



**BRENTWOOD
BOROUGH COUNCIL**

Brentwood Pre-Submission Local Plan (Regulation 19)

January 2019

COMMENT FORM

From Tuesday 05 February to Tuesday 19 March 2019 we are consulting on the next stage of the Brentwood Local Plan: Pre-Submission Local Plan (Regulation 19). You can view and comment on the consultation document online at:
www.brentwood.gov.uk/localplan

Alternatively, please use this form to share your views on the contents of the document.

All responses should be received by 5PM Tuesday 19 March 2019.

Please return forms either by attaching completed forms by email to **planning.policy@brentwood.gov.uk** or alternatively by post to Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY.

How to complete the representation form:

This form consists of two sections – Section A: Personal Information, and Section B: Your Representation. Please note that your representation cannot be accepted without completing information identified in Section A.

The Local Plan Pre-Submission (Regulation 19) consultation consists of more formal and technical questions focused on the four Tests of Soundness and whether the Local Plan is compliant with relevant legislation. Comments are to be focused on three core areas – is the Plan positively prepared (referred to as ‘soundness’), does the Council adhere to the Duty to Cooperate, and is the Plan legally compliant (addressed by question 3 of this comment form). These terms are defined below:

- a) **Soundness:** Local Planning Authorities must prepare a Local Plan based on relevant and appropriate evidence base. They are required to publish these documents on their website. The evidence used to develop the Brentwood Local Plan can be found on the Council’s website under Evidence Base.
- b) **Duty to Cooperate:** Throughout the plan-making process discussions have taken place with various statutory consultees and neighbouring authorities. A summary of these meetings can be found within the Duty to Cooperate Statement, published as part of the Regulation 19 consultation. This is a live document and will be updated prior to being submitted to the Secretary of

State.

- c) **Legally Compliant:** Local Planning Authorities must prepare a Local Plan which adheres to the requirements as set out in the National Planning Policy Framework (NPPF), planning practice guidance, and other relevant planning regulations & legislation.

Question 4 of this comment form asks for further information on your opinion of the Plans 'soundness'. According to the National Planning Policy Framework (NPPF) para 35, Local Plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which as a minimum seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and consistent with achieving sustainable development
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

Please keep in mind the information provided above to assist with correctly completing your comment form. For additional information on what the difference is between a Regulation 18 and Regulation 19 Local Plan consultation, please view the FAQ's published on-line www.brentwood.gov.uk/localplan

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.

Section A: Personal Details	
Title	Mr
First Name	Richard
Last Name	Hatter
Job Title (if applicable)	Strategic Planning Manager
Organisation (if applicable)	Thurrock Council
Address	Strategic Planning Policy Civic Offices, New Rd Grays, Essex
Post Code	RM17 6SL
Telephone Number	
Email Address	

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	Mr Richard Hatter
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Question 1: Please indicate which consultation document this representation relates to?

The Local Plan

Sustainability Appraisal

Habitat Regulations Assessment

Question 2: Please indicate which section of the indicated document identified above that you are commenting on (where applicable please clearly state the section / heading or paragraph number).

Duty to Cooperate

Question 3: Do you consider the Local Plan is:

Sound?

YES

NO

Legally Compliant?

YES

NO

Compliant with the Duty to Cooperate?

YES

NO

Question 4: If you consider the Local Plan unsound, please indicate your reasons below (please tick all that apply):

The Local Plan has not been positively prepared

The Local Plan is not justified

The Local Plan is not effective

The Local Plan is not consistent with national planning policy

Question 5: Please provide details of either:

- Why you consider the Plan to be sound, legally compliant, or adheres to the Duty to Cooperate; or
- Why you consider that the Local Plan is unsound, is not legally compliant, or fails to comply with the Duty to Cooperate

Whilst in all other respects the Brentwood Plan appears to meet legal requirements it is considered that the Duty to cooperate requirements have not been fully complied with in particular with regard to development of the evidence base and the lack of proper response and agreed outputs by Brentwood Council for evidence and a response on Dunton Hills Garden Village (DHGV).

The National Planning Policy Framework 2018 (updated 2019) sets out in paragraphs 24 to 27 how local authorities should maintain effective cooperation under the Duty to Cooperate. Paragraph 26 highlights that cooperation needs to be effective and on-going between strategic policy-making authorities and relevant bodies to ensure the production of a positively prepared and justified strategy.

Paragraph 27 of the revised NPPF states that in order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain statements of common ground.

The updated Planning Policy Guidance for Plan Making (September 2018) includes a section for maintaining effective cooperation and expands on the detail on and for preparing statements of common ground. It is recognised that the duty to cooperate is not a duty to agree and such statements should include agreements and disagreements between strategic plan-making authorities.

There has been ongoing engagement with Brentwood Council under the Duty to Cooperate since the 2016 draft consultation Local Plan. It is recognised that Brentwood has undertaken consultation and engagement on its various technical studies such as the SHMA, employment study and Green Belt review through workshops, meetings and correspondence. There has been a specific workshop on the A127 and more recently Dunton Hills Garden Village. An officer working group set up to consider strategic transport matters and duty to cooperate has resulted in a Statement of Common Ground signed by South Essex authorities, the LB Havering and Highways England in 2018.

In addition a number of meetings have taken place between officers of Thurrock and Brentwood Council regarding the Brentwood Local Plan. At these DTC meetings Thurrock Officers have reiterated the objection to the Brentwood spatial strategy, Dunton Garden village and suggested that alternative options are investigated including potential development at West Horndon and in the A12 Corridor. More

recently Thurrock Council has engaged with Brentwood on the preparation of the new Thurrock Local Plan. The new Thurrock local Plan is at issues and Options stage (regulation 18).

It is recognised that Brentwood Council has engaged more effectively on collaboration and joint working on strategic matters through membership of the Association of South Essex Councils (ASELA) and in the preparation of a South Essex Joint Strategic Plan (JSP).

Since the summer of 2017 the leaders and chief executives of the South Essex Councils with the inclusion of Brentwood Borough Council and Essex County Council have also come together to develop a shared long term place vision for South Essex and develop the scope for greater strategic collaboration. By late 2017 work on the vision has resulted in the South Essex 2050 Ambition which includes agreement on the key policy themes to be supported, identifies six growth areas to be promoted and the establishment of new joint working arrangements including strategic planning.

In early 2018 the leaders and chief executives have committed to continuing with the vision and formalising the collaboration by forming an Association as agreed in a MOU and known as the Association of South Essex Local Authorities (ASELA). The aims of ASELA include providing place leadership, and the opening up of space for housing, business and leisure development by developing a joint spatial strategy.

More recently, as a member of ASELA, Brentwood Council have signed the Statement of Common Ground for the JSP and Planning Memorandum (MOU) in June/July 2018. A key issue for Brentwood is how the preparation of the Brentwood Local plan will align with the preparation of the South Essex Joint Strategic Plan.

It is acknowledged that additional or updated elements of evidence base has been produced by Brentwood Council since the last local plan consultation of 2016 including a strategic Housing Market assessment update 2018, draft Green Belt review and economic assessment. However other elements of the evidence base do not appear to have been produced or published to support the site proposals in the draft plan such as the HELAA, adequate transport assessment and mitigation and other infrastructure assessments.

Thurrock Council considers that there are key strategic issues and cross-boundary matters of importance in relation to the preparation of the Brentwood Local Plan that remain outstanding and should be addressed through further effective engagement and collaboration between Brentwood Council and Thurrock Council and with the other South Essex authorities under the Duty to cooperate. The key matters include:

- Confirmation of the Brentwood Objectively Assessed need and whether the borough can accommodate its need;
- The spatial strategy and alternative options within the A12 and A127 corridors to accommodate the growth;

- The Thurrock Council concerns regarding the justification of Dunton Garden Village and the need to consider alternative options including at West Horndon;
- Transport and other infrastructure Issues;
- Further development of the Brentwood Local Plan evidence base;
- The development of the South Essex Joint Strategic Plan and evidence.

In particular in recognition of the Thurrock concern about Dunton Hills Garden Village and due to its location close to and adjoining the boundaries between the two authorities Thurrock Council requests further engagement on this development and considerations of alternative options along the A127 Corridor and elsewhere.

Following representations on the earlier Preferred Site Allocation consultation 2018, a number of South Essex planning authorities including Basildon, Thurrock and Essex County Council sought further clarification with Brentwood regarding their concerns regarding the Dunton Hills Garden Village proposal including any comments on a draft of a DHGV development framework. Several joint meetings were held with Brentwood Council to identify the key issues and areas of concern.

Thurrock Council along with Basildon Borough Council and Essex County Council had submitted a joint report to Brentwood in September 2018 highlighting concerns to Brentwood Council regarding the Dunton Hills Garden Village proposal. No response on the matters set out in the document has been received from Brentwood Council.

The Pre-submission Brentwood Local Plan was approved by Brentwood Council in November 2018 without outstanding matters with adjoining the issues regarding Dunton Hills Garden Village having been clearly addressed and outcomes identified despite requests from the three other authorities including Thurrock.

A Duty to Cooperate Position Statement published as part of the Pre-submission consultation but does not include sufficient information about the key issues regarding cross-boundary matters between authorities. It is noted that the statement is intended to have Statements of Common Ground appended at a future date.

The South Essex authorities are considering spatial options to assess the capacity of South Essex to deliver its growth ambitions and have commissioned a Strategic Growth Locations Study (SGLS) as part of the evidence to inform the Joint Strategic Plan preparation. In consideration of locations and strategic sites for growth a range of options will form part of the options testing as part of this study. Thurrock Council has previously considered it is premature for the Brentwood Plan to progress with the development of a large settlement such as Dunton Hills Garden village until the outcome of this options testing is known and the locations and nature of growth has been advanced with a degree of certainty and agreement with adjoining authorities due to the cross boundary implications.

To ensure more effective collaboration and joint working it is suggested that Brentwood Council should progress key strategic matters through the South Essex Joint Strategic Plan process as well as with individual local authorities on cross-

boundary matters.

Brentwood Council will need to consider how much additional evidence base for housing need and capacity can be prepared in partnership with adjoining authorities and the other South Essex authorities. In addition to the preparation of the SGLS study which includes a high level housing land and capacity assessment, the South Essex authorities are in the course of commissioning of additional elements of evidence base to support the preparation of the joint strategic planning including a review of the South Essex SHMA, a Strategic Green Belt review and further infrastructure studies.

The outcome of these studies and the preparation of the joint strategic planning will have implications for the nature and scale of housing provision across South Essex including Brentwood and the future approach to be taken in the Local Plan.

Section 3.6 of the Brentwood Local Plan should identify the key cross-boundary issues and challenges between Brentwood and adjoining authorities including Thurrock. It should set out how the plan seeks to address these including any future reviews of the plan and through joint working on the South Essex JSP.

Brentwood Council should prepare Statements of Common Ground on strategic cross- boundary matters in accordance with the requirements of the National Planning Policy Framework and Planning Policy Guidance.

Notwithstanding any additional text to the plan setting out key cross-boundary issues it is considered that the Duty to Cooperate has not been met as Brentwood Council has not undertaken effective and on-going engagement regarding the Dunton hills Garden village.

The Brentwood Pre-Submission Local Plan has also therefore not been prepared with a positive and justified strategy.

Please continue on a separate sheet if necessary

Question 6: Please set out what modification(s) you consider necessary to make the Local Plan sound or legally compliant, having regard to the matters that you identified above.

You will need to say why this modification will make the Local Plan sound or legally compliant. Please be as accurate as possible.

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Please continue on a separate sheet if necessary

Question 7: If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the Examination in Public (EiP)?

NO, I do not wish to participate in the oral part of the EiP

YES, I wish to participate in the oral part of the EiP

Question 8: If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary.

Due to the significance of the representations submitted by Thurrock Council it is requested that it attends the oral part of the examination

Please continue on a separate sheet if necessary.

Please note that the Inspector (not the Council) will determine the most appropriate procedure to hear those who have indicated that they wish to participate in the oral part of the Examination.