



# Consultation on Potential Main Modifications to the Local Plan 2016-33

September 2021

## REPRESENTATION FORM

This form should be used to make representations on the Main Modifications to the Brentwood Local Plan 2016-2033 submission version as contained within the Schedule of Potential Main Modifications and accompanying updated Sustainability Appraisal and Habitats Regulations Assessment.

The Schedule of Potential Main Modifications and all required supporting documents can be accessed via the Local Plan website at <http://www.brentwood.gov.uk/local-plan-examination>

Please note this form has two sections:

Section A – Personal information

Section B – Your representation

Please ensure you complete **both** parts of the form.

Where possible, we would prefer responses are provided using our Local Plan online consultation portal. This is the quickest and easiest way to make representations. To respond in this way, please follow this link: <https://brentwood.oc2.uk/>

Comments will be considered by the independent Planning Inspectors undertaking the examination.

**All responses must be received by 5pm Thursday 11 November 2021**

Please return forms either by attaching completed forms by email to [planning.policy@brentwood.gov.uk](mailto:planning.policy@brentwood.gov.uk) or alternatively by post to MM Consultation 2021, Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY

### Data Protection

All personal information that you provide will be used solely for the purpose of the Local Plan consultation. Please note whilst all addresses will be treated as confidential, comments will not be confidential. Each comment and the name of the person who made the comment will be featured on the Council's website.

By submitting this form, you are agreeing to the above conditions.

**Guidance Note on Legal Compliance**

The Inspectors have assessed whether the Plan meets the legal requirements under section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended (PCPA), which includes whether the Local Planning Authority has complied with the Duty to Cooperate (section 33 of the PCPA) when preparing the Plan, before moving on to test the Plan for soundness.

In relation to this consultation, comments regarding legal compliance should only be submitted where they relate to the potential Main Modifications.

**Guidance Note on Soundness**

Local Plans are required to be assessed against the tests of soundness. If you are objecting to a potential Main Modification, Question 3 of the representation form asks you to identify which of the below tests of soundness you consider the modification fails to address (soundness is explained in National Planning Policy Framework (NPPF 2021) paragraph 35).

**Positively prepared** - The Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

**Justified** - The Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

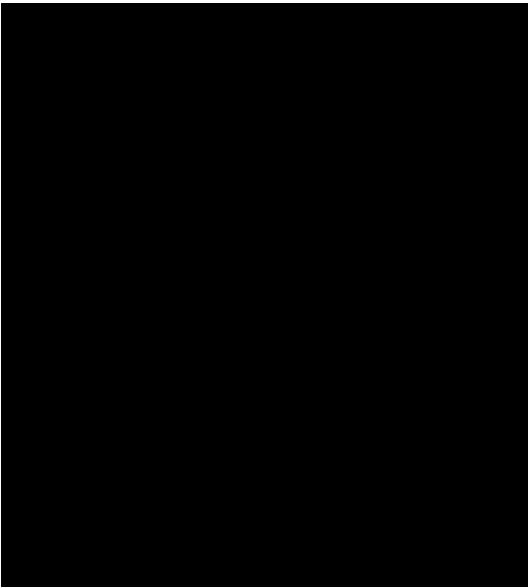
**Effective** - The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

**Consistent with national policy** - The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

The preparation of the Local Plan has had regard to all policies in the NPPF. However, insofar as your comments relate to the Main Modifications, you may take the view that the Local Plan:

- a) Fails to address a requirement of the NPPF; in this case you should explain what else it needs to include. Please note that the Local Plan does not need to repeat national policies; or
- b) Departs from national planning policies without good local reasons. In this case, please explain why.

Please keep in mind the information provided above to assist with correctly completing your comment form.

Section A: Personal Details	
Title	Mr
First Name	Philip
Last Name	Mynott
Job Title (if applicable)	Councillor
Organisation (if applicable)	
Address	
Post Code	
Telephone Number	
Email Address	

Do you wish to be notified when the Brentwood Local Plan 2016-2033 is adopted by the Council?	YES <input checked="checked" type="checkbox"/> NO <input type="checkbox"/>
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## Section B: Your Representation

Please complete a separate sheet for each representation that you wish to make. You must complete 'Part A – Personal Details' for your representation to be accepted.

Representations cannot be treated as confidential and will be published on our Consultation Portal. Any representations that are considered libelous, racist, abusive or offensive will not be accepted. All representations made will only be attributed to your name. We will not publish any contact details, signatures or other sensitive information.

Full Name	Philip Christopher Mynott
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Question 1: Which **Main Modification and/or supporting document** does your representation relate to?

Each Main Modification within the Schedule has a reference number. This can be found in the first column i.e. MM1, MM2

Any representations on a supporting document should clearly state which paragraphs of the document it relates to and, as far as possible, your comments should be linked to specific Main Modifications. You should avoid lengthy comments on the supporting documents themselves.

Representations on the Policies Map must be linked to specific modifications in that they reflect a change required as a result of a Main Modification.

Schedule of Potential Main Modifications	MM no.	MM94;MM96;MM97
Sustainability Appraisal	para(s)	
Habitat Regulations Assessment	para(s)	
Policies Map or other supporting documents	Please specify	

Question 2: Do you consider this **Main Modification and/or supporting document**:

Legally Compliant?

YES

☒

NO

☐

Sound?

YES

☐

NO

☒

Question 3: If you consider the **Main Modification and/or supporting document** unsound, please indicate which of the soundness test(s) does it fail (please mark all that apply):

Not positively prepared

☐

Not justified

☐

Not effective

☒

Not consistent with national planning policy

☐

Question 4: Please provide details of either:

- Why you consider the **Main Modification and/or supporting document** to be sound or legally compliant; or
- Why you consider the **Main Modification and/or supporting document** to be unsound or is not legally compliant.

MM94 f); MM96 f) and MM97 g) all say the same as regards Town Centre parking – that it has to be ensured “that the level of public parking spaces is sufficient to meet overall Town Centre parking needs in combination with other parking provision within the Town Centre.” Which is

- a) intended as a withdrawal from the commitment in the Plan as originally submitted to retain the existing level of public parking spaces. Mr Shadarevian, for the Council, said, on 4.2.21, that the council “cannot be confident that public parking provision on these sites can be maintained;” he also said that, of course BBC ~ “don’t know the numbers, but there is likely to be a net loss.”
- b) A commitment to deliver a currently unknown (indeed currently unknowable), level of parking across R11, R13, and R14, alongside the housing numbers stated on those three allocations.

This change in policy occurred within the space of half an hour on 4.2.21 in response to Inspectors’ concerns about the deliverability of what was proposed on Town Centre public car parks. The Council has still not arrived at its Parking Strategy so no number of places can currently be determined. Contrary to BBC’S obvious desire, the sufficient level of parking places to meet Town Centre parking needs could actually be higher than the present number, not lower (but the council’s pre-emptive commitment to drawing the latter conclusion has already been stated). However, a truly open-ended commitment to deliver a presently unknowable number of parking places (which is what the new wording suggests), could not possibly allay prior concerns about deliverability, and cannot be proven sound by any means.

And this is all despite the fact that the level of Town Centre parking needs is a crucial factor in the viability of the borough’s main shopping centre, and its economy. BBC policies should be aligning the economic needs of Brentwood businesses and the Council’s finances and policy, not, as in the new wording, setting these two considerations at one another’s throats (because more housing units makes the council more money, whereas more parking spaces maintains the viability of the Town Centre).

Please continue on a separate sheet if necessary

**Question 5: Please set out what change(s) you consider necessary to make the Main Modification and/or supporting document sound or legally compliant, having regard to the matters that you identified above.**

You will need to say why this change will make the Submission Version of the Local Plan sound or legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as accurate as possible.

A restoration of the submitted Plan's commitment to maintain the existing level of parking spaces across sites R11, R13 and R14 would represent a known figure, and should, therefore, be deliverable and sound, in design and policy terms (BBC officers clearly thought it was to begin with).

However Inspectors questioned the deliverability of the resultant numbers here. The appropriate BBC response would have been to maintain parking numbers, but reduce numbers of housing units proposed on R11, R13 and R14 to a scale that could be deliverable alongside the parking spaces. On R14, for instance, Levitt Bernstein in the Design Plan and Feasibility Study, were looking at a maximum of 231 units (not the council's entirely arbitrary 300). The exact, (actually deliverable), numbers of housing units on each of these three sites would, of course, have to be calculated by BBC. But BBC lacks a Town Centre parking policy (PC05 D) d. And E) d. have been deleted (see also my submission on MM64)); hence it has consistently sought to avoid indicating a final housing unit/parking place figure for R11, R13, and R14 (individually), and has now made things worse by seeking to avoid indicating even a cumulative number for Town Centre public parking. Furthermore, BBC nowhere has any Cumulative Impact document even attempting to assess the overall impact of numerous Town Centre sites in close proximity to one another!

As with so many other policies in this plan, whilst the words sound good the reality is fundamentally problematic – and likely unresolvable, therefore certainly not sound.

Please continue on a separate sheet if necessary