



Examination into London Borough of Barnet Local Plan

Stage 2 (Matters 8 – 12)

Matter 11

Representations on behalf of  
DTZ Investors UK Ltd (on behalf of Strathclyde Pension Fund)

(Respondent reference number 41)



## MATTER 11: DELIVERING THE IDENTIFIED REQUIREMENTS OVER THE PLAN PERIOD

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### MATTER STATEMENT – MATTER 11

1. These Representations are made on behalf of “DTZ Investors UK Ltd” (“DTZ”), in response to the Inspectors’ Matters, Issues and Questions published on 12 July 2022. DTZ submitted written representations to the Regulation 19 Consultation of the Barnet Draft Local Plan in August 2021, in relation to the effective use of land.
2. The points raised in this Statement principally relate to Question 12. Because of this, and to avoid repetition, we have taken it out of sequence and deal with it first. The subsequent questions are then dealt with in numerical order.

#### **MIQ 11.12 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 allocations of sites listed in Annex 1 of the Plan? Would it be necessary to consider other areas for development?**

*What particular part of the Plan is not legally compliant and/or unsound?*

3. The specific housing contribution of the New Southgate Opportunity Area (NSOA) to the identified housing requirement is not correctly identified, or encouraged to come forward, by Draft Policy GSS01, GSS09 and Table 5.1.
4. The NSOA is not afforded a unique strategic policy or any site allocations, unlike all other Growth and Opportunity Areas within Barnet. This reduces housing delivery opportunities within the Borough and decreases the Plans flexibility and effectiveness.
5. This creates the situation where it is likely that the potential contribution of the NSOA in respect of jobs and homes will not be realised and there are no contingencies in place to either make good this shortfall or to prevent it from happening in the first place.

*What legal compliance issue or soundness test(s) does it fail and why?*

6. Discounting the NSOA from having its own specific strategic policy is not positive plan making and renders the Plan ineffective. This is because it is a designated Opportunity Area (OA) with significant growth potential in terms of new housing and new jobs delivery, as identified by the London Plan<sup>1</sup>.
7. It is therefore necessary to reconsider the indicative new homes target for NSOA, above that stipulated in Draft Policy GSS09 (i.e. 250 homes). This would provide a substantial contingency should housing delivery fall below expectations elsewhere.
8. It is acknowledged that the Plan demonstrates a delivery surplus of 8,540 new homes above the London Plan housing requirements<sup>2</sup> over the 15-year Plan period, however this does not the answer the problem of sub-optimal or absent housing and job targets for the NSOA. OA’s are selected in part because they are the most suitable sustainable areas for new development. If non-OA locations are being chosen for housing and jobs allocations, then by definition, these locations are not the most sustainable locations within the Borough. Some of these allocated locations therefore do not accord

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<sup>1</sup> London Plan Policy SD1

<sup>2</sup> Chapter 4.8 of the Barnet Draft Local Plan (Reg 19) 2021 to 2036

with the strategic direction of the Plan and do not optimise use of previously developed land<sup>3</sup>. This is not positive plan making or sound.

*How could the Plan be made legally compliant or sound?*

9. The Plan could be made sound by setting a more robust range of estimated housing yields to increase housing delivery opportunities, and in turn, contingencies for the Plan.
10. Optimised capacity for sustainable development within NSOA should be properly evaluated, and subsequent strategic guidelines should be developed as part of the Plan to achieve this growth. This is required for the Plan to be in general conformity with the London Plan<sup>4</sup> and national policy<sup>5</sup>. It would also provide significant flexibility and resilience for the Plan, should housing delivery fall below the levels anticipated.
11. To achieve this, a strategic policy should be prepared for the NSOA in a form which mirrors Draft Policy GSS02 (Brent Cross Growth Area) for example. This is expanded upon within our Matter 2 written submission, and that response applies equally to this question, but is not repeated here. The policy should utilise more appropriate residential figures, having regard to the London Plan target as above.

*What is the precise change that is sought?*

12. A suggested draft policy for the NSOA is included below:

***POLICY GSS0X New Southgate Opportunity Area***

*The New Southgate Opportunity Area is designated within the London Plan as one of the capital's principal opportunities for accommodating large scale development. The New Southgate Opportunity Area provides an opportunity for regeneration and intensification, supported by high existing PTALs and potential future transport infrastructure improvements, along with the availability of substantial underused sites. The Council will support planning proposals that optimise residential and employment density, including co-location, on suitable sites while delivering improvements to the amenity of the area.*

*To deliver growth and regeneration at New Southgate, the Council will seek the following from development within the part of the Opportunity Area which lies within LB Barnet:*

- ***Up to 1,000*** new homes throughout the Plan period, with the potential to increase further upon delivery of public transit infrastructure improvements;
- ***Up to 1,000*** new jobs throughout the Plan period, across a range of employment uses including distribution and logistics, and retail; and
- *Appropriate levels of floorspace for community, leisure, and commercial uses.*

*The Council will seek to prepare a more detailed planning framework for this area, such as through an Area Action Plan or Supplementary Planning Document, working with LB Haringey and LB Enfield to achieve a comprehensive approach.*

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<sup>3</sup> Paragraph 119 of the NPPF

<sup>4</sup> The London Plan, Paragraph 0.0.8

<sup>5</sup> Paragraphs 124 and 125 of the NPPF

**MIQ 11.9 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?**

*What particular part of the Plan is not legally compliant and/or unsound?*

13. The development potential for the NSOA remains untested, as the Plan does not contain any site allocations or a strategic policy for this area. This area should be a key source for contributing to the delivery of the Borough's objectively assessed needs. It would be more appropriate if some of the Plan's allocated sites for employment, housing and commercial uses were within the NSOA.

*What legal compliance issue or soundness test(s) does it fail and why?*

14. First, this approach does not best promote an effective use of land, which renders the Plan inconsistent with national policy<sup>6</sup>. It therefore fails this test of soundness.
15. Second, as the contribution of the NSOA is not identified the Plan cannot deliver optimised sustainable development, and so is unlikely to be effective or positively prepared.
16. Whilst it is acknowledged that the Plan demonstrates a delivery surplus of 8,540 new homes above the London Plan housing requirements<sup>7</sup> over the 15-year Plan period, this total does not rest on a firm foundation. This is because the NSOA, which should be one of the key sources of supply, at present is only allocated a minimum housing target of 250 as per Draft Policy GSS09, when conversely, the London Plan allocates an indicative target of 2,500<sup>8</sup>.
17. The effect of this shortfall is enhanced by the fact that the Plan does not contain a specific strategic policy for the NSOA. If there was such a policy in play it would provide contingencies and flexibility in the instance where housing delivery falls below expectations elsewhere.
18. By discounting the growth potential of this strategic opportunity area, the Plan lacks flexibility and effectiveness.

*How could the Plan be made legally compliant or sound?*

19. This is dealt with under Q12 (paragraphs 8-11), and that response applies equally to this question but is not repeated here for brevity.

*What is the precise change that is sought?*

20. A draft additional policy has been prepared which is set out at paragraph 12 above.

**MIQ 11.14 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 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?**

*What particular part of the Plan is not legally compliant and/or unsound?*

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<sup>6</sup> Paragraphs 119, 124 and 125 of the NPPF

<sup>7</sup> Chapter 4.8 of the Barnet Draft Local Plan (Reg 19) 2021 to 2036

<sup>8</sup> London Plan Policy SD1, Table 2.1

21. The Plan does not quantify a new jobs target for the NSOA in Draft Policy GSS01 or GSS09, yet the London Plan allocates an indicative target of 3,000 new jobs<sup>9</sup> for this area. It is also noted that the remaining strategic policies, except for policy GSS02, do not stipulate specific job targets for each of the designated Growth Areas either.
22. Draft Policy GSS01 states that employment growth over the Plan period will create more than 27,000 *new jobs*. New jobs are net additions to existing jobs and can only be achieved by new development. This requires a fundamentally different policy objective to protecting existing employment sites. The absence of identified future arrangements to secure and promote this jobs target in the NSOA, makes delivery uncertain and to this extent, the Plan is not effective.

*What legal compliance issue or soundness test(s) does it fail and why?*

23. This matter has been dealt with in our Matter 4 written submission under MIQ 4.1.3 and MIQ 4.1.5. That response applies equally to this question but is not repeated here for brevity.
24. In summary, the Plan fails to quantify and allocate where and when the 27,000 new jobs can be delivered within the Borough. Without a strategic mechanism to identify employment locations and job totals, it is not clear how the Plan can meet the requirements for employment growth. In particular where a key delivery mechanism such as the NSOA is not engaged to encourage that development to come forward, this uncertainty renders the Plan ineffective.

*How could the Plan be made legally compliant or sound?*

25. This matter has been dealt with in our Matter 4 written submission under MIQ 4.1.3 and MIQ 4.1.5. That response applies equally to this question but is not repeated here for brevity.

*What is the precise change that is sought?*

26. This matter has been dealt with in our Matter 4 written submission under MIQ 4.1.3 and MIQ 4.1.5. That response applies equally to this question but is not repeated here for brevity.

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<sup>9</sup> London Plan Policy SD1, Table 2.1