Barnet and is it positively prepared, justified and consistent with national policy if the strategic policies do not set out a housing requirement for those designated neighbourhood areas?
23. To what extent does the methodology applied to site selection and the spatial strategy focus for growth provide the necessary justification for each site chosen (having regard to other sites and the IIA)? Was the methodology used to assess and select the proposed sites in the Plan appropriate?
24. Is the Plan approach and its focus of growth and site allocations, justified in departing from the 800m distance and existing or planned public transport access levels (PTALs) 3 to 6, set out by Policy H1 of the London Plan which seeks to optimise the potential for housing delivery on all suitable and available brownfield sites?
25. Did the methodology applied to site selection and the focus for growth in the spatial strategy take full account of flood risk and apply a sequential, risk-based approach to the location of development? In particular:
    1. Is there sufficient evidence to support the Plan approach that there are no reasonably available sites in areas at lowest risk of flooding so as to justify the allocation of sites in areas known to be at higher risk either now or in the future from any form of flooding (i.e. those identified in Flood Zones 2 and 3)?
    2. Are the Council’s proposed modifications to explain how the Sequential Test has influenced the Spatial Strategy sufficient to achieve soundness or would further changes to the Plan be required?
26. Has the cumulative impact of all allocated sites, and sites within other policies in the Plan, on the highway network and other infrastructure such as telecommunications, security, waste management, water supply and wastewater, and facilities for education and health been taken into account in the Plan? What evidence demonstrates this and what mitigation will be put in place to ensure that any adverse impacts are minimised?
27. Is the identification of a broad location for a new Regional Park within designated Green Belt or Metropolitan Open Land as set out in Policies BSS01 and GSS13, justified, consistent with national policy and in general conformity with the London Plan?
28. Is there sufficient evidence to justify the identification and delivery of 3 new destination hubs for sport and recreation at Barnet and King George V Playing Fields, Copthall Playing Fields and Sunny Hill Park, and West Hendon Playing Fields, and would the approaches of Policies BSS01 and GSS13 be effective and consistent with national policy (for example, in terms of Green Belt) in ensuring their delivery during the Plan period? Would the Council’s suggested proposed modification be necessary for soundness and/or are any other changes required?
29. The Plan makes specific reference to a forthcoming West London Alliance study relating to employment and commercial uses which would take account of, amongst other things, the recent changes to the Town and Country Planning (Use Classes) Order 1987 (Use Classes Order), permitted development rights, the UK’s exit from the European Union and the implications of the COVID19 pandemic:
    1. When is that evidence expected to be published?
    2. Would the relevant strategic policies (and non-strategic policies where applicable) incorporate sufficient flexibility to account for any implications of it?
    3. If not, how would the Plan achieve soundness in that respect, and should it include a process and/or trigger for an early review if it results in significant changes in circumstances relative to strategic policies or requirements?

**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?
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?
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:
   1. 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?
   2. Is there any justification for departing from the London Plan housing requirements?
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?
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?
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?
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?

**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?
2. Policy HOU01 sets out the specific approach to affordable housing, in that regard:
   1. 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?
   2. 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?
   3. 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?
   4. 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?
   5. 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?
   6. 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?
   7. 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?
   8. 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?
   9. Would Policy HOU01 be effective with respect to its approach to ‘innovative housing products’ and is the Council’s proposed modification necessary for soundness?
   10. 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?
   11. Overall, is the Plan approach likely to ensure that the identified need for affordable housing 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:
   1. Whether the preferred housing mix is based on up-to-date evidence?
   2. 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?
   3. 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 28 June 2021)?
   4. 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?
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:
   1. 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?
   2. Are the policy requirements, otherwise effective and consistent with national policy insofar as how a decision maker should react to development proposals?
   3. Would any further changes to the policy or supporting text, including the proposed modifications suggested by the Council, be needed to achieve soundness?
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:
   1. 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?
   2. 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?
   3. 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?
   4. 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?
   5. 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?
   6. 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?
   7. 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?
   8. Would any further modifications to Policy HOU04 or its supporting text be needed to achieve soundness?
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?
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?
8. Would any other modifications to Policy HOU05 or its supporting text be needed to achieve soundness?
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?

**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?
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:
   1. Provide a robust assessment of need and is the evidence, sufficiently up-to-date and reflective of current circumstances?
   2. Take appropriate account of needs identified in previous assessments?
   3. Provide sufficient justification for any changes in numbers of Gypsies and Travellers or Travelling Showpeople resident in the Borough since the previous assessment?
   4. 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?
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?
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?
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?
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?
7. Is Policy HOU07, otherwise justified, effective and in general conformity with the London Plan?

**Matter 4: Planning for the Borough’s economy, including employment, retail and other main town centre uses**

**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 the Borough’s economy and employment?

**Questions:**

1. What is the evidence in relation to jobs growth and the need for employment land/floorspace in the Borough over the Plan period? Is the employment land evidence base sufficiently up to date taking account of market signals and if so, to what extent are the policies in the Plan informed by it?
2. What is the overall amount of employment development envisaged by type in the Plan (in terms of employment land/floorspace) and is it sufficient to meet the range of identified needs?
3. Is the Plan sufficiently clear as to the amounts and location of office and general industrial floorspace (and those otherwise falling within Classes B1(b), B1(c) and B8) that it intends to allocate or identify?
4. Have any alternative options for the distribution of new employment development been considered? If so, what were they?
5. Should the Plan be clearer as to the requirements (if any) for employment floorspace within specific designations or locations identified in the Plan such as Growth Areas; District Town Centres; areas of Existing and Major New Public Transport Infrastructure; areas of Estate Renewal and Infill; Major thoroughfares, or elsewhere?
6. What effects, if any, have recent changes to the Use Classes Order had on the employment policies in the Plan, taking account of the presence of a (soon to expire) Article 4 direction implemented to protect existing office accommodation and what are the intentions of the Council’s proposed modifications in respect of the Article 4 direction?
7. Is the Plan approach to the identification in Table 14 of employment locations classified as Locally Significant Industrial Sites (LSIS) and Business Locations, justified by evidence and would the related approaches in Policy ECY01 to development of those sites/locations, be effective, consistent with national policy and in general conformity with Policy E6 of the London Plan?
8. Is the approach of Policy ECY01 with respect to the employment-led focus upon co-location of industrial premises with new homes in LSIS justified and in general conformity with Policy E7 of the London Plan? Does the Plan appropriately account for circumstances where co-location of existing employment land may be proposed and there would be no net loss of employment floorspace?
9. Is the proposed location-based approach of and associated requirements in   
   Policy ECY02 with respect to affordable workspace, including the provision of 10% of proposed gross employment floorspace for such purposes (or equivalent cash-in lieu payment for off-site provision); justified, effective, consistent with national policy and in general conformity with the London Plan? Responses should specifically address:
   1. Whether there is sufficient evidence of the amount of affordable workspace that would be provided and whether it is viable in the locations identified in part a) of Policy ECY02?
   2. How payments in lieu for offsite affordable workspace would be calculated and whether such detail should be included in the Plan?
   3. How eligibility for affordable workspace would be considered and secured?
   4. How existing affordable workspace would be retained in the Borough?
   5. Whether the policy intends to require affordable workspace as part of employment refurbishment proposals or any net new employment floorspace (such as extensions to existing premises in single or multiple occupancy) and if so whether it is justified in that respect?
   6. Whether the proposed modifications to Policy ECY02 in terms of consistency with Policy TOW1 and to include a Cat A requirement are necessary for soundness?
   7. Whether criterions a) to d) are sufficiently flexible to account for site specific circumstances and deliverability considerations?
   8. Whether any other modifications to Policy ECY02 are necessary for soundness?
10. Are the requirements of Policy ECY03 in terms of local jobs, skills and training for qualifying development, seeking to deliver construction phase training in conjunction with Council recognised providers and requiring compliance with guidance in future SPDs; justified, effective, consistent with national policy and in general conformity with the London Plan? Responses should specifically address:
    1. How eligibility as ‘qualifying development’ would be defined?
    2. Whether there is sufficient evidence that the skills, employment and training opportunities to be delivered from development would be viable and are the Council’s proposed modifications necessary for soundness in terms of how contributions would be secured?
    3. What would be considered exceptional circumstances for financial contributions to offset unfilled deliverables, how such contributions would be calculated and whether such detail should be included in the Plan?
    4. How eligibility as a Council recognised construction-phase training provider would be defined and/or identified for applicants?
    5. Whether the policy can reasonably seek compliance with requirements to be set in future SPDs and whether proposals should alternatively ‘have regard to’ those SPDs instead?
    6. Whether criterions a) to c) are sufficiently flexible to account for site specific circumstances and deliverability considerations?
    7. Whether any other modifications to Policy ECY03 are necessary for soundness?

**Issue 2:**

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 ensuring the vitality of the Borough’s town centres and local/neighbourhood centres?

**Questions:**

1. Has the Plan approach been informed by adequate and proportionate evidence in relation to Barnet’s town centres and local/neighbourhood centres? Responses should specifically address:
   1. Whether the evidence reflects the level of population being planned for in the Borough?
   2. Whether the evidence is relevant, up-to-date and takes appropriate account of market signals, when having regard to recent changes to the Use Classes Order?
   3. If not, what is the Plan seeking to achieve relative to the requirements for and distribution of main town centre uses?
   4. Whether the Plan is positively prepared, justified, effective and consistent with national policy with respect to the approach to the Borough’s town centres and local/neighbourhood centres when having regard to responses to parts 1 a) to c) of this question and if not, how could soundness be achieved?
2. Are there sufficient allocations/permissions to meet the identified needs of each type of main town centre use set out in the Barnet Town Centre Floorspace Needs Assessment 2017 (EB\_E\_02)? If not, is the approach of the Plan justified and consistent with national policy insofar as it is required to look forward at least 10 years, or is there a net requirement still to be identified for each type of main town centre use?
3. Is the Plan sufficiently clear, including when taking Policies GSS08 and TOW1 together, as to the overall amount of each type of main town centre use being planned for during the Plan period and would the approach of the relevant policies be effective for the purposes of decision making on future development proposals?
4. Would Policy TOW01 be effective, justified and consistent with national policy in all other respects, including with regard to the sequential test and the 500 square metres locally set threshold for impact assessments?
5. Are any changes to Policy TOW01 or its supporting text, including the proposed modifications suggested by the Council, necessary to achieve soundness?
6. Is the approach of Policy TOW02 in setting out development principles for the Borough’s town centres, local centres and parades; positively prepared, effective, justified and consistent with national policy and in general conformity with the London Plan? Responses should address the following:
   1. If recent changes to the Use Classes Order resulting in a range of uses falling under Class E have any implications for the effectiveness of primary frontages and any safeguarding of the retail functions referred to in Policy TOW02 part a), and if so, whether modifications are required to the policy or other parts of the Plan?
   2. Whether the Council’s proposed modifications to Policy TOW02 part h) and the related supporting text, to reflect recent changes to the Use Classes Order and permitted development rights, is necessary for soundness and is it sufficiently clear to be effective?
   3. Taking account of those recent changes, would the associated policy approaches in terms of retail uses, function and facilities in parts a) to g) and i) to n), taking account of the Council’s proposed modifications to the detailed wording of some criteria, now be justified, effective and consistent with national policy?
   4. Would any further changes to the policy or its supporting text be necessary to achieve soundness?
7. Is Policy TOW03 positively prepared, justified and effective with respect to its approach of seeking to manage and restrict future proposals for hot food takeaways, adult gaming centres, amusement arcades, betting shops, payday loan shops, pawnbrokers and shisha bars, including the requirements:
   1. To be located more than 400 metres from the boundary of an existing school and youth centre?
   2. For applications to be accompanied by Health Impact Assessments and in compliance with the Council’s Healthier Catering Commitment?
8. Notwithstanding the previous question, are any changes to Policy TOW03 or its supporting text, including the Council’s proposed modifications, necessary to achieve soundness?
9. Is the approach of Policy TOW04 in so far as it seeks to set criteria where support will be given to proposals for night-time economy uses; effective and consistent with national policy? Is it justified that part e) of the policy would seemingly apply a different approach than national policy relating to conserving and enhancing the historic environment?

**Matter 5: Climate Change,** **Environmental Considerations and Green Belt**

**Issue:**

Whether the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in relation to climate change, environmental considerations and Green Belt?

**Questions:**

1. Is the approach of Policy ECC01 seeking to mitigate climate change; positively prepared, justified, effective and consistent with national policy, and would it be in general conformity with the London Plan? Responses should specifically address the following:
   1. To what extent does the policy reflect the expectations of Policies SI2 and SI4 of the London Plan?
   2. Is it clear how development proposals should respond to part b) of Policy ECC01 with respect to guidance in SPDs and does the policy wording have sufficient flexibility to account for any updates to guidance in relevant SPDs?
   3. Are each of the energy efficiency requirements of development proposals in parts c) to g) and h) to j) of Policy ECC01, justified and effective?
   4. Is it sufficiently clear as to how any developer contributions arising from the development requirements would be calculated, have they been viability tested and would they otherwise be consistent with national policy?
   5. Is the policy approach in part h) of Policy ECC01 insofar as it relates to heritage assets and their settings; consistent with relevant statutory duties and associated national policy seeking to conserve and enhance the historic environment?
   6. Are there any requirements set out in the supporting text and Table 16 that are not reflected in the policy wording, are they justified and if so, should they be added to Policy ECC01 (or other related policies of the Plan) to be effective?
   7. Are any modifications required following recent amendments to Building Regulations which came into force on 15 June 2022 regarding the installation of electric vehicle charging points, and buildings standards on overheating, ventilation and energy performance (as also addressed by the related Written Ministerial Statement published on 15 December 2021)?
   8. Would any further changes to the policy or supporting text, including the proposed modifications already provided by the Council, be necessary to achieve soundness?
2. Is Policy ECC02 which sets out the approach to a range of other environmental considerations; positively prepared, justified, effective and consistent with national policy, and would it be in general conformity with the London Plan? Responses should specifically address the following:
   1. Whether the approach to the Air Quality Management Area and expectations of development proposals with respect to improving air quality, including allowing for off-site mitigation measures in prescribed circumstances; are justified, effective, consistent with national policy and in general conformity with the London Plan?
   2. Is it sufficiently clear as to how any developer contributions arising from the approach to air quality would be calculated, whether they have been viability tested and would they otherwise be consistent with national policy?
   3. Is the approach to avoiding unacceptable noise levels, effective, consistent with national policy and in general conformity with the London Plan?
   4. Is it clear how development proposals should respond to part b) of Policy ECC02 with respect to guidance in SPDs and does the policy wording have sufficient flexibility to account for any updates to guidance in relevant SPDs?
   5. Is the policy sufficiently clear regarding the circumstances in which development proposals should be supported by air quality and noise assessments, and if so, is the approach both reasonable and proportionate so as to be justified?
   6. Are the expectations of development proposals with respect to contaminated land and near to existing notifiable installations, sufficiently clear in terms of where such considerations would apply, justified in terms of the associated development requirements and effective insofar as how a decision maker should react?
   7. Is the requirement for all developments to comply with a considerate constructors scheme and demolition and construction management plan, justified, reasonable and proportionate?
   8. Are there any requirements set out in the supporting text, including Tables 17 and 18, that are not reflected in the policy wording, are they justified and if so, should they be added to Policy ECC02 (or other policies of the Plan) to be effective?
   9. Are there any other environmental considerations that should be addressed in Policy ECC02 to ensure consistency with national policy or general conformity with the London Plan?
   10. Would any further changes to the policy or its supporting text, including the proposed modifications to require masterplans for development proposed on or close to the Strategic Road Network and the others already suggested by the Council, be necessary to achieve soundness?
3. Is Policy ECC02A; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan insofar as it relates specifically to water management policy in terms of flood risk, surface water management, water infrastructure and water courses? Responses should specifically address the following:
   1. Whether the approach is consistent with national policy which seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk, and its associated approaches to flood defences, water management, drainage and SuDS?
   2. Is there specific justification for any duplication or departure from national policy with respect to the approach to flood risk included in Policy ECC02A, its supporting text and Table 19?
   3. What is the justification for expecting proposals for minor and householder development to incorporate SuDS ‘where applicable’ and is such an approach reasonable and proportionate to ensure effectiveness?
   4. Are the expectations of development proposals in Policy ECC02A justified in terms of requirements for additional evidence such as flood risk assessments and management plans and adoption of water efficiency standards, and effective insofar as it is evident how a decision maker should react to planning applications?
   5. Is it sufficiently clear as to how any developer contributions arising from the policy requirements would be calculated, whether they have been viability tested and would they otherwise be consistent with national policy?
   6. Are the proposed modifications suggested by the Council in terms of restrictions on connections to the National Highways drainage network, justified and effective and would they have any implications for the soundness of other policies or site allocations in the Plan?
   7. Are there any requirements set out in the supporting text that are not reflected in the policy wording, are they justified and if so, should they be added to Policy ECC02A (or other related policies of the Plan) to be effective?
   8. Would further changes to the policy or its supporting text, including the proposed modifications already provided by the Council, be necessary to achieve soundness?
4. Is Policy ECC03; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan insofar as it sets out the approach to dealing with waste? Responses should specifically address the following:
   1. Whether the policy is consistent with the expectations of Policy SI7 of the London Plan and the North London Waste Plan?
   2. Is there specific justification for any duplication of or departure from the London Plan or North London Waste Plan?
   3. Are the expectations of development proposals in Policy ECC03 sufficiently clear and justified in terms of its requirements and effective insofar as it is evident how a decision maker should react to planning applications?
   4. Is the emphasis upon Scratchwood Quarry in part f) of Policy ECC03 necessary and justified by evidence?
   5. Are any changes to the Plan required for effectiveness to safeguard land and waste sites identified in the North London Waste Plan?
5. Is Policy ECC05 positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? In particular:
   1. Have exceptional circumstances been fully evidenced and justified for the proposed adjustments to the Green Belt and Metropolitan Open Land boundaries and should the associated changes to the Policies Map be reflected in the policy or elsewhere in the Plan?
   2. What is the justification insofar as setting out that development adjacent to Green Belt should not have a detrimental effect on its openness?
   3. Would further changes to the policy or its supporting text, including the proposed modifications already provided by the Council, be necessary to achieve soundness?
6. Is Policy ECC06; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan insofar as it sets out the approach to biodiversity? Responses should specifically address the following:
   1. Would the Plan overall be effective in promoting the conservation, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity restoration and enhancement of priority habitats?
   2. Have components of local wildlife-rich habitats and wider ecological networks been mapped in full as expected by national policy?
   3. Is the approach to biodiversity net gain justified and consistent with national policy and does it include sufficient flexibility to respond to the future implications of the Environment Act 2021?
   4. Are the expectations of development proposals in Policy ECC06 sufficiently clear and justified in terms of its requirements and effective insofar as it is evident how a decision maker should react to planning applications?
   5. Is it sufficiently clear as to how any developer contributions arising from the policy requirements would be calculated, whether they have been viability tested and would they otherwise be consistent with national policy?
   6. Is it justified and effective insofar as the expected response of development proposals to part b) of Policy ECC06 in terms of guidance in SPDs and does the policy have sufficient flexibility to account for updates to guidance in relevant SPDs?
   7. Are there any requirements set out in the supporting text that are not reflected in the policy wording, are they justified and if so, should they be added to Policy ECC06 (or other related policies of the Plan) to be effective?
   8. Would further changes to the policy or its supporting text, including the proposed modifications already provided by the Council, be necessary to achieve soundness?

**Matter 6: Transport, Communications and Infrastructure**

**Issue:**

Whether the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in relation to transport, communications and infrastructure?

**Questions:**

1. Is Policy GSS11; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?  Responses should specifically address the following:
   1. Whether the identification of Major Thoroughfares in the Plan and its Key Diagram are effective and justified, or alternatively if changes are required and/or if the identified locations subject of Policy GSS11 should alternatively be included in the policy wording for certainty?
   2. Is the policy sufficiently clear in terms of the location and type of development proposals which will be supported and whether such an approach is sufficiently flexible to account for site specific influences on suitable densities for development?
   3. Is the intended reliance upon an emerging Height Strategy SPD to set out potential for residential led tall building development in certain locations along the A5/Edgware Road and A1000/Great North Road; justified and consistent with national policy?
   4. Are the requirements of development proposals, such as those in terms of access, design and healthy streets, justified, effective and have they been viability tested?
   5. Are there any requirements set out in the supporting text that are not reflected in the policy wording, are they justified and if so, should they be added to Policy GSS11 (or other related policies of the Plan) to be effective?
   6. Would any changes be required, including the proposed modifications suggested by the Council, to ensure the effectiveness of Policy GSS11 or consistency of identification of Major Thoroughfares?
2. Is Policy GSS12; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? Responses should specifically address the following:
   1. For effectiveness, should the policy refer to the number of homes and specific locations where the 2800 homes identified in Policy GSS01 would be accommodated?
   2. Is there sufficient evidence to justify the loss of parking in town centres or other locations such as public transport hubs whilst ensuring an appropriate level of provision necessary to support their vitality and function, and is the overall approach consistent with Policy TRC01?
   3. Are the requirements of development proposals sufficiently clear and effective, so it is evident how a decision maker should react to development proposals?
   4. Have the requirements of development proposals been subject to viability testing where relevant?
   5. Are the Council’s proposed modifications necessary for soundness to clarify expectations of development proposals, to demonstrate when parking spaces are surplus to requirements or should be replaced, and in terms of assessing amenity impacts?
   6. Would any further changes to the policy be necessary to achieve soundness?
3. Policy TRC01 seeks to encourage sustainable and active travel to support a growing population and prosperous economy, in that regard:
   1. Are the Council’s proposed modifications in terms of its role in enabling active travel, referencing the Mayor of London’s Vision Zero ambition and to ensure consistency with national policy in terms of circumstances where development will be prevented or refused, required for soundness?
   2. Would any further changes be required in terms of the effectiveness and consistency with national policy in respect of the approach to promoting active travel in part a), particularly in terms of pursuing opportunities for walking and cycling as part of development proposals or how walking and cycling networks will be identified?
   3. Is the policy sufficiently clear as to the development proposals to which each of the criteria under its part b) will be applied and how any required contributions to infrastructure would be secured?
   4. Are the requirements for all major development proposals to provide transport assessments and travel plans, construction traffic management plans / construction logistics plans and delivery and servicing plans, and parking management plans, as set out under part c) and put forward in the Council’s proposed modifications, consistent with national policy? Why does the approach indicated in paragraph 11.11.1 appear to be different and is there any specific justification for the respective approaches taken?
   5. Would any further changes to the policy or its supporting text be necessary to achieve soundness?
4. Policy TRC02 of the Plan includes a list of key new transport infrastructure that it ‘in particular’ would support. In that regard:
5. What is the justification for the identification of those specific projects from the more comprehensive list in the Infrastructure Delivery Plan (Core\_Gen\_19)?
6. Would the delivery of the objectives of the Plan and the growth identified be contingent upon the listed transport improvements being fully delivered within the Plan period?
7. Are each of the projects committed, where is this evidence and where necessary does the Plan need to safeguard land to enable their implementation?
8. What is the source of the most up-to-date evidence in terms of funding arrangements and timescales for each of the listed projects?
9. Would the Plan provide an effective approach to respond to circumstances if the delivery of one or more of the listed projects were to be delayed or otherwise not taken forward?

**N.B. The Council should liaise with relevant stakeholders for each new or improved item of transport infrastructure listed in Policy TRC02 to produce Statements of Common Ground to demonstrate commitment to delivery of the infrastructure, in advance of the hearing sessions if they have not done so already.**

1. Are the following proposed modifications to Policy TRC02 necessary for soundness:
   1. Amended wording of part a) iii) to more accurately reflect the proposed improvements at Colindale Station?
   2. Amended wording of part a) iv) to address Transport for London representations regarding ‘a new London Overground Passenger line’?

Would any further changes to the policy or its supporting text be necessary to achieve soundness?

1. Policy TRC03 relates to parking management and associated expectations of development, in that regard:
   1. Is the approach of the policy justified and effective insofar as it seeks to depart from Policy T6.1 of the London Plan with respect to residential parking and to alternatively provide maximum residential parking standards in accordance with Table 23?
   2. Is the policy effective in terms of setting out the specific circumstances when provision of car club vehicle parking and/or a Controlled Parking Zone (CPZ) will be required to supplement the maximum residential parking standards in Table 23 and how and when they would be secured to support development in a justified and proportionate manner?
   3. Is the definition of ‘car free development’ as referred to in part c) sufficiently clear in the Plan?
   4. Is the approach of paragraph 11.12.6 justified in indicating that the Council would show flexibility in the assessment of parking requirements? If so, should the approach be reflected in the policy wording for effectiveness?
   5. Are the following requirements justified and if so, should they each be included in the policy wording for effectiveness:
      1. Paragraph 11.12.3 seeking developers in PTALs 5 and 6 to establish the level of orbital access by public transport to determine car parking requirements;
      2. Paragraph 11.12.7 indicating that developments on the edge of a CPZ or within a CPZ with controlled hours, would need to be accompanied by a parking survey, and;
      3. Paragraph 11.12.8 requiring a car parking design and management plan for all applications which include car parking.
   6. Is the policy sufficiently clear and effective in part d) for decision making on development proposals seeking to reduce the availability of on-street parking?
   7. Is the intended approach to motorcycle parking for residential development otherwise intended to accord with Policy T6 of the London Plan and if so, should the Plan provide more certainty in that respect?
   8. Are there any implications for the policy arising from recent updates to Building Regulations, with particular regard to the provision of electric vehicle charging points?
   9. Would any other changes to the policy or its supporting text be necessary to achieve soundness?
2. In overall terms, is there convincing evidence to justify that, taking account of proposed infrastructure improvements, mitigation measures and associated requirements as set out in Policies TRC01, TRC02 and TRC03, that the development proposed in the Plan, in cumulative with projects elsewhere, will not give rise to severe impacts on the road network within and beyond the Borough?
3. Is Policy TRC04 justified, effective and consistent with national policy, with particular regard to the following:
   1. In seeking that development facilitates high speed broadband and advancement in communication networks where possible and whether such an approach is in general conformity with Part B of Policy SI6 of the London Plan?
   2. Would criteria ii. and v. be sufficiently clear and effective for decision making on relevant development proposals?
   3. Is the approach of paragraph 11.13.4 justified insofar as it indicates that contributions from development may be required to deliver CCTV infrastructure and if so, should the approach be included in the policy wording for effectiveness?
   4. Would any other changes to the policy or its supporting text be necessary to achieve soundness?

**Matter 7: Viability and Policy Requirements**

**Issue:**

Whether the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in relation to viability and policy requirements?

**Questions:**

1. Is the Council’s viability evidence proportionate and up-to-date having regard to relevant national policy and guidance, and has it taken full account of and influenced the policy requirements of the Plan?
2. Are the identified development requirements and principles in the policies of the Plan, including affordable housing, the housing mix, on-site and off-site provision of services and facilities and financial contributions toward infrastructure – justified, effective, consistent with national policy and in general conformity with the London Plan?
3. Are the policy requirements set at a level such that the cumulative cost of all relevant policies would not undermine deliverability of the Plan objectives?
4. Notwithstanding the Council’s proposed modifications, is there any clear evidence that the policy requirements of the Plan would affect the viability or deliverability of sites in strategic policies (Policies BSS01 and GSS01 to GSS13) or the proposed allocation of sites as listed in Annex 1 of the Plan or that any further changes are required to achieve soundness in those respects?

**Matter 8: Design, Tall Buildings and Heritage**

**Issue:**

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 design, tall buildings and heritage?

**Questions:**

1. Policy CDH01 seeks to promote high quality design; is it positively prepared, justified, effective, consistent with national policy and in general conformity with Policies D2 to D6 of the London Plan in that respect? Responses should specifically address the following:
   1. Are the specific requirements of development proposals to comply with national space standards and associated definitions in Tables 9 and 10; justified and in general conformity with the London Plan?
   2. Whether the individual and cumulative policy requirements of development proposals reflect a design-led approach and are they sufficiently clear and effective, so it is evident how a decision maker should react to development proposals?
   3. Are there any additional requirements set out in the supporting text that are not reflected in the policy wording, are they justified and if so, should they be added to Policy CDH01 (or other related policies of the Plan) to be effective?
   4. Are the Council’s relevant proposed modifications to design approaches necessary for soundness in terms of clarifying building safety for tall buildings and the approach to Secured by Design, and with respect to approaches to Design Codes and Design Reviews?
   5. Would any further changes to the policy or its supporting text be necessary to achieve soundness?
2. Policy CDH02 provides a specific approach to sustainable and inclusive design; is it positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? Responses should specifically address the following:
   1. Is the policy wording consistent with Policy ECC01 in terms of sustainability and the approach to impacts on climate change?
   2. Are the policy requirements that seek accordance with a forthcoming SPD justified, consistent with national policy and in general conformity with the London Plan?
   3. Is the requirement to provide an inclusive design statement justified, would it be proportionate for such a statement to be sought from all development proposals and would the associated principles for those statements be effective?
   4. Are the specific requirements for all developments to meet Building Regulation M4(2) ‘accessible and adaptable dwellings’ and all major developments required to provide 10% of new units as Building Regulation M4(3) ‘wheelchair user dwellings’ justified by necessary evidence and have they been included in viability testing?
   5. Are the Council’s relevant proposed modifications necessary for soundness in terms of clarifying the requirements for energy masterplans/energy assessments and to refine the effectiveness of various policy criteria, including flexibility for circumstances where M4(2) and M4(3) standards may not be achievable?
   6. Would any further changes to the policy or its supporting text, including the Council’s other proposed modifications, be necessary to achieve soundness?
3. Policy CDH03 relates specifically to public realm, in that regard:
   1. Is the policy approach in general conformity with the expectations of Policies D8 and T2 of the London Plan?
   2. Are the policy requirements of development proposals sufficiently clear and effective, so it is evident how a decision maker should react, particularly with respect to the London Plan’s Healthy Street Indicators, the Secured by Design Resilient Design Tool and how ‘a family and young people friendly environment’ would be assessed?
   3. Is the requirement seeking appropriate management of publicly accessible private space in accordance with the Public London Charter, Council town centre strategies and public realm design frameworks; justified, effective and consistent with national policy?
   4. Are the circumstances where the incorporation of high quality public art would be appropriate, made sufficiently clear to be effective?
   5. Would any other changes to the policy or its supporting text be necessary to achieve soundness?
4. Policy CDH04 seeks to provide an approach to tall buildings in strategic locations, is it positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan in those respects? Responses should address the following:
   1. Is the overall policy approach consistent with the expectations of Policies H1 and D9 of the London Plan in terms of identification of locations for tall buildings and optimising housing delivery in PTAL3 to 6 locations or within 800m distance of a station or town centre boundary, and the Framework insofar as it seeks to achieve well-designed places?
   2. Is the identification of the strategic locations listed in the policy where ‘tall’ buildings (defined as 8 to 14 storeys or 26 to 46 metres) are appropriate, informed and justified by robust evidence, and are the locations sufficiently precise?
   3. Are there any other locations where evidence suggests that ‘tall’ buildings may be suitable and if so, should these be reflected in the policy?
   4. Would the policy approach be consistent with and support the delivery of the specific strategic requirements of Policies GSS01 to GSS12 and the density expectations and site capacities of the proposed site allocations identified in   
      Annex 1 of the Plan?
   5. Is there sufficient evidence to support the approach to ‘very tall’ buildings of   
      15 storeys or more and if so, why are exceptional circumstances required to be demonstrated rather than the identification of specific suitable locations?
   6. Why would ‘appropriate siting in an Opportunity Area or Growth Area’ constitute exceptional circumstances?
   7. Are the policy requirements which defer specific parameters for tall and very tall buildings in identified strategic locations to the preparation of and compliance with a Building Heights SPD; positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?
   8. Is the policy approach insofar as it relates to heritage assets and their settings, consistent with relevant statutory duties and associated national policy seeking to conserve and enhance the historic environment?
   9. Would the individual requirements of development proposals result in a design-led approach and are they sufficiently clear and effective, when taken together, so it is evident how a decision maker should react to development proposals?
   10. The Council’s proposed modifications, include changes to Map 4 of the Plan and seek to reinforce the need for careful consideration of heritage assets. Why are such changes necessary for soundness and would they require any consequential modifications to the policy, its supporting text or other parts of the Plan?
   11. Would any other changes to the policy or its supporting text, including the Council’s proposed modifications relating to character and appearance and fire safety considerations, be necessary to achieve soundness?
5. Policy CDH05 provides a specific approach for extensions to properties and   
   Policy CDH06 relates to proposals for basements. In those regards:
   1. Are the requirements of development proposals justified, sufficiently clear and effective, so it is evident how a decision maker should react to relevant proposals for residential and non-residential developments?
   2. Is it justified that extensions and basements ‘be subordinate to the existing building’ and is this consistent with national policy insofar as achieving well-designed places?
   3. How would an ‘acceptable’ outlook and ‘adequate’ spacing between surrounding buildings be demonstrated for the purposes of Policy CDH05?
   4. Is it necessary that there are two separate policy requirements relating to amenity space in parts e) and k) of Policy CDH05 and should the policies seek only compliance with Policy CDH07?
   5. Are the requirements relating to basement proposals in Policy CDH06, justified, effective and consistent with national policy, insofar as seeking to ensure not more than 50% of amenity space is removed; that all habitable rooms provide a minimum headroom of 2.5 metres; and by excluding basements from Flood Zone 3B?
   6. Are the requirements to be ‘in accordance’ with SPDs justified and consistent with national policy?
   7. Would any changes to the policies or their supporting text, including the Council’s proposed modifications, be necessary to achieve soundness?
6. Policy CDH07 provides a specific approach to amenity space and landscaping, in that regard:
   1. Are the amenity space standards set out in Table 11 justified and should the flexibility suggested in paragraph 6.21.3 be reflected in the policy wording for effectiveness?
   2. Is the approach to play space in general conformity with the expectations of   
      Policy S4 of the London Plan and is the requirement for accordance with the Mayor’s SPG consistent with national policy?
   3. How would contributions to off-site provision be calculated for amenity and play space, have they been subject to viability testing and would they otherwise be in accordance with national policy?
   4. Are the individual requirements to include hard and soft landscaping relevant to and would they be achievable by all development proposals?
   5. Is the approach to biodiversity net gain in accordance with Policy ECC06, and otherwise effective, consistent with national policy and in general conformity with the London Plan?
   6. Is the policy requirement for development proposals to provide sustainable drainage systems justified and sufficiently clear to be effective?
   7. Does the policy have sufficient emphasis on trees and tree-lined streets to ensure consistency with national policy?
   8. Are there any requirements included in the supporting text that are justified and should otherwise be included in the policy wording for effectiveness?
   9. Would any changes to the policy or its supporting text, including the Council’s proposed modifications, be necessary to achieve soundness?
7. Policy CDH08 relates to Barnet’s Heritage. Are its approaches, positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan? Responses should address the following:
   1. Whether the approach is consistent with national policy which seeks to conserve and enhance the historic environment; particularly in respect of the approaches to proposals affecting heritage assets, the significance of heritage assets, substantial or less than substantial harm, and heritage at risk?
   2. Is any duplication or departure from national policy with respect to the range of designated heritage assets or non-designated assets (including those of archaeological interest) covered in the policy; necessary and justified?
   3. Notwithstanding the above, are the policy requirements, justified, sufficiently clear and effective, so it is evident how a decision maker should react to relevant development proposals and their influence upon the different types of designated and non-designated heritage assets and their settings (where appropriate)?
   4. Is the list of designated and non-designated assets in Table 12 intended to be comprehensive and are each of the sub-categories justified by proportionate evidence?
   5. Are any modifications to the Plan required to reflect boundary changes to heritage assets and are there any other designated or non-designated assets which should be added to Table 12?
   6. Would any other changes to the policy or its supporting text, including the Council’s proposed modifications, be necessary to achieve soundness?
8. Policy CDH09 sets out the approach to advertisements, in that respect:
   1. Is the policy approach consistent with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and national policy insofar as advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts?
   2. In the context of the above, are the requirements of development proposals; justified, sufficiently clear and effective, so it is evident how a decision maker should react to proposals for advertisements?
   3. Are there requirements included in the supporting text that are justified and should otherwise be included in the policy wording for effectiveness?
   4. Would any other changes to the policy or its supporting text, including the Council’s proposed modifications relating to proximity to the Strategic Road Network and consultation with National Highways and specifically relating to estate agent boards, be necessary to achieve soundness?

**Matter 9: Parks and Open Spaces, Community Uses, Health and Wellbeing**

**Issue:**

Whether the proposed allocation of sites in the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?

**Questions:**

1. Policies GSS13 and ECC04 relate to strategic parks and recreation and non-strategic parks and open spaces respectively, in those regards:
   1. Are the policies, opportunities for new provision and open space standards effective and based on robust and up-to-date evidence of need, and does the evidence take sufficient account of the expectations of Policy G4 of the London Plan?
   2. Has a review been undertaken of the existing evidence to assess whether the conclusions relating to opportunities for provision and open space standards remain valid and, in such circumstances, would the Plan approach be justified?
   3. Would Policy ECC04 provide a clear strategy as to how the Council will address the public open space deficiencies identified by Map 7?
   4. Would the approach to identifying qualitative considerations and accessibility opportunities as part of decision-making on development proposals be effective and consistent with national policy if relying upon the Barnet Parks and Open Spaces Strategy rather than an up-to-date and periodically reviewed audit of provision?
   5. Is the Plan justified and effective in terms of the approaches to children’s play facilities and playing pitches and outdoor sports, if the requirements set out in paragraphs 10.20.1 and 10.21.1 and any associated open space standards for those typologies are not otherwise included in Policy ECC04?
   6. In seeking to secure improvements to open space, either in terms of on-site provision or contributions to off-site provision, have the implications for the viability of development been taken into account?
   7. Is the approach of Policy ECC04, including the Council’s relevant proposed modifications, consistent with national policy in terms of circumstances where existing open space, sports and recreation buildings and land, including playing fields, should not be built on?
   8. Would the designation of a Local Open Space at Whalebones Park as identified in paragraph 10.19.1 and Annex 1 be in accordance with national policy and in general conformity with the London Plan? If so, for effectiveness would it be necessary to include a specific approach in Policy ECC04?
   9. Are there any other potential modifications to the policies and their supporting text that would be necessary to achieve soundness?
2. Policy CHW01 relates specifically to community infrastructure, in those respects:
   1. Would the policy, when taken together with Policies BSS01 and Policies GSS01 to GSS13, provide an appropriate and justified strategy to ensure sufficient provision is made for community infrastructure and facilities to support the intended levels of growth during the Plan period (including health, education and cultural infrastructure and taking account of specific needs for school places and burial spaces)?
   2. If any of the available evidence relating to community infrastructure and facilities is not up-to-date or does not cover the full Plan period, has a review been undertaken to assess whether the conclusions are valid and/or could be rolled forward? If so, would the Plan approach provide sufficient flexibility to take account of and meet any needs arising from future updates to the evidence?
   3. Are the Council’s proposed modifications necessary to provide the justification for locations identified in Policy CHW01 where provision of multi-purpose community hubs is supported, necessary to ensure soundness, or are further changes required?
   4. Is the policy sufficiently clear as to where contributions towards existing facilities and new accessible facilities would be sought? How would the contributions be calculated?
   5. Is there any robust evidence that there is a need for either multi-purpose community hubs in any other locations in the Borough, such as Opportunity Areas, and is the approach to provision outside of town centres justified and effective in that context?
   6. In seeking to secure contributions to improvements to community infrastructure and facilities in Policy CHW01, have the implications for the viability of development been taken into account?
   7. Is the approach of Policy CHW01 to development (including change of use) that involves loss or replacement of community facilities, justified and otherwise consistent with national policy insofar as it seeks to guard against the unnecessary loss of valued facilities and services?
   8. Are the Council’s proposed modifications to introduce more flexibility with regard to loss of community facilities and to alter the approach to Assets of Community Value in Policy CHW01, necessary for soundness and would any other changes be required in those specific regards?
   9. Are the prescribed circumstances where the Council will support proposals for new community infrastructure (in criteria i. to v.), justified, effective and consistent with national policy and if so, is it necessary that all of the individual criteria be satisfied by a development proposal?
   10. To be effective, should Policy CHW01 provide certainty as to whether it applies to outdoor sports facilities associated with playing fields/pitches?
   11. Are there any other requirements of the supporting text, such as Lifetime Neighbourhoods, that are justified and otherwise should be included in the policy for effectiveness?
   12. Are there any other potential modifications to the policy or supporting text that would be necessary to achieve soundness?
3. Policy CHW02 relates to promoting health and wellbeing, in those respects:
   1. Would the policy provide a justified approach that would appropriately support the creation of healthy environments and safe, accessible, suitable and high-quality places so as to improve physical and mental health and reduce health inequalities?
   2. Are the requirements of development beyond those otherwise set out by other policies of the Plan or the London Plan, appropriately justified and sufficiently clear to be effective in terms of the following:
      1. developer contributions to support investment in healthcare infrastructure and how they would be calculated;
      2. submission of health impact assessments, and;
      3. compliance with Sport England’s Active Design Principles?
   3. Have the implications of the aforementioned requirements and contributions on the viability of development been taken into account?
   4. Are there any other requirements listed in the supporting text, that are justified and should be included in the policy for effectiveness?
   5. Paragraph 8.19.1 indicates that there is a need for at least one new district park and 13 new local parks by 2040 which do not appear to be specifically taken forward in Policy CHW02. Is there an evidential source of those specific needs and if so, are they addressed by other policies of the Plan?
   6. Are there any other potential modifications to Policy CHW02 and its supporting text, or consequential modifications to policies of the Plan to which it refers, that would be necessary to achieve soundness?
4. Policy CHW03 seeks to support making Barnet a safer place, in that respect:
   1. Is the policy clearly written and unambiguous so it is evident how a decision maker should react to development proposals when seeking to address risks of terrorism, crime, fear of crime and anti-social behaviour?
   2. Is it proportionate to require contributions to community safety and security from all new development and if so, how would the contributions be used to address these matters?
   3. Are the specific requirements that development proposals reflect guidance documents such as Secured by Design and to work with the Metropolitan Police’s Secured by Design Officers, justified and consistent with national policy?
   4. Is the policy sufficiently clear in terms of what would constitute ‘appropriate fire safety solutions integral to development proposals’ and would modifications be required for effectiveness in any case to take account of the Building Safety Act 2022?
   5. Are there any other potential modifications to Policy CHW03 and its supporting text, or consequential modifications to policies of the Plan to which it refers, that would be necessary to achieve soundness?
5. Policy CHW04 seeks to provide an approach to protection of public houses, in that respect:
   1. Is the policy clearly written and unambiguous so it is evident how a decision maker should react to development proposals which would result in the conversion and/or loss of existing public houses?
   2. Is the policy approach in accordance with national policy which seeks to guard against the unnecessary loss of valued facilities and services, and if so, how would ‘heritage, economic, social or cultural value to local communities’ and ‘contribution to wider policy objectives for town centres’ be identified or demonstrated?
   3. What is the justification for support for proposals for new public houses seemingly being specific to Growth Areas and town centres as part of mixed-use development, and would such an approach be consistent with expectations of national policy that the provision and use of such community facilities is positively planned?
   4. Is there specific justification for the definition of a public house having ‘no viable demand for its continued use’ being based upon long term vacancy of at least   
      12 months and continued marketing over a 24 month period, and in any case, would the policy wording be effective in that regard?
   5. Is the approach to circumstances where alternative uses would be supported; justified and sufficiently clear and flexible to ensure effectiveness and an efficient use of land?
   6. Are there any other potential modifications to Policy CHW04 and its supporting text, or consequential modifications to policies of the Plan to which it refers, that would be necessary to achieve soundness?

**Matter 10: Site Allocations**

**Issue:**

Whether the proposed allocation of sites in the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?

**Questions:**

The following questions link to the request in the Inspectors letter of 18 May 2022 for further work to be completed by not later than 23 August 2022, including the production of a technical paper relating specifically to the sites in strategic policies (Policies BSS01 and GSS01 to GSS13) and the proposed allocation of sites listed in Annex 1 of the Plan. The Council is requested to draw upon and cross refer to that evidence as appropriate when addressing the following questions. For sites where specific representations have been made, the Council is also requested to respond to the particular issues raised. In doing this any updated information regarding site capacities, planning permissions, sites under construction and existing uses should be included.

1. Are the proposed site allocations appropriate and justified in the light of potential constraints, infrastructure requirements and adverse impacts?
2. Is there any risk that any infrastructure requirements, site conditions and/or constraints might prevent or delay development or adversely affect viability and delivery?
3. Are the site allocation boundaries justified?
4. Are the assumptions regarding the capacity of the sites in terms of density of development and net developable areas justified and what is this based on?
5. What is the expected timescale for development in terms of lead in times and annual delivery rates, and are these assumptions realistic and supported by evidence?
6. Does the Plan sufficiently make clear the infrastructure requirements for each of the allocated sites, together with the timing of and dependencies upon such infrastructure for their delivery?
7. Are the proposed allocations and the associated development requirements and principles identified in Annex 1 of the Plan - justified, effective, consistent with national policy and in general conformity with the London Plan?
8. Are any further modifications required to ensure that the relevant policies for each site and/or their development requirements identified in Annex 1 are accurate and sound?

**Matter 11: Delivering the identified requirements over the Plan period**

**Issue:**

Whether the Plan approach towards the identification and supply of land and anticipated delivery of development is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan, so as to ensure the timely delivery of the identified requirements for the Borough?

**Questions:**

The following questions link to the further work requested in the Inspectors’ letter of

18 May 2022 to be completed by not later than 23 August 2022, which includes an up-to-date site trajectory for residential, employment, retail and leisure, and any potential updates to Tables 5 and 5A of the Plan. The Council is requested to draw upon and cross refer to that evidence as appropriate when addressing the following questions.

Housing Land

1. What is the estimated remaining total supply in the Plan period?
2. What is the estimated total supply in the Plan period from:
   1. Completions
   2. Existing planning permissions (subdivided as full, outline, etc)
   3. Other commitments (e.g. sites subject to the completion of planning obligations)
   4. Windfalls
   5. Existing or proposed site allocations
3. What informed the assumptions about the scale and timing of supply in relation to build-out rates and lead-in times from these various sources? Are these realistic and based upon up-to-date evidence?
4. Is the most up-to-date version of the housing trajectory in the Plan realistic? Is there sufficient evidence to demonstrate a sufficient supply of deliverable sites (in years 1 to 5) and developable sites (in years 6 to 15) to ensure that the Plan’s housing requirement for the Borough would be met?
5. Would the Plan realistically provide for a 5-year supply of specific deliverable sites on adoption? Has the Council provided clear evidence that dwellings will be completed on sites of 10 or more dwellings with outline planning permission, sites with a grant of planning permission in principle and/or allocations without planning permission, within the 5-year period?
6. Is there any clear evidence that sites within the supply should not be considered deliverable within 5-years?
7. Is there reasonable confidence that a 5-year supply would be maintained throughout the Plan period? If not, how could this be achieved?
8. Is there any evidence that the supply of housing includes sites which should not be considered developable during the Plan period?
9. Is there a sufficient range and choice of sites allocated in the Plan in terms of location, type and size, to provide adequate flexibility to meet the housing requirement for the Borough in the Plan? Would the housing allocations ensure that the Plan would be consistent with the Framework, in so far as it seeks to boost significantly the supply of housing?
10. Is there any evidence of previous allocations or planning permissions not being brought forward or delivered in a timely manner so as to justify a lapse rate to be applied to the housing trajectory?
11. Is the expected contribution to housing land supply from windfalls realistic and justified by evidence?
12. What contingencies are in place should housing delivery fall below expectations within the sites in strategic policies (Policies BSS01 and GSS01 to GSS13) and the proposed allocation of sites listed in Annex 1 of the Plan? Would it be necessary to consider other areas for development?
13. In overall terms, would the Plan realistically deliver the dwellings required in the Borough over the Plan period?

Land for Employment, Retail and Leisure

1. Is there a suitable range and choice of employment locations, town centres and proposed allocations, in terms of type, quality and size, to address the particular characteristics, roles and functions of areas of the Borough and to meet the requirements for employment growth (more than 27,000 new jobs in Policy GSS01) and associated requirements for employment floorspace and main town centre uses in the Plan?
2. What land supply remains available within existing employment areas and town centres and what contribution can they make relative to identified needs? Is there any evidence of long-term vacancy of land and premises?

**Matter 12: Monitoring**

**Issue:**

Whether the Plan would be able to be monitored effectively to ensure timely delivery of its proposals and be in general conformity with the London Plan?

**Questions:**

1. How would the implementation of the Plan policies be achieved? What mechanisms are there to assist development sites to come forward/progress?
2. How would the implementation of the Plan be monitored? Would it be effective? How would the results of monitoring be acted upon, for example what would trigger a review of the Plan?
3. Is there specific evidence that any of the superseded policies listed in Appendix C – Replacement of Local Plan Policies should not be replaced by the Plan?

Gareth Wildgoose Mark Philpott

INSPECTOR INSPECTOR

12 July 2022