

Statement of Common Ground between
London Borough of Barnet, Hertsmere Borough Council and
Hertfordshire County Council

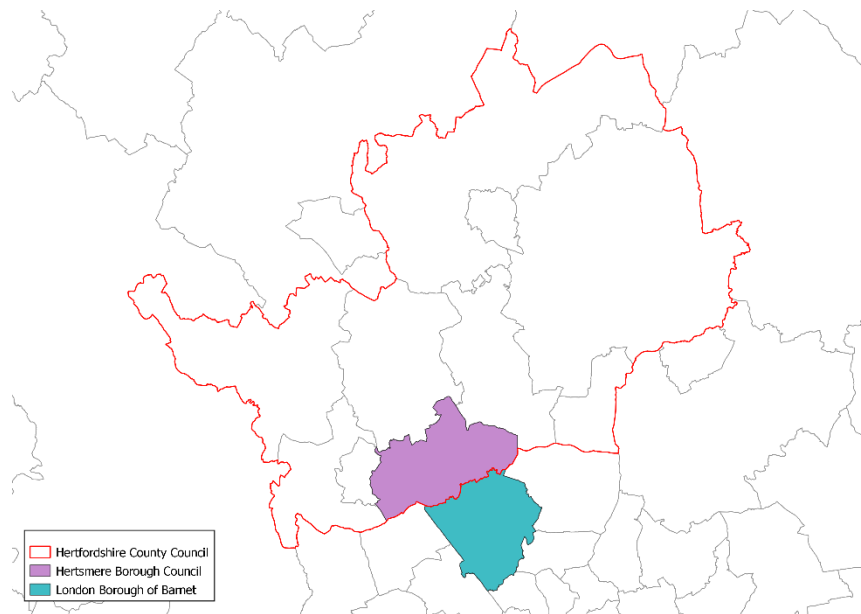
July 2022

1 Introduction

- 1.1.1 This Statement of Common Ground (SCG) addresses the strategic planning matters specific to London Borough of Barnet, Hertsmere Borough Council and Hertfordshire County Council.
- 1.1.2 This SCG ensures that the requirements set out in the National Planning Policy Framework (NPPF) have been met. The NPPF states, “Local planning authorities are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries”.
- 1.1.3 The purpose of the SCG is to document the strategic cross-boundary matters being addressed and the progress in cooperating to address them. It focusses on areas of agreement or disagreement between both authorities on strategic cross-boundary matters. Updates to this document will be agreed as matters progress and agreement is reached on any outstanding issues. It therefore includes details on mechanisms for review and updating. The SCG also forms part of the evidence to demonstrate compliance with the ‘duty to cooperate’.
- 1.1.4 Although Hertsmere Borough Council and Hertfordshire County Council did not respond to the LB Barnet Local Plan Reg 18 consultation in March 2020 they have both submitted representations on the soundness of the Reg 19 Local Plan published in June 2021.
- 1.1.5 Some strategic matters overseen by other organisations such as Transport for London will be addressed in other Statements of Common Ground. This will serve to make the documents more concise for relevant parties.
- 1.1.6 As part of the North London Waste Plan (NLWP) the North London boroughs have agreed a Statement of Common Ground with Hertfordshire County Council (August 2019). Following an Examination in late 2019, the NLWP has been found sound by the Inspector. LB Barnet adopted the NLWP on March 1st. Further information on the production of examination is available here: [Examination | North London Waste Plan \(nlwp.net\)](https://www.nlwp.net)
- 1.1.7 The document is intended to be ‘live’, updated as circumstances change, and agreement occurs on any outstanding issues.

2 Strategic Geography

- 2.1.1 Hertsmere Borough lies to the north of LB Barnet. The two boroughs are connected with two main roads, the A1 and the M1. The nearest town centres to the boundary between Barnet and Hertsmere are Borehamwood in Hertsmere and Edgware in Barnet. Watling Chase Community Forest is predominantly within Hertsmere Borough but also covers land within the north of Barnet.



- 2.1.2 HCC is an upper tier authority covering the county of Hertfordshire and is responsible for delivering a range of services from fixing the roads to looking after children and adults who need care. Below Hertfordshire County Council there are 10 District or Borough councils. This includes Hertsmere Borough Council who are responsible for more regulatory services such as planning, environmental health and licensing.
- 2.1.3 Hertsmere Borough Council is currently reviewing its Local Plan. Issues and Options consultation ran between September – November 2017. A Potential Sites for Housing and Employment consultation ran between October and December 2018. Hertsmere’s Regulation 18 Local Plan engagement occurred between 11th October and 6th December 2021. As a result of comments received on the Plan work will now be paused while the draft growth strategy is reassessed
- 2.1.4 The evidence of duty to co-operate between LB Barnet and Hertsmere Borough Council as well as Hertfordshire County Council is set out in Barnet’s Authorities Monitoring Report. The most recent duty to co-operate discussions were in March 2021 with regard to a new secondary school on the boundary between Lb Barnet and Hertsmere Borough. Officers from Hertsmere Borough attended the Barnet Local Plan Viability Assessment Workshop in May 2021. An Officer also attended the consultation event on Hertfordshire Green Infrastructure Strategy on 21st October 2021.

3 Strategic Matters

3.1.1 This section sets out the factual position regarding cross-boundary strategic matters.

3.2 Housing Delivery and Green Belt

3.2.1 Barnet’s Local Plan is in general conformity with the London Plan (2021) which forms part of Barnet’s Development Plan. The London Plan sets housing targets that boroughs should deliver as a minimum and identifies locations for future growth along with strategic policies for delivering the identified growth.

3.2.2 Over the Plan period to 2036, LB Barnet aims to deliver a minimum of 35,460 new homes equal to 2,364 new homes per annum while providing a supply of sites for up to 46,000 new homes.

- 3.2.3 Hertsmere Borough Council has expressed concerns over LB Barnet's reduced Reg 19 target of 35,460 as it falls short of the level of need identified through the application of the Government's standard method (5,361 homes per year) as well as LB Barnet's SHMA. This compares with the Government's standard method figure which currently stands at 724 homes per year for Hertsmere. Hertsmere Borough acknowledges the advice on housing numbers and the use of the London Plan provided through the Local Plan Advisory Meeting with the Planning Inspectorate in April 2021. Hertsmere Borough highlight the potential implications of such under provision in terms particularly of increased pressure on housing in Hertsmere, where there are already acute affordability issues, are of concern. Consideration should be given to setting a higher housing target, more closely related to that arising from the application of the standard method.
- 3.2.4 Hertsmere Borough Council has also highlighted that authorities around London are having to look again at green belt boundaries in the context of housing need identified through the application of the standard method. It appears that only minor inconsistencies and errors in the current green belt boundary are addressed in the Barnet local plan, with there having been no assessment of whether exceptional circumstances exist which would justify release of green belt in order to enable a higher housing target to be achieved. Consideration of whether exceptional circumstances justifying the release of green belt exist such that a housing target closer to that indicated by the application of the standard method could be achieved should be undertaken.
- 3.2.5 The London Plan (published in March 2021) sets a target figure for Barnet of 23,640 net housing completions for the ten-year period up until 2028/29. As stated in the Reg 19 draft plan, LB Barnet considers this to be a minimum target
- 3.2.6 Paragraph 0.0.21 of the London Plan 2021 sets out that boroughs do not need to revisit the housing targets set by the Mayor. In addition to this paragraph: 013 Reference ID: 2a-013-20201216 of the Planning Practice Guidance is clear that where a spatial development strategy (in this case the LP2021) has been published, local planning authorities should use the local housing need figure in the spatial development strategy and should not seek to revisit their local housing need figure when preparing new strategic or non-strategic policies.
- 3.2.7 As stated in para 4.1.11 of the London Plan, in terms of a target beyond 2028/29, boroughs should draw on the 2017 SHLAA findings (which cover the plan period to 2041) and any local evidence of identified capacity, in consultation with the GLA, and should take into account any additional capacity that could be delivered as a result of any committed transport infrastructure improvements, and roll forward.
- 3.2.8 LB Barnet's Green Belt study was carried out in accordance with the NPPF and within the framework provided by the London Plan. The draft Local Plan demonstrates how Barnet will accommodate growth through Policies BSS01 and GSS01. As such, the Study does not support making the case needed to demonstrate that exceptional circumstances exist sufficiently to justify making revisions to the existing Green Belt and MOL boundaries. LB Barnet's Green Belt Study will help inform any future London wide review led by the Mayor. Any revisions to Green Belt / MOL made through the next review of the London Plan will be reflected in the Local Plan after this.

3.2.9 LB Barnet's Local Plan will be reviewed within five years of the adoption of this Local Plan. The next version should be capable of responding to any future evidence base changes (such as population projections and a strategic review of the Green Belt / MOL) reflected in a future London Plan.

3.2.10 Agreements:

- LB Barnet and Hertsmere Borough can agree that the distribution of any housing figure as calculated by the Government's standardised assessment of housing need or any replacement for such an assessment is a matter for the Mayor of London and the next review of the London Plan.
- LB Barnet and Hertsmere Borough understand that as part of that redistribution of housing numbers within London in the next review of the London Plan a clear strategic context will be set for a re-examination of the Green Belt. If LB Barnet review their Green Belt they will ensure engage with Hertsmere Borough.
- Although there is cross-boundary movement of households between Barnet and Hertsmere, the boroughs are in different Housing Market Areas (HMAs).
- Hertsmere Borough does not have capacity to meet any of Barnet's unmet housing need.
- LB Barnet does not have capacity to meet any of Hertsmere's unmet housing need.
- As part of future reviews of their Local Plans, Hertsmere Borough and LB Barnet will first make all reasonable efforts to meet those housing needs in the HMA to which they belong, before approaching neighbouring authorities that are in different HMAs.

3.3 Gypsies and Travellers

- 3.3.1 The housing needs of Gypsies and Travellers and Travelling Showpeople households is capable of being a strategic issue but Hertsmere Borough and LB Barnet have not identified any issues relating to unmet need or cross-boundary sites. LB Barnet note that Hertsmere Borough have not identified Gypsy and Traveller/Travelling Showpeople matters through their response to LB Barnet's Reg 19 Local Plan.
- 3.3.2 LB Barnet as part of the West London Alliance commissioned ORS consultants to produce a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in 2018 in accordance with the Government's Planning Policy for Traveller Sites (PPTS). The GTAA identifies no gypsies and travellers and travelling show people in Barnet and therefore no demand for pitches. LB Barnet have re-examined this evidence and identified incidences of unauthorised encampments as part of a GTAA update in 2021. With this new evidence there still remains no known need for providing accommodation within LB Barnet. This conclusion is supported by ORS consultants.
- 3.3.3 The Mayor of London will commission a Londonwide GTAA in accordance with PPTS 2015. This will form part of the review of the London Plan. LB Barnet will work with the Mayor on the Londonwide GTAA.

3.3.4 The Hertsmere Borough Gypsy and Traveller Accommodation Assessment (GTAA) (September 2017) identified a need for 27 additional pitches for the period 2017-2036 to meet the needs of travellers who meet the planning definition of a Gypsy or Traveller. The GTAA did not find a need for Travelling Showpeople yard or plot provision in the Borough. The September 2021 Draft Hertsmere Local Plan proposed to make provision for a minimum of an additional 30 pitches on allocations and through the regularisation of unauthorised sites to meet the identified need.

3.3.5 Agreements:

- LB Barnet and Hertsmere Borough can agree that provision in their respective Local Plans for Gypsies, Travellers and Travelling Showpeople is in line with their GTAAs that were produced in accordance with PPTS 2015.
- LB Barnet and Hertsmere Borough note that new evidence from the Londonwide GTAA being produced as part of the review of the London Plan will inform provision within LB Barnet.
- Hertsmere Borough are not in a position to meet any permanent or transit Gypsy, Traveller or Travelling Showpeople sites/pitches/yards/plots needs arising from LBB.
- LB Barnet are not proposing to meet any permanent or transit Gypsy, Traveller or Travelling Showpeople sites/pitches/yards/plots needs arising from LBB

3.4 Strategic Infrastructure (Schools and Transport)

Schools

- 3.4.1 LB Barnet's Infrastructure Delivery Plan (IDP), published in January 2021, identifies infrastructure needs to support future growth of 46,000 new homes over the next 15-year period. The IDP reviews existing capacity of infrastructure provision as well as identifying infrastructure needs, gaps and deficits together with the costs of updating and delivering new infrastructure. The IDP provides detail, when available, on phasing, funding and responsibilities for delivery. The IDP informs LB Barnet's capital programme and has identified a need for £1.2 billion to fund infrastructure. Hertsmere Borough have published an Infrastructure Delivery Plan (September 2021) to inform the preparation of the new Local Plan.
- 3.4.2 LB Barnet's IDP supports the review of the Community Infrastructure Levy (CIL) Charging Schedule which is currently undergoing Examination in Public. A new CIL for Barnet is expected to be adopted in early 2022.
- 3.4.3 Education infrastructure planning in LB Barnet has regard to the Council's in-year admissions for all schools, including the academies and works closely with free school proposers and academies wanting to expand. Education infrastructure planning in Hertsmere Borough has regard to Hertfordshire County Council as the Education Authority and has identified that additional primary and secondary provision is required to support the proposed growth strategy.
- 3.4.5 Since 2018, Hertfordshire County Council have indicated to Hertsmere Borough Council that an additional secondary school site would be required in Borehamwood to meet local need. Hertfordshire County Council commissioned a secondary school site search which did not find any suitable urban sites within Borehamwood. Sites adjacent to and close to Borehamwood were then assessed and a preferred site was identified on land south of London Road. This sits across the administrative boundaries of Hertfordshire and LB Barnet. In 2021, LB Barnet were notified of this site search and the outcome of feasibility work has shown that the buildings required for the 8FE school to be accommodated on land within Hertfordshire. Whilst this site search was too late to inform the review of LB Barnet's Local Plan, it is identified in the draft Local Plan (Regulation 18) issued by Hertsmere Borough Council in 2021. Hertsmere Borough Council considers that Barnet Lane forms a defensible boundary to the Green Belt and the draft Plan proposes that the site be designated as a Key Green Belt site, similar to other established education institutions in the Green Belt. This would form an integral part of the very special circumstances required for any school build zone within the Green Belt. Hertfordshire County Council in its representations to the Hertsmere Regulation 18 consultation Local Plan, stated that it believes that any allocation will need to be removed from the Green Belt to be NPPF compliant, in relation to a new education allocation.

- 3.4.6 An indicative site layout from Hertfordshire County Council has suggested that the school playing fields and sports pitches can be located on land within LB Barnet. Hertfordshire County Council are seeking certainty that any proposed local planning policies in the Hertsmere and Barnet local plans affecting the school site, will facilitate its delivery. LB Barnet are unable to introduce such a policy at a late stage in the Local Plan process with the Examination in Public underway. A number of different approaches could be taken towards how a site, presently located within the Green Belt, could be delivered for a new secondary school. This was further discussed at a meeting between LB Barnet and Hertsmere Borough Council in March 2021 which helped to establish key education contacts within LB Barnet and Hertfordshire County Council.
- 3.4.7 In March 2021 LB Barnet expressed reservations about the location in terms of the loss of Green Belt and highlighted the need for high level engagement between Hertfordshire County Council and LB Barnet on the justification for this school and the contribution it makes to secondary school places for Barnet. LB Barnet consider that this request for a new 8FE secondary school to be included in Barnet's Local Plan has been submitted at a late stage (Reg 19) which makes it very difficult to introduce this proposal and remove land from Green Belt without causing significant delay to the Local Plan and consequential changes to the application of Green Belt policy.
- 3.4.8 The need for a new secondary school is likely to be beyond the next Plan period and Hertfordshire County Council will therefore pursue an education allocation as part of the next review of the Barnet Local Plan. However, if circumstances change, early engagement and collaborative work between LB Barnet, Hertsmere Borough and Hertfordshire County Council including planners and education colleagues can help inform the content, timing and delivery of a planning application if it is required. This would require the applicant to demonstrate very special circumstances at the planning application stage on the part of the site that falls within LB Barnet, where the playing fields could potentially be located, although this may be supported in principle by the current NPPF, whereby land used for outdoor sport or recreation is not classed as inappropriate development in the Green Belt.

3.5 Transport

- 3.5.1 Hertfordshire County Council as a highway's authority supports LB Barnet's approach to transport matters in the Local Plan where growth is located in the most sustainable locations with good transport and active travel choices. Hertfordshire County Council Local Transport Plan seeks to support a similar ambition within Hertfordshire by supporting the creation of built environments that will encourage greater use of sustainable transport modes, and ultimately promote a shift away from use of the private car. Hertfordshire County Council requests early engagement on transport matters relating to major development applications and the opportunity to work collaboratively with interested parties to identify appropriate opportunities, mitigations and solutions. LB Barnet likewise seek to continue collaboration with Hertfordshire County Council on transport matters relating to growth within Hertsmere's Local Plan and the wider county.

3.5.2 Agreements:

- LB Barnet, Hertsmere Borough Council and Hertfordshire County Council will continue to identify infrastructure needs in response to growth across their respective areas. This is of particular importance with regard to education and transport provision.
- LB Barnet, Hertsmere Borough Council and Hertfordshire County Council will continue to collaborate on the proposal for a new secondary school on the boundary between LB Barnet and Hertsmere Borough. An education allocation will continue to be pursued, in both the Hertsmere Local Plan and the review into the next Barnet Local Plan; however, if circumstances change, LB Barnet, Hertsmere Borough Council and Hertfordshire County Council will work collaboratively to inform a planning application demonstrating very special circumstances.

3.6 Biodiversity

3.6.1 The Watling Chase Community Forest (WCCF) forms part of Barnet's green infrastructure. The Watling Chase Community Forest Plan sets out the aim to see much of the area under positive and appropriate management by 2025. This will include a substantial increase in trees and woodland achieved through management of existing woodlands and new planting. Policy ECC04 – Barnet's Parks and Open Spaces states that the Watling Chase Community Forest Plan will be taken into account when assessing development proposals in the area covered by the forest, helping it become a readily accessible 'green lung' for Barnet's residents.

3.7.2 Objectives for the Watling Chase Community Forest (WCCF) are set out in the 2001 Review of the 1995 Watling Chase Community Forest Plan. LB Barnet would like to recommend that the WCCF Plan is reviewed again to reflect the latest changes to policy and legislation, including the Environment Act and Biodiversity Net Gain. Barnet would welcome being part of any review to the WCCF Plan and identifying what role(s) LB Barnet would have in its implementation.

3.6.2 Agreements:

- LB Barnet will work with Hertsmere BC, and Hertfordshire County Council (and other relevant Boroughs) to review the Watling Chase Community Forest Plan. Where appropriate we will also work collaboratively with the Community Forest Trust, the Forestry Commission and other relevant agencies to secure funding to assist in meeting the objectives for the WCCF. LB Barnet will also work with Hertsmere BC, Hertfordshire County Council and the Mayor of London to identify the biodiversity value of the Forest and if appropriate identify a portion within LB Barnet for the off site delivery of Biodiversity Net Gain.
- Parties agree to work collaboratively on the Watling Chase Community Forest ensuring that the Forest Plan is updated and is taken into account when assessing development proposals in the WCCF area and helping it become a readily accessible green lung for residents in LB Barnet and Hertsmere Borough.
- All parties will continue to notify each other of significant planning proposals that may impact on each local authority and ensure that cross boundary infrastructure requirements are addressed, through the use of s106 and s278 agreements as required.

4 Governance Arrangements

- 4.1.1 This statement has been informed by on-going engagement between the parties – as evidenced by the main body of the statement explaining joint working and the schedule of engagement between the parties in Appendix 1.
- 4.1.2 This statement of common ground is a live document and will be reviewed on a regular basis, informed by continued communication between the parties through meetings, statutory consultation at key plan making stages and electronic communication.
- 4.1.3 Key stages of each borough's plan making process (set out in Table 1) will be triggers for the SCG to be reviewed, however, strategic matters will be dealt with on an on-going basis in between formal reviews of the SCG.

Local Authority	Present Plan Adoption	Reg 18	Reg 19	Submission	Adoption
Barnet	2012	January 2020	June 2021	Late 2021	Early 2023
Hertsmere	2013	September 2021	TBA	TBA	TBA

Table 1: Plan process

5 Signatories

- 5.1.1 All signatories agree that this statement is an accurate representation of areas of agreement and disagreement between the three parties



Signed:
Name: Neeru Kareer
Position: Assistant Director Planning & BC

London Borough of Barnet
Date: 25 July 2022



Signed:
Name: Ross Whear
Position: Head of Planning and Economic Development
Hertsmere Borough Council
Date: 19 July 2022



Signed:
Name: Sarah McLaughlin
Position: Head of the Growth and Infrastructure Unit
Hertfordshire County Council
Date: 22 July 2022