



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	Andrew
Last Name	Martin
Job Title (if applicable)	Director, Andrew Martin-Planning
Organisation (if applicable)	On behalf of Countryside Properties(UK) Limited
Address	Town Mill, Mill Lane, Stebbing, Dunmow, Essex
Post Code	CM6 3SN
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

Andrew Martin-Planning on behalf of Countryside Properties (UK) Ltd

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).

Section 4 - Managing Growth
Section 6 – Housing Provision
Section 9 – Site Allocations
Sustainability Appraisal

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Question 3: Do you consider the Local Plan is:

Sound?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
Legally Compliant?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
Compliant with the Duty to Cooperate?	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>

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	<input checked="" type="checkbox"/>
The Local Plan is not justified	<input checked="" type="checkbox"/>
The Local Plan is not effective	<input checked="" type="checkbox"/>
The Local Plan is not consistent with national planning policy	<input checked="" type="checkbox"/>

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

We find the plan to be unsound, not legally compliant and failing in its Duty to Cooperate, as set out in the statement below.

1.0 EXECUTIVE SUMMARY

- 1.1 Work on the emerging Local Plan for Brentwood Borough commenced back in 2009. Andrew Martin-Planning has made representations to each key stage in the plan-making process on behalf of Countryside Properties, in respect of land to the east of West Horndon. We attach past representations as appendices because they continue to be relevant and demonstrate that land at West Horndon represents the most sustainable location for strategic growth in the Borough to meet development needs over the Plan period 2016 – 2033.
- 1.2 Representations to date have argued that Brentwood Borough Council (BBC) has progressed its local plan without the benefit of a complete, robust and up-to-date evidence base. Furthermore the Sustainability Appraisal (SA) does not fully support the spatial strategy for growth proposed in the Local Plan. The SA cannot be said to have informed the production of the Pre-Submission Local Plan. We submit that this continues to be the position.
- 1.3 The emerging Local Plan has struggled to identify land for strategic growth in a Borough where 89% lies within the Green Belt. The latest version of the Plan acknowledges that it is not possible to identify a 5-year housing land supply (paragraph 4.18). A greater proportion of the required homes will therefore have to be delivered beyond 2023.

1.4 The Council's problem in identifying land for housing is compounded by recent sanctions imposed by the Government under the 2018 Housing Delivery Test introduced in the revised National Planning Policy Framework. The total number of homes required in the Borough over a three year period up to April 2018 was 933. The Council only delivered 474 homes, i.e. 51% of its target. Consequently it is now required to produce an Action Plan showing how it intends to boost delivery and must have a 20% buffer on its housing land supply.

1.5 Throughout the preparation of the Plan the Council has maintained its intention to deliver at least one large-scale, strategic site for a mixed scheme of housing and employment. Various strategic site options have been examined over the years and the latest SA to the Brentwood Local Plan Pre-Submission document, February 2019, confirms :

“there is now a refined understanding of those sites that are genuine (‘reasonable’) contenders for allocation through the Local Plan. Specifically at the current time there is a need to give close consideration to two options:

- *Dunton Hills Garden Village (DHGV)...*
- *West Horndon...*”

1.6 Although these two sites are said to remain in contention, the Local Plan has chosen DHGV as its preferred option for growth. This is contrary to the accompanying evidence base which appears to lend greater support to growth adjoining the existing settlement of West Horndon. We argue that the Local Plan is unsound because it is not accompanied by a Sustainability Appraisal that supports the Brentwood Local Plan spatial strategy for growth. The SA prepared by AECOM is quite simply unable to rule out strategic development at West Horndon as a viable alternative solution to growth in the Borough. It therefore remains in contention. The SA finds favour in DHGV over West Horndon, only in terms of the scale of housing that can be provided. We and others submit that there is no evidence to suggest that the scale of development proposed at Dunton Hills can be delivered.

1.7 A Joint Spatial Plan for authorities in South Essex (Including Brentwood, Thurrock, Basildon, Castle Point, Rochford and Southend on Sea) is in the early stages of preparation. This will be an important document that encompasses several local authorities that are struggling to meet their growth needs in predominantly Green Belt areas. Brentwood Borough Council's attempts to create a cross boundary settlement with Basildon at Dunton Hills has failed, but more recent proposals for a new settlement on land at Thurrock, centred on West Horndon, are a feasible alternative as proposed in Thurrock Council's emerging Local Plan (Issues and Options Stage

2). It provides the opportunity to address the need for housing in the context of a probable shortfall across the South Essex Strategic Housing Market Area. Through the Duty to Cooperate procedure authorities like Thurrock could contribute towards meeting any unmet housing needs from Brentwood within a proposed new settlement centred on West Horndon.

- 1.8 Growth at West Horndon rather than Dunton Hills has historically been supported by Thurrock and Basildon in their response to the emerging Plan for Brentwood. Reasons include its proximity to existing infrastructure such as a railway station, less impact in landscape terms and in relation to the key purposes of the Green Belt, such as coalescence (with Basildon). Crucially, land at West Horndon would be able to deliver much needed housing in the first five years of the Local Plan.
- 1.9 Strategic infrastructure proposals for Brentwood or Thurrock should not be considered in isolation from wider strategic infrastructure proposals, specifically the options and final decision on the Lower Thames Crossing.

2.0 LOCAL PLAN HOUSING REQUIREMENT

- 2.1 The Brentwood Local Plan, February 2019 maintains that housing need in the Borough, based on the NPPF July 2018, should be set at a minimum of 350 homes per annum. With an uplift of 20% this rises to 456 dwellings per annum. Given recent poor performance in reaching its housing target (over the three year period to April 2018 it delivered only 51% of its required housing), the Government has identified the Authority as one that must put in place an Action Plan to state how it will boost housing and apply a 20% uplift.
- 2.2 Whilst Local Housing need will be the subject of ongoing debate and analysis through the examination of the Local Plan, what the Plan does not dispute is its current failure to identify a five year housing land supply as required by government guidance. Consequently a greater proportion of required homes will be delivered beyond 2023 (paragraphs 4.18 to 4.21).
- 2.3 From an overall minimum requirement of 7752 homes over the plan period, some 35% (2,700 homes) is proposed to be located within a new settlement at Dunton Hills, which is not supported by evidence to demonstrate deliverability and viability. As more need is identified in the Borough this proposed new settlement is being called upon to absorb an ever increasing number of new homes. In November 2018 when the Regulation 19 Plan was considered by Full Council, some 19 amendments were proposed including ones to remove certain housing allocations such as land at Honey Pot Lane, resolving simply to reallocate lost housing (some

200+ homes) to DHGV “so that there is no net loss to the overall plan”. Discussion between members simply referred to the promoters of DHGV stating that they have agreed to accommodate the extra number of homes. The proper justification for such a significant change to the plan is absent.

- 2.4 The Plan places great emphasis on the fact that DHGV was announced by the Government as one of 14 proposed Garden Villages back in January 2017 and that the Council received funding to take this forward. In reality such an investment is made at the risk of the planning and legal processes which may conclude that the proposals go no further. This has been demonstrated in the case of the North Essex new settlement proposals where a Local Plan inspector found that significant further work is required to justify the Garden Community proposals. They have not been shown to be viable and deliverable. It could be argued that the proposals for DHGV will suffer the same problems.
- 2.5 Lessons can be learned from emerging Local Plans for nearby/adjoining authorities and their proposals for key strategic sites. A Post Hearing Note issued by the Local Plan Inspector appointed to examine the London Borough of Havering Plan casts doubt over the spatial strategy for growth and issues surrounding housing land supply. It queries the SA and various options examined, together with the assessment of the alternatives. The evidence drawn upon by the Council to reach its conclusions is queried. The Inspector has also expressed concern that the Plan does not demonstrate sufficient housing land supply to cover the 15 year period, nor has the Council been able to demonstrate that it has sufficient sites to provide a 5 year supply. The Housing Trajectory is queried. The Council is asked to justify its expectations in relation to delivery of key sites and assumptions in relation to infrastructure requirements. Brentwood could be accused of being similarly vague in terms of the proposed delivery of DHGV, on several counts.
- 2.6 The Uttlesford Local Plan has recently been submitted for examination and initial questions by the appointed Inspectors raise concerns about potential gaps in the timing and funding of large critical infrastructure associated with the proposed Garden Communities that are central to the overarching strategy of the Plan, in particular the delivery of housing. DHGV is beset with the same problem of a lack of technical evidence to support the proposed new settlement.
- 2.7 As the 2019 SA of the Brentwood Plan confirms, the adjoining authority of Basildon questions whether the scale of development proposed at Dunton, which amounts to over a third of the Borough’s entire housing provision for the plan period, could be supported by infrastructure, in the absence of a clear delivery plan. The adjacent authority of Thurrock cites a lack of

technical evidence and failure to test fully all the reasonable options given the decision to rely on a new settlement rather than urban extensions closer to existing infrastructure.

- 2.7 There is insufficient evidence to demonstrate that the Local Plan housing requirement can be met by the spatial strategy for growth proposed in the Draft Local Plan.

3.0 SUSTAINABILITY APPRAISAL

- 3.1 The SA is clear that both DHGV and West Horndon remain in contention as strategic site options to meet growth needs in Brentwood. The SA has been undertaken by AECOM who clarify in the section entitled “*Establishing the Preferred Option*” that it comprises text that “*is the response of Council Officers to the alternatives appraisal*”. As we have stated in previous representations to the emerging Plan, the only real support for DHGV to justify its elevation to a ‘preferred allocation’ is that the scheme is supported by the Council. Consultation on DHGV has led to wide-scale objection from the public and key stakeholders which the Council has chosen to ignore. Various positives and negatives of DHGV and West Horndon are set out in the SA, concluding that Dunton Hills provides the opportunity for a larger and comprehensive scheme. The SA acknowledges proposals for a new settlement in the north of Thurrock where it adjoins West Horndon but rejects these on the basis that “*this proposal is at such an early stage of formulation that it cannot be considered to be a potential issue or constraint in delivering DHGV*”.
- 3.2 It has been difficult for the Council and its advisers to dismiss land at West Horndon as a reasonable alternative because it represents a more sustainable location for growth than DHGV, as confirmed in various evidence base documents and summarised in the SA. Unlike DHGV, it can deliver houses in the first five years of the plan and in conjunction with land in Thurrock is capable of exceeding housing need going forward.
- 3.3 The only reason DHGV is selected as the preferred option for growth is its perceived ability to provide a greater number of new homes. As we have stated above there is no firm evidence to demonstrate this.
- 3.4 AECOM has recently been appointed by Uttlesford District Council to review the SA to its Local Plan. This follows the report of the Inspector who considered the Joint Section One Plan for the North Essex Authorities and his concerns regarding the SA process it was subject to. UDC felt that a review of its SA was necessary because of similarities between the NEA Plan and Uttlesford in terms of their reliance on Garden Communities. AECOM identified a number of concerns in relation to the objectivity of the SA for the Uttlesford Local Plan, and

assumptions made for its Garden Community options. In particular the SA is said to have relied on what was being proposed by developers/promoters of the key strategic sites, raising concerns about the fairness and consistency of the appraisal. The same criticism could be levelled at the SA of the Brentwood Plan that relies without question upon the word of CEG as the promoter of DHGV.

- 3.5 Representations to the Draft Local Plan, Sustainability Appraisal and evidence base submitted by AM-P on behalf of Countryside Properties in March 2018 are attached at Appendix 1. These refer to the Interim SAR of January 2018 and 2016, and remain relevant. Appraisal of the spatial strategy alternatives in versions of the SA over time, demonstrate differing results for which there is no justification. By way of example we compare the summary tables from the 2016 SAR and that for January 2019. Under several topics the score for West Horndon has been downgraded in the most recent appraisal, without proper explanation. Despite this it has still not been possible for the Council and its technical advisors to dismiss West Horndon as a sustainable location for growth. In landscape terms development at West Horndon would have significantly less impact than that at Dunton. DHGV continues to be preferred (albeit AECOM confirm this as an officer view) because it is seen as an answer to the Council's housing supply problems. The latest proposals by Thurrock on land to the south of West Horndon throw a different light on the SA conclusions.

4.0 THE EVIDENCE BASE

- 4.1 The evidence base to the Local Plan is in part outdated, and incomplete.

Transportation

- 4.2 The Infrastructure Delivery Plan (IDP) has no date on it. The chapter on transport and movement refers to ongoing studies on the A12 and A127 key routes and the proposed route of the Lower Thames Crossing. Work so far finds that main junctions on the A127 are operating significantly over capacity.
- 4.3 The SA confirms that ECC withholds support until the appropriate highway modelling has been undertaken to assess site specific and cumulative impacts of developments on the local and wider highway network. Furthermore, highway network considerations must be a foremost consideration when arriving at reasonable spatial strategy alternatives.
- 4.4 The Transport Assessment of the Brentwood Local Plan was undertaken by Peter Brett Associates in October 2018. This confirms in paragraphs 1.2.3 to 1.2.5 that in respect of the

A127 corridor for growth, a number of studies are progressing, being led by ECC. Within the A127 Corridor for Growth Study there are individual pieces of work which are currently at different stages of planning and development. Where information is available, this has been used to inform modelling. The final outcomes of the study are not yet known and continued working with ECC and other neighbouring authorities will be important.

- 4.5 The Local Plan confirms the incomplete status of the transport assessment by stating that A127/A128 studies by ECC are *“to be fed into the plan”*. Policy does however aim to maximise the value of railway connectivity and recognises the important role for West Horndon station in future transport provision.
- 4.6 An Amendment Note to the Transport Assessment dated January 2019, confirms the further information that is to be provided. This includes amongst other things additional junction studies, further trip distribution plots, cross boundary impacts, reassignment impacts and proposed highway mitigation.
- 4.7 The SA confirms that Highways England’s work is not complete in terms of the transport study, that ECC question the use of the A127 corridor over the A12 and Basildon Council has concerns over infrastructure provision relative to DHGV. Thurrock Council favours growth at West Horndon which is closer to existing infrastructure.

Green Belt/Landscape

- 4.8 When the emerging Plan was last consulted on in early 2018 the Green Belt study was in draft form and had not influenced the site selection process. However, back in 2016 a Landscape Study by Crestwood had identified that Dunton was one of 7 sites out of 203 assessed that makes a ‘high contribution’ to the Green Belt. The analysis found that *“This expansive agricultural site if wholly developed would significantly reduce the gap between West Horndon and Basildon, as well as presenting large scale development along the A127 leading east from the M25.”* The site was found to be “not contained”, to have “significant separation reduction” and a harmful effect on functional countryside. Land at West Horndon is found to make only a ‘moderate’ contribution to the Green Belt. Development on land to the east of the settlement would decrease the gap to Basildon but still retain a functional open space with very limited or no visual linkages. There would be some loss of countryside if developed. Land to the north-east would lead to larger encroachment of the countryside but not to the coalescence with other towns.

- 4.9 By 2018 work by Crestwood reached a different conclusion on the contribution made to the Green Belt by land at Dunton Hills. Its importance in terms of contribution to the Green Belt went from 'high' status to 'moderate to high'. Land at West Horndon remained classified as 'moderate'. In our previous representations we submitted that the findings were contrived. We considered that they had been retrospectively prepared to justify the Council's wish to promote DHGV. Detailed site assessment still remained to be undertaken.
- 4.10 A Green Belt Study Part III was published in January 2019 alongside the Regulation 19 Plan. This maintains that the scope of study did not extend to the identification of sites that should be prioritised for allocation for housing, employment or mixed use. Its conclusions were the same for land at Dunton Hills ('moderate to high' contribution to the Green Belt) although part of the land at west Horndon (to the east) was altered from a previous moderate status to 'moderate to high'. Once again we find these results to be contrived to fit the Council's desire to promote DHGV.
- 4.11 Immediately following the previous round of consultation on the emerging Local Plan in January 2018, we became aware of an evidence base document entitled "The Dunton Area Landscape Corridor Design options Local Plan Green Infrastructure", dated 07/11/2017. This was undertaken by Essex Place Services and commissioned jointly by Basildon District Council and Brentwood Borough Council. The purpose of this document was stated to be "*to undertake a broad scale landscape assessment and present proposals for a landscape buffer and green corridor that could encompass the borough boundaries and give visual separation between two potential residential development sites.*" i.e. an urban extension to Basildon on its west side and a new Garden Village settlement based on the Dunton Hills area (see appendix 2 which is a plan from this report showing the extent of a landscape buffer that would be required in respect of residential development at Dunton Hills
- 4.12 Key conclusions of this assessment were:
- an assessment of the landscape as "particularly sensitive landscape areas";
 - "Views of the project area from the north, west and south west are likely to be particularly notable due to the gently rising land form";
 - "In order to mitigate what could be adverse landscape and visual impacts arising from development, the retention of landscape features and the provision of new landscapes, both green and blue infrastructure are likely to be a significant element of any development";

- “There will also be a need to ensure that residential areas are well protected from the busy transport corridor routes in terms of noise, visual impacts and pollution. The landscape infrastructure required to achieve this will be in addition to the landscape corridor required to provide settlement separation and the potential for connectivity to the wider countryside”; and
- Three landscape corridor Options are considered within the report, concluding that Scheme 3 – i.e. that proposing the maximum land-take - is recommended. This considerable land take within the wider assessment area is proposed to “ensure a good outcome in terms of preventing visual settlement coalescence, allow for diverse landscapes and the ecological enhancements to be achieved”.

4.13 Despite the fact that Brentwood Borough Council did jointly commission this evidence base report, it does not feature on its website as an evidence base to the emerging Local Plan. A key finding of this assessment was that landscape mitigation works required would crucially not leave sufficient land for development to accommodate 2,500 new homes at that time proposed in the Draft Plan for Dunton Hills Garden Village, let alone the potentially higher figure of 4,000 beyond the plan period.

APPENDICES

1. Brentwood Draft Local Plan – Preferred Site Allocations, Sustainability Appraisal and evidence base. Representations on behalf of Countryside Properties (UK) Ltd in respect of land to the east of West Horndon. March 2018.
2. Extract from “The Dunton Area Landscape Corridor Design Options Local Plan Green Infrastructure”, by Essex Place Services for Basildon and Brentwood Councils, 07/11/2017. Appendix 3, Plan showing the extent of a landscape buffer that would be required in respect of residential proposals on land at Dunton Hills.

and

An extract from the Bid document to the Government for Dunton Hills Garden Village which shows how much proposed development could be lost to landscaping.

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.

The SA and evidence base do not support the spatial strategy for growth set out in the Local Plan. The Local Plan process should be suspended to allow a fundamental review of the SA.

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.

To engage in the debate on the most appropriate spatial strategy for growth. Countryside Properties (UK) Ltd are promoting land at West Horndon which the SA to the Local Plan identifies as remaining in contention to deliver strategic growth in the Borough. Further debate is required as to whether the Plan is sound and legally compliant given that it does not have a SA that fully supports the spatial strategy for growth proposed nor is it able to dismiss land at West Horndon, as a reasonable contender for allocation through the Local Plan

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.