

Brentwood Local Plan
Pre-Submission Document



March 2019

CONTENTS

1	Introduction	2
1.1	Introduction	2
1.2	Context	2
2	National Planning Policy	3
2.1	National Planning Policy Framework.....	3
2.2	Planning Practice Guidance.....	4
3	Legal Requirements	7
3.1	Duty to Cooperate	7
3.2	Sustainability Appraisal	8
4	Spatial Strategy.....	9
4.1	Vision and Strategic Objectives.....	9
5	Managing Growth	10
5.1	Policy SP02: Managing Growth	10
5.2	Policy SP04: Developer Contributions	11
6	Resilient Built Environment	12
6.1	Policy BE02: Sustainable Construction and Resource Efficiency	12
7	Housing Provision.....	13
7.1	Policy HP01: Housing Mix	13
7.2	Policy HP06: Standards for New Housing.....	13
8	Conclusion.....	15
8.1	Overall Conclusion	15

1 INTRODUCTION

1.1 Introduction

1.1.1 These representations are submitted by Gladman in response to the current consultation on the Brentwood Local Plan Pre-Submission Document. Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure.

1.1.2 Gladman has considerable experience in the development industry across a number of sectors, including residential and employment development. From that experience, we understand the need for the planning system to provide local communities with the homes and jobs that are needed to ensure that residents have access to a decent home and employment opportunities.

1.1.3 Gladman also has a wealth of experience in contributing to the Development Plan preparation process, having made representations on numerous local planning documents throughout the UK and having participated in many Local Plan public examinations. It is on the basis of that experience that the comments are made in this representation.

1.1.4 Through this submission, Gladman have sought to highlight a number of issues with the Brentwood Local Plan. Gladman submit that the Council will need to carefully consider some of its policy choices and ensure that its evidence base is up-to-date and robust in light of changing circumstances and the changes brought about by the Revised National Planning Policy Framework (2019).

1.2 Context

1.2.1 The Revised Framework (2019) sets out four tests that must be met for Local Plans to be considered sound. In this regard, we submit that in order for it to be sound it is fundamental that the Thurrock Local Plan is:

- **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 is consistent with achieving sustainable development;
- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **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
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

2 NATIONAL PLANNING POLICY

2.1 National Planning Policy Framework

2.1.1 On 24th July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework which was subsequently updated in February 2019. These publications form the first revisions of the Framework since 2012 and implement changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft Revised Framework consultation.

2.1.2 The Revised Framework (2019) introduces a number of major changes to national policy and provides further clarification to national planning policy as well as new measures on a range of matters. Crucially, the changes to national policy reaffirms the Government's commitment to ensuring up-to-date plans are in place which provide a positive vision for the areas which they are responsible for to address the housing, economic, social and environmental priorities to help shape future local communities for future generations. In particular, paragraph 16 of the Revised Framework (2019) states that Plans should:

- a) *Be prepared with the objective of contributing to the achievement of sustainable development;*
- b) *Be prepared positively, in a way that is aspirational but deliverable;*
- c) *Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) *Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) *Be accessible through the use of digital tools to assist public involvement and policy presentation; and*
- f) *Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*

2.1.3 To support the Government's continued objective of significantly boosting the supply of homes, it is important that the Local Plan provides a sufficient amount and variety of land that can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay¹.

2.1.4 In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method as set out in the PPG unless

¹ Revised NPPF – Paragraph 60

exceptional circumstances justify an alternative approach. It is imperative that the emerging Local Plan is formulated on the basis of meeting this requirement as a minimum.

- 2.1.5 Once the minimum number of homes that is required is identified, the planning authority should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. In this regard, paragraph 67 sets out specific guidance that local planning authorities should take into account when identifying and meeting their housing need. It states:

“Strategic policy-making authorities should have a clear understanding of the land available in their areas through the preparation of a strategic housing land availability assessment. From this planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Strategic plans should identify a supply of:

- a) specific, deliverable sites for years one to five of the plan², and*
- b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.*

- 2.1.6 Once a local planning authority has identified its housing needs, these needs should be met in full, unless any adverse impacts would significantly and demonstrably outweigh the benefits of doing so³. Local planning authorities should seek to achieve each of the economic, social and environmental dimensions of sustainable development, resulting in net gains across all three. Adverse impacts on any of these dimensions should be avoided, where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed or, where this is not possible, compensatory measures should be considered.⁴

- 2.1.7 To be considered sound at Examination the emerging Local Plan will need to meet all four of the soundness tests set out in paragraph 35 of the Revised Framework (2019).

2.2 Planning Practice Guidance

- 2.2.1 The Government published updates to its Planning Practice Guidance (PPG) on 13th September 2018. The updated PPG provides further clarity on how specific elements of the Revised Framework should be interpreted when preparing Local Plans. In particular, the updated Housing Needs Assessment chapter of the PPG confirms that the Revised Framework expects local planning authorities to follow the standard method for assessing local housing needs, and that the standard method identifies the minimum housing need figure and not a final housing requirement⁵.

² Footnote 26 – With an appropriate buffer, as set out in paragraph 74

³ Revised NPPF - Paragraph 11

⁴ Revised NPPF - Paragraph 32

⁵ PPG Paragraph: 002 Reference ID: 2a-002-20180913

- 2.2.2 The calculation of objectively assessed needs (OAN) for housing has been a subject of much debate as part of Local Plan Examinations and s.78 appeals since its initial introduction through the Framework in 2012 with interested parties grappling with the issue of OAN with varying outcomes depending on local circumstances. To simplify the assessment the Government, through the Revised Framework has introduced the standardised method which should be undertaken through the 3-stage process outlined at paragraph 005 of the PPG⁶.
- 2.2.3 Notwithstanding the above, it is important to note that whilst the standard methodology to assessing housing needs has been introduced, it is likely that this will be subject to further change. In this regard, it is currently anticipated that the standard method will be adjusted to ensure that the starting point in the plan-making process is consistent with the Government's proposals in Planning for the Right Homes in the Right Places consultation, to ensure that 300,000 homes are built per annum by the mid-2020s. This follows the release of the 2016 based household projections in September 2018, which forecast a lower level of household growth than previously envisaged.
- 2.2.4 It is therefore important that future iterations of the Local Plan take account of any changes to the standard method for calculating housing needs during the course of their preparation.
- 2.2.5 Whilst the PPG advises that the standard method is not mandatory, there is a possibility that other methods can be used in exceptional circumstances based on robust evidence in order to deviate from the standard method. Indeed, the PPG is clear that the standard method only identifies the minimum number of homes required to meet population needs and does not take into account the variety of factors which may influence the housing required in local areas such as changing economic circumstances or other factors which may change demographic behaviour. Where additional growth above historic trends are likely to occur, then local planning authorities should include an appropriate uplift to the housing numbers to meet the need in full. It is important that this uplift is undertaken prior to and separate from the consideration of the demographic baseline assessment of need and how much of this need can be accommodated in a housing requirement figure. Circumstances where the need to apply an uplift may be appropriate include, but are not limited to:
- *Where growth strategies are in place, particularly where those growth strategies identify that additional housing above historic trends is needed to support growth or funding is in place to promote and facilitate growth (e.g. housing deals);*
 - *Where strategic infrastructure improvements are planned that would support new homes;*
 - *Where an authority has agreed to take on unmet need, calculated using the standard method from neighbouring authorities, as set out in a statement of common ground;*

⁶ Reference ID: 2a-005-20180913.

- *Historic delivery levels where previous delivery has exceeded the minimum need identified it should be considered whether the level of delivery is indicative of greater housing need; and*
- *Where recent assessments such as Strategic Housing Market Assessments suggest higher levels of need than those proposed by a strategic policy making authority, an assessment of lower need should be justified.*⁷

2.2.6 In addition, it is important for local planning authorities to consider the implications of the standard method on delivering affordable housing need in full. The PPG is clear that the total affordable housing need should be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by open market housing development. If it becomes clear that affordable housing need will not be delivered in full, then an increase to the total housing figures included in the plan should be considered where it could help to deliver the required number of the affordable homes.⁸

2.2.7 In the event that an alternative approach is used it should only be considered sound if it exceeds the minimum starting point. The PPG is clear that any alternative approach with results in lower housing need figure than the standard method should be considered unsound as it does not meet the minimum housing need required.⁹

⁷ PPG Reference ID: 2a-010-20180913

⁸ PPG Reference ID: 3a-027-20180913

⁹ PPG Reference ID:2a-015-20180813

3 LEGAL REQUIREMENTS

3.1 Duty to Cooperate

- 3.1.1 The Duty to Cooperate (DtC) is a legal requirement established through section 33(A) of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act. The DtC requires local planning authorities to engage constructively, actively and on an ongoing basis with neighbouring authorities on cross-boundary strategic issues through the process of ongoing engagement and collaboration.¹⁰
- 3.1.2 The Revised Framework (2019) has introduced a number of significant changes for how local planning authorities are expected to cooperate including the preparation of Statement(s) of Common Ground (SOCG) which are required to demonstrate that a plan is based on effective cooperation and has been based on agreements made by neighbouring authorities where cross boundary strategic issues are likely to exist. The Revised Framework (2019) sets out that local planning authorities should produce, maintain, and update one or more Statement(s) of Common Ground (SOCG), throughout the plan making process¹¹. The SOCG(s) should provide a written record of the progress made by the strategic planning authorities during the process of planning for strategic cross-boundary matters and will need to demonstrate the measures local authorities have taken to ensure cross boundary matters have been considered and what actions are required to ensure issues are proactively dealt with e.g. unmet housing needs.
- 3.1.3 As demonstrated through the outcome of the Coventry, Mid Sussex, Castle Point and St Albans examinations, if a Council fails to satisfactorily discharge its DtC a Planning Inspector must recommend non-adoption of the Plan. This cannot be rectified through modifications.
- 3.1.4 Gladman welcome the South Essex Authorities' commitment to the preparation of a Joint Strategic Plan (JSP) covering Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock. All of these authorities have significant strategic issues to contend with not least, the delivery of substantial housing and economic growth and the need to review Green Belt boundaries at a strategic scale.
- 3.1.5 It is however disappointing, that the JSP will not allocate specific sites which will be left for the individual Local Plans to take forward. The level of housing need in South Essex is significant and delivery has fallen substantially behind need for a long period of time. There is therefore an immediate need to address this situation; and for Local Plans to have to await the adoption of the JSP before sites are taken through the Local Plan process and finally released from the Green Belt, is simply going to result in inevitable further delay.

¹⁰ PPG Reference ID: 61-021-20180913

¹¹ PPG Reference ID: 61-001-20180913

- 3.1.6 The JSP could release the strategic sites for development in partnership with the constituent authorities leaving a certain proportion of housing need to be addressed by the Local Plans on non-strategic sites. This would allow the release of Green Belt for development as early in the process as possible, thus meeting urgent need in an expedient manner.
- 3.1.7 The JSP also needs to follow a statutory plan preparation process with requisite consultation and examination to ensure that it has full weight in the planning process and to guide the preparation of the Local Plans on a formal basis. If the JSP is simply a non-statutory document, then there is the potential for changes over time in the other authorities to cause significant issues.
- 3.1.8 Beyond this commitment, there is very little evidence available setting out how Brentwood has discharged its Duty to Cooperate and what outcomes have been achieved through this process. This is especially pertinent because of the need to address unmet housing needs across the HMA.

3.2 Sustainability Appraisal

- 3.2.1 In accordance with Section 19 of the Planning and Compulsory Purchase Act 2004, policies set out in Local Plans must be subject to a Sustainability Appraisal (SA), and also incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA regulations).
- 3.2.2 The SA/SEA is a systematic process that should be undertaken at each stage of the Plan's preparation, assessing the effects of the emerging Local Plan Review proposals on sustainable development when judged against all reasonable alternatives. The Council should ensure that the future results of the SA clearly justify its policy choices. In meeting the development needs of the area, it should be clear from the results of this assessment why some policy options have progressed, and others have been rejected. This must be undertaken through a comparative and equal assessment of each reasonable alternative, in the same level of detail for both chosen and rejected alternatives. The Council's decision-making and scoring should be robust, justified and transparent.

4 SPATIAL STRATEGY

4.1 Vision and Strategic Objectives

- 4.1.1 Gladman has concerns with certain elements of the Spatial Strategy that is being pursued through the Brentwood Local Plan (BLP).
- 4.1.2 The Plan sets out that one of the overarching driving factors behind the BLP is meeting the housing needs of the borough. However, the Council are using the 2016 Household Projections to calculate the housing needs of the borough which the Government have now confirmed is the incorrect data set to rely upon. Use of the 2014 Household Projections is likely to yield a higher housing requirement and therefore, the Council will need to address this issue before the Plan gets to Examination.
- 4.1.3 They also set out within the Settlement Hierarchy in Table 2.3 that the development of brownfield land will be prioritised. This requirement has no support in National Policy as Para 117 of the Revised Framework (2019) simply states that substantial weight should be given to the value of using suitable brownfield land. This requirement should therefore be changed to reflect Government guidance.
- 4.1.4 The prioritisation of brownfield land is also repeated in the Spatial Development Principles section under Paragraph 3.23 which similarly needs amending.
- 4.1.5 It is also disappointing that in the Vision and the Strategic Objectives, no mention is made of providing housing to meet the needs of the local population or of addressing one of the key challenges facing Brentwood, that of tackling housing affordability. It is therefore suggested that given the emphasis being placed by the Government on fixing the broken housing market, a further Strategic Objective is added to the Plan that specifically relates to the delivery of housing.

5 MANAGING GROWTH

5.1 Policy SP02: Managing Growth

- 5.1.1 The Council sets out in the pre-amble to Policy SP02 that they consider the housing need figure using the Standard Methodology is 350 dwellings per annum using the 2016 Household Projections published by ONS.
- 5.1.2 However, since the Local Plan was published, the Government has clearly set out that the 2016 Household Projections should not be used for the purposes of establishing the housing need figure under the standard methodology and that the 2014 Household Projections should be used instead.
- 5.1.3 The Council therefore needs to recalculate the housing need figure using the correct set of data so that it accords with the Framework and is not immediately found unsound on this basis.
- 5.1.4 It must also be recognised that the standard method only identifies the minimum number of homes required to meet population needs and does not take into account the variety of factors which may influence the housing required in a local area such as changing economic circumstances or other factors which may change demographic behaviour. Where additional growth above historic trends is likely to occur, then local planning authorities should include an appropriate uplift to the housing numbers to meet the need in full. It is important that this uplift is undertaken prior to and separate from, the consideration of how much of this need can be accommodated in the housing requirement.
- 5.1.5 The Council are seeking to provide an uplift to the base level of housing needs established through the Standard Method but this is intended to provide a buffer in the housing supply to ensure that the housing requirement is met or surpassed. It is not an uplift to take account of the circumstances listed in the PPG (see paragraph 3.1.5 above).
- 5.1.6 Gladman support the Council's inclusion of a 20% buffer in order to provide flexibility in supply as this will allow the Local Plan to adapt to changes in circumstances such as stalled sites, delay in delivery and sites which do not come forward as envisaged. This is especially important where Local Plans are predicated on the delivery of a small number of large-scale strategic sites.
- 5.1.7 However, we also consider that the housing requirement included within the Local Plan is not representative of the full housing needs of the area and that factors such as the high housing affordability ratio (11.23 in 2017), continuing economic growth and proximity to London should lead the Council to uplift the housing requirement figure above the minimum identified through the Standard Method. The Council would then still need to include a 20% buffer above this figure, in order to provide the flexibility needed to ensure the housing requirement is met or surpassed.
- 5.1.8 Gladman also has concerns regarding the Sequential Land Use approach which is set out in Paragraph 4.22 of the Local Plan. This is intended to be used as a Development Management tool

to appraise proposals against a sequential land use hierarchy. However, we consider that this goes beyond the guidance set out in National Policy which seeks to maximise the use of brownfield land where possible and where it does not conflict with other policies in the Framework. It is also difficult to see how this approach would work in a Development Management context as applicants would have to demonstrate that there are no other suitable alternative sites which could accommodate the proposed development.

- 5.1.9 Policy SP02 also sets out a stepped approach to housing delivery within Brentwood which would equate to 310 dwellings per annum 2016-2023 and 584 dwellings per annum from 2023 onwards. Given that Brentwood has struggled to deliver homes over recent years and has in fact, failed to meet the requirements of the recently published Housing Delivery Test, resulting in the need for a 20% buffer to be applied, coupled with the fact that housing affordability in the borough is severe, must lead the Council to the conclusion that it has to address the backlog of housing needs as quickly as possible.
- 5.1.10 Implementing a stepped approach to the housing requirement will only lead to people having to wait longer for their housing needs to be met which, in the face of the Government's push to address the housing crisis, must be unacceptable.
- 5.1.11 The Council point to the fact that given the level of Green Belt constraint facing the borough, it is extremely difficult to achieve a five-year housing land supply. However, if the Council allocate a sufficient range and type of site in various locations across the borough, including small scale Green Belt releases, then there is no reason why housing needs cannot be met quicker thus maintaining a 5-year housing land supply.
- 5.1.12 Gladman do not consider that the Council has sufficient evidence to justify the implementation of a stepped approach to housing delivery and therefore consider the Local Plan to be unsound in this respect.

5.2 Policy SP04: Developer Contributions

- 5.2.1 Whilst Gladman has no specific comments on the content of Policy SP04, we would wish to voice concern over the myriad of policies contained in the Local Plan which may have implications for development viability. Many of the policies such as Policy SP05, BE01, BE02, BE03, BE09, BE10 etc have requirements within them that will impact on the viability of development schemes. It is unclear from the evidence provided whether the cumulative impact of all of these requirements has been considered through the Viability Study, which is a requirement set out at Paragraph 34 of the Framework to ensure that such policies do not undermine the deliverability of the Plan. This gap in evidence needs to be addressed by the Council to ensure that these policies are justified.

6 RESILIENT BUILT ENVIRONMENT

6.1 Policy BE02: Sustainable Construction and Resource Efficiency

- 6.1.1 Gladman are concerned with part (f) of Policy BE02 as it is too onerous and goes beyond National Policy. Part (f) requires all proposals to include commercial and domestic scale renewable energy and decentralised energy as part of new development. This is an extremely onerous requirement, particularly for small schemes where it may not be technically feasible. It could also have a huge impact on development viability.
- 6.1.2 Paragraph 153 of the Framework allows for planning policies to require development to include decentralised energy supply. However, it also provides a caveat that this is only where it is viable and feasible. Part (f) of Policy BE02 should therefore be amended to reflect this guidance.

7 HOUSING PROVISION

7.1 Policy HP01: Housing Mix

7.1.1 Policy HP01 contains a number of development requirements which would be applied to all new development including housing mix, accessible and adaptable dwellings and self and custom build homes.

7.1.2 If the Council wishes to adopt the discretionary accessible and adaptable homes standards as a policy requirement, then this should only be done in accordance with the Revised Framework footnote 46 i.e. where this would address an identified need for such properties and where the standards can be justified. The Written Ministerial Statement (WMS) dated 25th March 2015 stated that “the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”.

7.1.3 All new homes are built to Building Regulations Part M Category 1 Standards which include such adaptations as level approach routes, accessible front doors and wider internal doors and corridors. If the Government had intended that evidence of an aging population alone justified the adoption of the higher Part M Category 2 or 3 optional standard, then these would have been incorporated as mandatory into the Building Regulations.

7.1.4 We have been unable to locate where the evidence of a need for these standards is contained within the evidence base. Without this evidence, these requirements should be removed from the Local Plan.

7.1.5 Whilst the concept of Self Build and Custom Build Housing is supported, the inclusion of plots on large scale sites does not add to the supply of houses overall (it merely changes the housing mix from one product to another). It is also difficult to assess how it will be implemented given issues around working hours, site access, health and safety etc. that are associated with large scale development sites. The percentage of provision on sites should also be determined on detailed evidence of need and the provision of these plots should also be subject to viability testing.

7.2 Policy HP06: Standards for New Housing

7.2.1 Policy HP06 requires all residential development to have to comply with the Nationally Described Space Standards (NDSS).

7.2.2 If the Council wishes to adopt the NDSS as a policy requirement, then this should only be done in accordance with the Revised Framework footnote 46 i.e. where this would address an identified need for such properties and where the standards can be justified. The WMS dated 25th March 2015 stated that “the optional new national technical standards should only be required through any

new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the NPPG”.

- 7.2.3 We have been unable to locate where the evidence of a need for these standards is contained within the evidence base. Without this evidence, these requirements should be removed from the Local Plan.

8 CONCLUSION

8.1 Overall Conclusion

- 8.1.1 Critical to the success of the South Essex area will be the timely production of the JSP which will define the major growth areas to meet the housing and employment needs across the area and will inform the preparation of the individual Local Plans.
- 8.1.2 It is essential that through this process, the full needs for housing and employment are met in the areas that people want to live. It is also imperative that the major policy constraint of Green Belt is reviewed in a strategic manner which allows full need to be met and ensures that the new boundaries endure beyond the JSP plan period.
- 8.1.3 The impact of London will have a heavy influence on the future developments needs of the area and this must also be taken fully into account through the preparation of the JSP.
- 8.1.4 It is also considered that in order to give the JSP the weight it needs to ensure that the constituent Local Plans deliver its outcomes, the JSP should be a statutory plan which follows the requisite plan preparation process of consultation and subsequent examination.
- 8.1.5 Gladman have some fundamental concerns with the BLP, particularly with the identification of the level of housing need in the Plan and the implementation of a stepped approach to housing delivery, which would render the BLP unsound if they are not addressed.
- 8.1.6 Gladman therefore request the right to participate in any forthcoming Local Plan Examination to discuss these concerns orally.