

PINS LDF SUPPORT PROGRAMME

LDF Advisory Visit – Barnet London Borough (BLB) 22 October 2009

Inspector's Summary Note

The purpose of this advisory visit was to consider what has been done so far in preparing Barnet London Borough's (BLB) Core Strategy (CS) and to identify those matters and questions that at this stage appear potentially problematic in terms of soundness. It did not seek to test material, confirm the adequacy of the CS or endorse any part of it as sound. These notes should not therefore be taken as pre-judging the outcome of the examination of the submitted CS in any way. This note sets out specific advice for BLB based on the particular circumstances and questions raised. Although the note contains some general guidance and good practice, it should not be assumed that this specific advice is necessarily applicable to all other authorities and other circumstances.

1. Current position with LDS & London Plan

1.1 The current Local Development Scheme (LDS) is somewhat out-of-date and is to be revised. Consultation on the CS was undertaken at Issues & Options stage (June 2008), and further consultation on the *Direction of Travel*¹ is planned for November 2009. Publication of the CS is planned for Spring 2010, with submission to the Secretary of State in Summer 2010. The Mill Hill East AAP was adopted in January 2009 and the Colindale AAP was submitted for examination at the end of August 2009. Subsequent Site Allocations (SADPD) and Development Management Policies (DMPDPD) DPDs are also to be prepared. The North London Boroughs are also producing a Joint Waste Plan (DPD), which is at Preferred Options stage.

1.2 The London Plan (LP) was adopted in February 2004, with updates to the housing and waste policies approved in December 2006, and a consolidated version (incorporating further alterations) published in February 2008. A full review of the LP was launched in April-June 2009². The Consultation Draft Replacement Plan was published on 12 October 2009³, and an Examination in Public is scheduled for Summer 2010, with adoption in Winter 2011/12.

2. Preliminary matters

2.1 BLB has just produced a consultation document: *Direction of Travel*¹, which has been approved for publication by Council members. This effectively constitutes the *Preferred Option* for the CS. It summarises the strategic context for Barnet, the relationship with other plans, and outlines what makes Barnet locally distinctive and the challenges faced. It sets out a vision, objectives and spatial strategy, based on four key themes from the Sustainable Community Strategy and the *Three Strands Approach* to planning, development and regeneration. It identifies three major regeneration proposals at Mill Hill East, Colindale and Brent Cross/Cricklewood, outlines the general amount and distribution of housing growth, and includes sections on protecting and enhancing Barnet's character and open spaces, maintaining vibrant town centres, promoting the local economy, providing quality homes and housing choice, and integrated and efficient travel. Other sections deal with community facilities, health and safety, natural resources, waste and delivering the strategy.

2.2 For the purposes of consultation, the *Direction of Travel* explains the overall strategy and alternative options considered, and is a good start towards the final CS. However, BLB should confirm that the views of the Government Office for London⁴ (GOL) on an earlier draft of this document have been addressed and should continue to share emerging draft documents with GOL and seek their guidance on content as work on the CS progresses.

¹ Local Development Framework – Barnet's Core Strategy: *Direction of Travel* [BLB; October 2009]

² London Plan Initial Proposals [GLA; April 2009]

³ The London Plan – Spatial Development Strategy for Greater London; Consultation Draft Replacement Plan [GLA; October 2009]

⁴ Letter from GOL (Alex Lessware) to BLB (9 September 2009)

3. Key issues

a. Relationship with the London Plan, including housing provision

3.1 The fact that the London Plan (LP) is currently under review makes some elements of the strategic planning framework less certain, particularly the overall development requirements and key aspects of the strategy for Greater London. Current work on the CS has its basis in the current adopted LP, but the latest *Direction of Travel* anticipates much of what is included in the recently published draft review. However, if the CS follows the timetable anticipated, it would be likely to be adopted before the LP is endorsed and formally approved. With some careful wording of key policies, along with some in-built flexibility in the strategy, the CS could probably take on board many key elements of the emerging LP review, whilst remaining in general conformity with the current approved LP. As the emerging LP review becomes clearer, the CS should have regard to the anticipated direction of the future strategy, to ensure that it does not need to be reviewed as soon as it is adopted. Where there is potential conflict between the CS and the approved and emerging LP, the CS should give convincing reasons and indicate the special local circumstances that justify taking a different approach.

3.2 However, the question of housing growth and the overall housing requirement of the LP is a key issue. The current approved LP sets a minimum 10-year target of 20,550 additional homes for Barnet between 2007/8-2016/17⁵, with an annual monitoring target of 2,055 dwellings. The CS has a 15-year plan period of 2011-2026. I understand that GLA/GOL have agreed that, for the purposes of LDFs, the figures in the LP should be rolled-forward at the annual average rate to give a 15-year provision figure. For Barnet, this gives an overall housing requirement of 30,825. The CS aims to provide 28,000 new dwellings over this period, which is slightly short of this overall requirement. Before the CS is finalised, this issue should be discussed and resolved with GLA/GOL, to ensure that the CS remains in general conformity with the currently approved LP.

3.3 This is particularly important, since the emerging LP Review sets a slightly higher 10-year target for Barnet of 22,550 additional homes between 2011-2021, with an annual monitoring target of 2,255 dwellings⁶. Although these targets will be revised by 2015/16, for the purposes of the LDF 15-year period, it confirms that these figures should be rolled forward. For Barnet, the overall housing requirement for 2011-2026 would therefore be 33,825. BLB explains that there is a finite capacity for housing growth within Barnet, particularly given the largely built-up suburban nature of the Borough and the policy of absolute protection of the Green Belt and MOL⁷. However, the issue of housing provision is a critical element of the CS, especially since the approved and emerging LP confirms that these are minimum figures which should be achieved and, if possible, exceeded. The basic calculations and overall housing requirements, along with the implications for Barnet, should be confirmed with GLA/GOL at the earliest opportunity.

b. Relationship to AAPs, other plans, strategies and frameworks

3.4 BLB has published two AAPs (Colindale and Mill Hill East) in advance of the CS; Mill Hill East has been adopted and Colindale is currently being examined. Their strategic context is related to the approved LP, where they are identified as an opportunity area/area for intensification. These areas also make a significant contribution to the borough's housing supply (c.12,000 units), infrastructure provision and distinctiveness. Normally, the CS precedes any AAPs, and they have to be consistent with the strategy in the CS. In this case, the CS has to take account of the proposals in the AAPs and ensure that the strategy and strategic policies support the implementation of these major regeneration projects. The latest *Direction of Travel* refers to these proposals in several places, most notably in Section 7, where the key elements of the projects are set out. These summaries of the proposals⁸

⁵ The London Plan (Policy 3A.1 – Table 3A.1) [Mayor of London; 2008]

⁶ The London Plan – Spatial Development Strategy for Greater London; Consultation Draft Replacement Plan (Policy 3.3.1 – Table 3.1) [Mayor of London; October 2009]

⁷ Metropolitan Open Land

⁸ Local Development Framework - Barnet's Core Strategy: Direction of Travel (Section 7; pages 26-27) [BLB; October 2009]

could form the basis of specific policies in the CS, to ensure that there is “reverse conformity” and a clear audit trail with the AAPs. However, there is no need to duplicate all the details of these proposals in the CS, but simply ensure that there is a sufficient policy framework and strategic context for these key AAP projects, with explicit linkages and references.

3.5 Cricklewood/Brent Cross is another long-standing area identified for redevelopment, included in the LP as an area of opportunity. An Area Development Framework SPG based on the adopted UDP and London Plan was adopted in 2005. An outline planning application for comprehensive regeneration (creating a new mixed-use town centre, 7,500 residential units, offices and retail areas) has been submitted and is due to be determined in November 2009. This key project is mentioned in the *Direction of Travel* document⁹, and the summary could form the basis of a specific policy in the CS, in order to provide the necessary strategic context and policy background for this key regeneration proposal. The proposal could also be identified as a strategic allocation (with a defined site boundary shown on an OS-base plan), if it is a crucial element in the delivery of the CS.

3.6 BLB is preparing Town Centre Frameworks for six of the larger town centres in Barnet. Most of these non-statutory plans are under production, but some are proving to be more contentious, which may delay progress. These Frameworks are mentioned in the *Direction of Travel*¹⁰ and will probably provide much of the detail for the future planning of the key town centres, within the context of Policy CS4. More detail could be addressed in the SADPD. Although these Frameworks would be key elements in the evidence supporting the CS town centre policy, it is not crucial that all are finalised before the CS is published.

c. Characterisation study

3.7 BLB has commissioned a Characterisation Study, because of concerns about the erosion of Barnet’s suburban distinctiveness. This study identifies 16 areas of character with six secondary typologies, for which detailed design guidance will be produced. The content of Policy CS3 in the *Direction of Travel* could provide the strategic context for this work to be prepared, which is probably more related to the DMPDPD than the CS. If the boundaries of particular character areas are to be defined, they should be shown on an OS-base plan in the Submission Proposals Map accompanying the relevant DPD. Any detailed design guidance should be justified with evidence, using the Characterisation Study as a basis.

d. Evidence base

3.8 The need for a robust, credible, up-to-date and accurate evidence base is the foundation of a sound CS. An extensive list of studies are currently being prepared or completed (such as the Joint SHMA & SHLAA¹¹ and Infrastructure Delivery Plan). These studies should justify key policy elements of the CS, and not be produced afterwards to justify the strategy. There should be a clear audit trail explaining how they have influenced the strategy. Further advice is in the latest PINS guidance¹².

SHLAA and housing trajectory

3.9 A key issue relating to the evidence base on housing supply is the status, role and purpose of the London SHLAA. I understand this is being prepared by the GLA in liaison with the London Boroughs, including BLB. As with previous similar studies in London, much of this work is undertaken on a confidential basis, particularly the identification of specific sites. I understand that the London SHLAA assesses all potential housing sites across London, looking at the likelihood of them coming forward and their potential housing yield. It helps to assess the capacity of the boroughs to accommodate new housing, particularly bearing in mind that over 90% of housing provision in London comes from existing/brownfield sites. Keeping much

⁹ Local Development Framework - Barnet’s Core Strategy: Direction of Travel (Section 7; Pages 28-29 & Section 10; ¶ 10.5.1-10.5.6) [BLB; October 2009]

¹⁰ Ibid (Section 10; ¶ 10.6.1-10.6.5)

¹¹ North London Strategic Housing Market Assessment & London Strategic Housing Land Availability Assessment

¹² Local Development Frameworks; Examining Development Plan Documents: Learning from Experience (¶ 33-37) [PINS; September 2009]

of the information on specific sites confidential is necessary to deter speculation about land values, which may harm existing uses and deter the provision of affordable housing. Consequently, the capacity identified on potential sites is spatially aggregated to an appropriate level and type of land supply. The London-wide SHLAA is designed to provide a robust indication of aggregate housing capacity at Borough level across London, aggregated in spatial terms and by type of site, so that the core strategies of each borough can properly identify which areas are likely to be developed for housing and consider the spatial, transport, environmental, infrastructure and other relevant implications.

3.10 However, PPS3¹³ confirms that LPAs are required to identify a 5-year supply of specific deliverable sites, using the SHLAA or other relevant evidence, and to update this information through the Annual Monitoring Report process. Windfalls should only be included where there is robust evidence of genuine local circumstances that prevent specific sites being identified. For the London SHLAA, site confidentiality should not be an issue for the first 5-years of the plan period, as most sites will have planning permission or be otherwise committed. PPS3 also seeks a supply of specific deliverable sites for years 6-10 of the plan period, but this is based on individual sites being identifiable. I understand that more than two-thirds (c.20,000) of the anticipated housing supply in Barnet (28,000) can currently be identified at specific sites/locations, largely in the three major regeneration schemes. If a full 10-year supply of housing sites cannot be identified, BLB could consider reviewing the SHLAA information, in discussion with local landowners/developers, with a view to identifying some currently confidential sites or providing further details about the sites and general locations likely to come forward in the 6-10 year period of the plan. For the 11-15 year period, PPS3 recognises that it may not be possible to identify specific sites and refers to indicating broad locations. Aggregated information in the London SHLAA may assist in identifying the general location and potential for further housing development in the longer term.

3.11 Although the methodology of the London-wide SHLAA is necessarily different from that which applies in other parts of the country, it is important that all steps in the process are transparent and understandable. Any general or specific site inputs and deliverability assumptions should be clearly explained and able to be open to scrutiny and challenge. Evidence on housing capacity is crucial to demonstrate that the aspirations of the CS and the requirements of the LP can be met. The housing targets in the approved LP should be included in a policy in the CS. Whether the housing requirements in the emerging LP should be included in the policy itself or in the explanatory text will depend on the relative progress of the CS & LP. The CS needs to explain clearly how housing will be delivered over the plan period to meet the requirements of PPS3. The main components of the housing land supply (permissions/commitments/allocations/new sites etc), should be clearly set out, with the explanation for any assumptions, in the final version of the CS. Moreover, the overall approach should be agreed with GLA/GOL before the CS is finalised.

Publication of evidence

3.12 All evidence, documents and reports should be readily available and accessible to the public and other stakeholders. Paper copies (at least 3) and electronic copies of all the evidence base and core documents will be required for the examination, particularly during the hearing sessions. Links to all evidence base/core documents should also be available on the Council's web-site, and lists of all the documents should be readily available. The inspector may need a CD-rom(s) containing electronic copies of all the evidence base and core documents. All evidence should be available at or prior to publication stage and submitted with the CS to the Secretary of State. Relevant reports and studies could be released at earlier consultation stages if it helps to explain and provide the basis for the strategy. If the necessary evidence is not available or relevant evidence has not been produced, the inspector may pause the examination process for this work to be undertaken, as long as it does not unduly delay the examination.

¹³ Planning Policy Statement PPS3 – Housing (¶ 54)

Emerging evidence

3.13 BLB intends to commission work on affordable housing viability and surface water management plans. All evidence, studies and reports should be completed before the CS is published and submitted to the Secretary of State. BLB should ensure that all the evidence it wishes to submit to support the CS has been completed by the time the plan is published. BLB asks whether there appear to be any obvious gaps in the evidence base. Most of the basic evidence seems to be present or is in hand, but there seems to be no evidence or reports on transport, including the Local Transport Plan/local transport strategies.

e. *Development Management Policies DPD*

3.14 BLB asks for guidance on what type of development management policies might be appropriate for the CS and the subsequent DMPDPD. There is no hard and fast rule, but the CS may contain a limited number of “high-level” strategic development management policies, leaving detailed development management policies to the subsequent DMPDPD. Development management policies should be aimed at promoting the strategy, rather than a long list of negative development control policies. Further advice is given in the latest PINS guidance¹⁴.

f. *Alternative approaches*

3.15 BLB explains that some 80 options were set out at Issues & Options stage, and the latest *Direction of Travel* document explains the options that were discounted. PPS12¹⁵ confirms that LPAs should seek out and evaluate reasonable alternatives promoted by themselves and others to demonstrate that the plan is the most appropriate, having gone through an objective process of assessing alternatives. However, there is no point in inventing alternative strategies if they are not realistic. The evidence base accompanying the CS, particularly the Sustainability Appraisal work, should fully explain what alternatives options were considered and suggested, and the reasons for rejecting or not assessing alternative spatial and policy options, along with the particular reasons for selecting the chosen strategy. Further advice on the generation and assessment of strategic options, is given in the latest PINS guidance¹⁶.

4. *Other matters*

a. *Sustainability appraisal*

4.1 Sustainability appraisal (SA) is a key element of the new LDF system. Although the SA documents are not themselves examined in terms of soundness, any inadequacies in the SA work/process could point to shortcomings in the CS itself. The SA work should meet the requirements set out in national guidance¹⁷, but proportionate to the evidence needed. The PAS web-site provides key pointers to SA work¹⁸.

4.2 A Habitats Regulations Assessment (HRA) needs to be undertaken to ensure that European wildlife sites are not affected by the policies/proposals of the CS. The HRA is not itself tested for soundness, but any inadequacies could point to shortcomings in the CS. It is also helpful to have the endorsement of Natural England to the main conclusions of the HRA/Scoping Opinion at an early stage.

b. *Independent examination*

4.3 Full details, including good practice, of how the independent examination operates are given in the PINS guidance¹⁹. The examination starts when the CS is submitted to the Secretary of State, and the inspector will spend up to 50% of his/her time preparing for the examination before the Pre-Hearing Meeting. The

¹⁴ Local Development Frameworks - Examining Development Plan Documents: Learning from Experience (¶ 58-60) [PINS; September 2009]

¹⁵ Planning Policy Guidance Note PPS12 (¶ 4.38)

¹⁶ Local Development Frameworks – Examining Development Plan Documents: Learning from Experience (¶ 38-41) [PINS; September 2009]

¹⁷ Sustainability Appraisal of Regional Spatial Strategies & Local Development Documents [ODPM; November 2005]

¹⁸ [<http://www.pas.gov.uk/pas/core/page.do?pagelId=152450>]

¹⁹ Local Development Frameworks – Examining Development Plan Documents: Soundness Guidance and Procedure Guidance [PINS: August 2009]

hearing sessions of the examination normally comprise a series of short, focussed discussions on key issues identified beforehand by the Inspector at which BLB and other participants can make their points. BLB can be represented by a team of officers and consultants, calling on their expertise as required, but with no more than 2-3 occupying the hot-seat at any one time. Legal representatives can participate in the debate, but usually there is no presentation of evidence, cross-examination or submissions.

c. Comments on Direction of Travel

4.4 As stated earlier, the *Direction of Travel* provides a good starting point for consultation on the preferred strategy of the emerging CS. In addition to the comments made by GOL⁴, I make the following observations for use when finalising the CS:

- *The structure of the CS should aim to keep similar topics together (eg. Distribution of housing growth and Provision of quality homes and housing choice);*
- *The Key Diagram could be enhanced by adding the hierarchy of town centres and main employment sites (as shown on Map 4);*
- *The breakdown of housing provision should be clearly set out, indicating the number of dwellings provided by commitments, allocations, main regeneration areas, town centres, key sites, residential estates, etc, along with the amount from new sites and the assumptions about windfalls and future longer-term provision;*
- *The housing trajectory should be reviewed, to avoid the impression that housing completions fall to zero in 2016/17;*
- *The Town Centre Floorspace Needs Assessment should be up-to-date and cover current and likely future economic scenarios (Policy CS4);*
- *The open space requirements should be justified in the Open Spaces, Sport & Recreational Facilities Needs Assessment (Policy CS5);*
- *Consideration could be given to how existing employment sites will be safeguarded and which DPD will address this matter (Policy CS6);*
- *Consideration should be given to identifying an overall target for affordable housing (as required by PPS3²⁰), along with the thresholds and proportions of affordable housing required, justified by an assessment of economic viability (Policy CS7); the targets, thresholds and percentages should be consistent with the approved and emerging London Plan;*
- *Consideration should be given to referring to the number of additional sites for gypsies and travellers indicated in the London Plan and the criteria for identifying sites;*
- *All specific transport projects should be supported by evidence of commitment, funding, timescale and implementation, including the Local Transport Plan and other relevant transport plans and strategies;*
- *Key elements of the infrastructure needed to deliver the strategy should be clearly identified in the CS, with evidence of commitment, funding, timescale and agreement of the relevant infrastructure delivery bodies, and developed in further detail in the Infrastructure Delivery Plan;*
- *The Local Area Agreement should be a key element of the evidence base supporting the reduction of carbon emissions and waste (Policies CS12 & CS13);*
- *Detailed and measurable monitoring and implementation targets and indicators will be needed to monitor the performance of each policy and indicate when a review might be necessary, in order to demonstrate that the CS is deliverable (Policy CS14)*
- *Each policy in the CS should be critically examined for its justification, and the facts/analysis/evidence needed to support it should be contained in the evidence base; the justification should be complete, relevant, precise and adequate for each policy, but proportionate, backed up by research and evidence, as necessary.*
- *A list of saved UDP policies to be superseded by those in the CS should be appended to the CS when published.*

4. Other basic advice:

- *Remember the **basic questions** that the CS has to answer:*
 - ***what** will be delivered;*
 - ***where** it will be located;*
 - ***when** it will be delivered;*
 - ***how** it will be delivered;*
- *GOL should be kept involved with the progress of the CS, including consultation immediately prior to publication to ensure there are no “showstoppers” in terms of soundness;*

²⁰ Planning Policy Statement PPS3: Housing (¶ 29)

- PINS should be consulted immediately before submission to ensure that all the necessary documents are being submitted;
- BLB should undertake a self-assessment of the soundness of the CS before publication and submission, using the PAS latest toolkit;
- Don't try to invent/re-invent the wheel; look at other local authorities' web-sites where they have a sound Core Strategy (eg. LB Sutton, Richmond-upon-Thames, Redbridge; Slough; Reading; Wokingham); look through the documents produced for the Examination (including the Inspector's schedule of matters/issues), and discuss experiences with planning officers;
- Take careful note of comments/observations from GOL, GLA and other key consultees, and ensure that matters are addressed before finalising the CS.

5. Additional references

5.1 The following are relevant elements of advice and guidance:

- PPS12 (2008): Local Spatial Planning; PPS1; PPS3; etc
- PAS web site, with its Plan Making Manual and Self-Assessment Toolkit
[<http://www.pas.gov.uk/pas/core/page.do?pagelid=109798>]
[<http://www.pas.gov.uk/pas/core/page.do?pagelid=109568>]
- PINS web site, with its guidance on preparing and submitting DPDs
[http://planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm] including:
 - *Local Development Frameworks – Examining Development Plan Documents: Procedure Guidance (2nd Edition) [PINS; August 2009]*
[http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/dpd_procedure_guide_aug09.pdf]
 - *Local Development Frameworks – Examining Development Plan Documents: Soundness Guidance (2nd Edition) [PINS; August 2009]*
[http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/ldf_testing_soundnessaug09.pdf]
 - *Development Plan Document Examination – Procedural Advisory Notes [PINS; August 2009]* [http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/advisory_pack_notes_aug09.pdf]
 - *Local Development Frameworks – Lessons Learnt Examining Development Plan Documents [PINS; July 2007]*
[http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/ldf_early_experiences05.pdf]
 - *Local Development Frameworks – Examining Development Plan Documents – Learning from Experience [PINS; September 2009]*
[http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/ldf_learning_experience_sept2009.pdf]
 - Planning & Compulsory Purchase Act 2004; Planning Act 2008 and associated regulations

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