

Brentwood Borough Council Regulation 19 Consultation Draft Local Plan Policy E10 – Codham Hall Farm

Prepared by Strutt & Parker on behalf of S&J Padfield and Partners

March 2019

Site Name:	Codham Hall Farm (Policy E10)
Client Name:	S&J Padfield and Partners
Type of Report:	Local Plan Representation
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1.0 Introduction

- 1.1 These representations have been prepared by Strutt & Parker on behalf of S&J Padfield and Partners (S&J Padfield). They are submitted pursuant to Brentwood Borough Council's (BBC's) Regulation 19 Pre-submission version of the Consultation Draft Local Plan.
- 1.2 S&J Padfield are the landowners of land at Codham Hall Farm, which is currently utilised for employment purposes. The site is within a strategic location to the north of the A127 at M25 Junction 29, benefiting from these strategic road links.
- 1.3 The site is proposed to be allocated under Policy E10 for 9.6ha of employment and 8.0ha of landscaping. The site currently supports approximately 350 jobs, contributing significantly to the provision of jobs to support the growth of the Borough.
- 1.4 Representations have previously been made on behalf of S&J Padfield throughout the plan making process, most recently to the 2018 Focused Review consultation.
- 1.5 The following sections set out the proposals in the context of the Regulation 19 Draft Local Plan, commenting on draft policies considered relevant to securing the delivery of the strategic employment sites, and Site E10 in particular.
- 1.6 Where any concerns are raised, specific changes to the relevant policies are sought and these are indicated in the following representations in order to assist BBC making the Plan more robust and improving its soundness in terms of being positively prepared, effective, justified and consistent with national policy.
- 1.7 S&J Padfield requests the right for its professional advisors to provide further responses on any matters appropriate to their land interests at the relevant sessions of Examination of the submitted Local Plan.

2.0 Comments on Regulation 19 Local Plan

Section 3 – Spatial Strategy, Visions, and Objectives

- 2.1 Section 3 of the plan sets out the Spatial Strategy, Visions, and Objectives of the Local Plan, and how it seeks to deliver the required development to support the needs of the Borough. Strategic Objectives are set out on page 38.
- 2.2 We support the wording of policies SO1 and SO3 in particular.
- 2.3 SO1 seeks to deliver growth in sustainable locations. In order for the Local Plan to be sound, it is essential that it ensures the Borough's growth is managed and sustainable. As per the National Planning Policy Framework (NPPF) (paragraph 8), achieving sustainable development means pursuing environmental, social and economic objectives; recognising these objectives are interdependent and mutually supportive. It is critical that these objectives are carried forward into the detailed policies and allocations of the Local Plan.
- 2.4 We support strategic objective SO3. In particular, we welcome its recognition of the importance of the economic climate to the borough's communities. We support the recognition of the importance of identifying opportunities for economic growth – the NPPF is clear on the need for Local Plans to look to realise opportunities for development.
- 2.5 Also set out in the Strategic Objectives is the reasoning behind the Various Growth areas set out in the plan. We broadly support the identified growth areas and the strategy, which seeks to deliver growth along the established transport corridors of the A127 and A12. Paragraph 3.21 part b) sets out the proposals for delivering employment growth in the M25/A127 areas.

Section 5 – Transport and Connectivity

- 2.6 Section 5 of the Local Plan seeks to ensure that transport infrastructure is delivered alongside the housing and economic growth.

- 2.7 We support the intent of Paragraph 5.105 in seeking to improve sustainable transport measures in the South Brentwood Growth Corridor. We would caution that transport improvements should be undertaken and required on a site specific basis, recognising the scale of new growth at each location. In the case of site E10 at Codham Hall, the employment uses on site are existing and therefore the allocation will provide for modest further growth, which should be recognised in considering any transport improvements required.

Policy BE13 – Sustainable means of travel

- 2.8 Policy BE13 refers to sustainable means of travel, setting out criteria for new development. Sites allocated for development have site specific policies within the Local Plan, which include criteria on transport and it is not currently clear whether Policy BE13 imposes additional requirements. In order to be effective in accordance with the tests of soundness, Policy BE13 should therefore be clearer that it does not impose additional requirements.

Section 7 – Prosperous Communities

- 2.9 Section 7 of the Local Plan sets out how the Local Plan seeks to maintain and create prosperous communities, with economic growth a key part of this. Policy PC02 sets out that provision is made for 5,000 additional jobs over the Plan period, with a total of circa 47.39 ha of new employment land allocations and continued support for existing employment sites. Such an approach is positively prepared, seeking to support employment growth within the Borough.
- 2.10 The allocation of Codham Hall supports the existing employment on site and plays a part in delivering such employment and jobs, potentially allowing the growth of the existing employment area over the plan period. As recognised in the Local Plan, the A127 corridor provides an opportunity for sustainable economic growth along this strategic route, with Codham Hall Farm providing such sustainable economic growth.
- 2.11 To understand the jobs growth in the Borough, an Economic Futures 2013-2033 report has been prepared by Lichfields to support the Local Plan. The Economic Futures report sets out a range of scenarios, forecasting a need between 20.3 ha and 8.1 ha of land to be used for Class B employment uses.

- 2.12 The Local Plan seeks to allocate an additional 47.4 ha of employment land, in part compensating for the loss of 21 ha of existing allocated employment land to other uses.
- 2.13 The Local Plan also anticipates there could be a further loss of employment land over the plan period due to structural change, changes in allocation threshold and changes of use through permitted development, forecasting a loss of 4.65 ha over the plan period.
- 2.14 Figure 7.5 of the Local Plan sets out that there is therefore a need for 33.76 to 45.96 ha of new employment land to be allocated. The 47.4 ha allocated is therefore over the highest anticipated requirement.
- 2.15 The approach of allocating more employment land than anticipated to be needed is positively prepared, providing a buffer should the loss of current employment land be greater than anticipated. Allocating further employment land could assist in providing greater flexibility should sites not come forward as intended or greater losses in employment space occur.
- 2.16 At 9.6 ha of employment land, the Codham Hall site is one of the largest employment sites with only 3 sites being over 6 ha and the remainder comprising numerous smaller sites. Codham Hall therefore provides a significant proportion of the employment land requirement, albeit this consists of existing businesses, and it is important that its development is supported and encouraged. Its allocation therefore assists in the Local Plan strategy relating to economic growth being positively prepared and justified.

Policy PC05 – Employment Development Criteria

- 2.17 Policy PC05 sets out criteria for employment development. Similar to concerns raised with Policy PC03, it is currently ambiguous whether this applies to employment development coming forward on allocated employment sites. To ensure the Local Plan is effective and to avoid inconsistencies, Policy PC05 should be clear that it does not apply to allocated employment sites.

Policy NE9 – Green Belt

- 2.18 Policy NE9 states that ‘Green Belt within Brentwood Borough (as defined in the Brentwood Policies Map) will be preserved from inappropriate development...’. However, despite this wording no Policies Map has been published.
- 2.19 Appendix 4 of the Local Plan sets out that maps detailing various changes, including Green Belt boundary amendments, will be provided for Regulation 19 consultation and there will be a combined policies map.
- 2.20 The Policies Map is an important aspect of the Local Plan and should be published to provide clarity over the Green Belt boundaries to ensure these are clearly defined for all parties and that it can be protected from inappropriate development in accordance with Policy NE9 and the NPPF.
- 2.21 Once the Policies Map is published we may have further comments on behalf of our client in relation to the Green Belt boundaries and whether these are fully justified and reserve our position to be able to do so at the appropriate time.

Policy E10 – Codham Hall Farm

- 2.22 Policy E10 sets out that the site is allocated for employment use as shown in Appendix 2 of the Local Plan. 9.6 ha is allocated as employment land with 8 ha to provide for landscaping, amenity, access and ancillary uses to support the sustainability of the site.
- 2.23 We support the allocation of the site for employment purposes and removal of it from the Green Belt, being justified, effective and consistent with national policy.
- 2.24 The allocation of the site will recognise the long term employment use of the site, whilst supporting future applications for further economic growth. Being one of the largest employment sites in the Borough, the protection and support of this employment land is an important aspect of the Borough’s economic growth over the plan period.
- 2.25 The Economic Futures 2013-2033 report published within the Local Plan’s evidence base suggests the site can deliver an additional 100 jobs over the plan period, which

we consider a conservative estimate. The site has the potential to deliver a significant number of jobs over the plan period, supported by its allocation as an employment site.

Removal of Site from the Green Belt

- 2.26 The NPPF is clear that authorities should seek to meet housing and economic growth within their boundaries, and that Green Belt boundaries can be altered through the preparation of a Local Plan where exceptional circumstances exist (paragraph 136).
- 2.27 The NPPF does not define what constitutes 'exceptional circumstances'. However, case law may assist BBC and the preparation of its Local Plan in this respect. In particular, the judgment in *Calverton Parish Council v Nottingham City Council & Ors.* [2015] EWHC 1078 (Admin) suggests (paragraph 51 of the judgement) the following matters are relevant in the consideration of whether exceptional circumstances exist:
- (i) The scale of the objectively assessed need;
 - (ii) Constraints on supply/availability of land with the potential to accommodate sustainable development;
 - (iii) Difficulties in achieving sustainable development without impinging on the Green Belt;
 - (iv) The nature and extent of the harm to the Green Belt; and
 - (v) The extent to which impacts on the purposes of the Green Belt may be mitigated as far as practicable.
- 2.28 In respect of the first three points, through the plan-making process, BBC has evidenced a substantial need for development; and there are clearly severe limitations on options to meet this need without altering the Green Belt with 89% of the Borough currently falling within the Green Belt. Similarly, options to deliver sustainable development without amendments to the Green Belt boundary are very limited.
- 2.29 In respect of the fourth and fifth points, a Green Belt Review has been published as part of the Local Plan consultation. Within this, the site was assessed as overall making a low-moderate contribution towards the purposes of the Green Belt. Of all the 23 potential employment sites assessed, only 7 received a score of low-moderate or low, being the remaining scoring moderate or above.

- 2.30 It is noted the most recent Green Belt assessment only assesses the site to be allocated as employment land and not the land allocated for landscaping. This was previously assessed by BBC as part of a much wider parcel of land in an earlier version of the Green Belt assessment, which did not provide a site specific assessment. An assessment of the site as a whole was undertaken by Liz Lake Associates (as submitted with Regulation 18 representations), which found the whole site does not contribute to the purposes of the Green Belt.
- 2.31 It has been demonstrated that removal of the site from the Green Belt will not cause significant harm to the Green Belt as a whole, with the fourth and fifth points of the Calverton judgment being met. Exceptional circumstances in accordance with paragraph 136 of the NPPF and the Calverton judgment have been demonstrated to justify amending the Green Belt boundary to remove the site.

Allocation Boundary

- 2.32 The allocation boundary is set out in Appendix 2 of the Local Plan, with two boundaries given. The existing employment area and some additional land is shown as white land, with surrounding land hatched in green.
- 2.33 It should be noted that BBC have not published an overarching policies map alongside the Local Plan, with the only maps being those in Appendix 2 of the Local Plan. These maps do not show the revised Green Belt boundary for the Borough.
- 2.34 In the absence of such detail on a map, or clarity within Policy E10, it is not clear whether the whole site is removed from the Green Belt which is not consistent with national policy or effective.
- 2.35 Policy E10 should therefore be clear that the site as a whole is removed from the Green Belt. With the majority of the site already being utilised for employment purposes and the whole site not contributing to the Green Belt purposes, making it explicitly clear that the site as a whole is removed from the Green Belt will be positively prepared, justified, effective and consistent with national policy.
- 2.36 It should also be noted that Codham Hall is the only employment allocation where the whole site is not shown as white land and has green hatching. It would be clearer and

more effective if the site as a whole was shown as white land to clarify that landscaping, amenity, access and ancillary uses are appropriate in this area. There is otherwise the risk that a planning application for such uses could be considered against Green Belt policies rather than as being in accordance with Policy E10.

Potential Access and Impact of Lower Thames Crossing

- 2.37 Land South of the A127 is allocated under Policy E11 as Brentwood Enterprise Park (BEP) to provide at least 25.85 ha of land for employment use and other ancillary development. This will therefore provide further facilities for employees at Codham Hall Farm, being within easy reach.
- 2.38 Policy E11 refers to infrastructure works needed, including potential access points via M25 Junction 29. There are also potential improvements to Junction 29 to provide a slip road from the A127 directly to the M25, which will have an impact upon the existing access from the M25 to BEP.
- 2.39 It is therefore important that the Codham Hall Farm allocation reflects the potential need for enhanced access through the site to the BEP. The plan included at Appendix A shows the potential land required to support the BEP access solution, which could affect the land currently shown as white land under Policy E10.
- 2.40 It is important to note that not all of the land will be required, and the plan is based on a series of access solutions that are currently being discussed with the LTC, Essex County Council and other stakeholders. Crucially, the plan shows the quantum of land that may be required from the Codham Hall allocation. It is considered that the employment land lost to support this access solution, if utilised, is sourced elsewhere on the site to ensure no overall loss.
- 2.41 This provides further justification to showing the whole site as white land within Policy E10, allowing the employment and ancillary uses to be located within the site as required without compromising the amount of employment floor space provided. Such flexibility in where the uses are provided will be justified and positively prepared.

Policy E10 Development Principles

- 2.42 Part B of Policy E10 sets out development principles for the site. Whilst the allocation on site is generally supported we do wish to raise objection to the wording in its current form.
- 2.43 Criteria b sets out a requirement to “protect and where appropriate enhance the adjoining Local Wildlife Site (Codham Hall Wood)”. The site is outside of the allocation area and our client’s control. The policy should therefore not require enhancement and this part of the requirement should be removed.
- 2.44 Criteria c states “preserve and where appropriate enhance the Public Right of Way through Site”. Whilst the need to maintain public rights of way is recognised the current wording fails to provide for potential diversion if required. This should be allowed for in the policy wording.
- 2.45 Criteria d requires the “provision of improved walking and cycling connections within the site and to the wider area.” This is a regulation of an existing site and new development proposals are likely to be focused on smaller scale improvements or new provision on site. These are unlikely to in themselves always justify improved walking and cycling connections and this requirement should accordingly be changed to state “potential to walking and cycling connections”.
- 2.46 Paragraph 9.219 of the Local Plan expands upon this and seeks the submission of a workplace travel plan to promote the benefits of sustainable transport. In the case of site E10 it is important the policy recognises that this is regularisation of existing uses and that additional infrastructure improvements are unlikely to be justified.
- 2.47 A Framework Travel Plan will consider the implications of increased growth at the Codham Hall Farm site and opportunities for sustainable transport. There is currently no travel plan in place on the site for the existing employment uses, with the production of a travel plan for the whole site therefore being an improvement of the current situation and a benefit of allocating of the site.

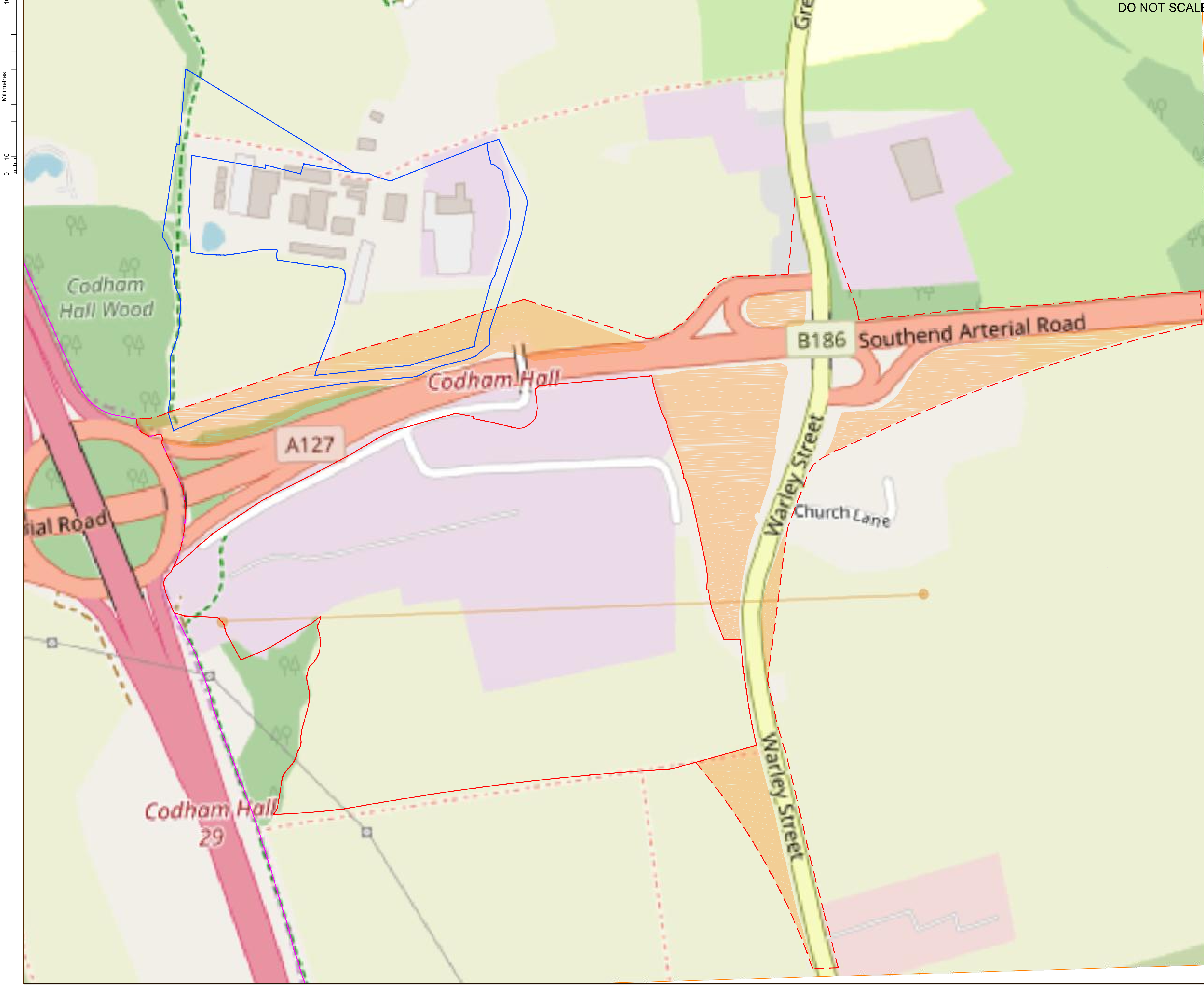
3.0 Summary

- 3.1 Overall we support the removal of the Codham Hall Farm site from the Green Belt and its allocation for employment. BBC have identified a high rate of housing and economic growth which the Local Plan seeks to meet within the Borough, being positively prepared in this regard.
- 3.2 With 89% of the Borough currently identified as Green Belt, BBC have been required to review the Green Belt boundaries for both housing and economic growth. In respect of Codham Hall Farm, we support the conclusion that exceptional circumstances have been demonstrated to justify amending the Green Belt boundary in accordance with paragraph 136 of the NPPF.
- 3.3 Policy E10 fails to be fully effective at the current time as it contains two red line boundaries for the allocation and it is ambiguous whether the whole site is to be removed from the Green Belt. We consider that exceptional circumstances have been demonstrated to support the removal of the site as a whole from the Green Belt, with such an approach being sufficiently clear for all parties and providing support for future applications on the site. We therefore consider it necessary for an amendment to be made to Policy E10 to clarify that the whole site is removed from the Green Belt to ensure the policy is justified and effective.
- 3.4 Amendments to the wording of Policy E10 should be made to reflect the nature of the site and that this allocation covers existing employment uses rather than new provision.
- 3.5 BEP is located to the south of the site on the opposite side of the A127, with this development providing further ancillary facilities which could also be used by the employees of Codham Hall Farm.
- 3.6 There could be a requirement for an enhanced access link through the Codham Hall Farm site to BEP depending upon improvements to the A127 and M25 Junction 29. This provides further justification to making Policy E10 explicitly clear that the whole site is removed from the Green Belt to ensure any future application is supported by BBC.

- 3.7 Whilst we support the allocation of Codham Hall Farm for employment, we have raised some areas of concern with the soundness of parts of the Local Plan under paragraph 35 of the NPPF. We therefore welcome the opportunity to engage with BBC and the Inspector at the Local Plan Examination hearing sessions to explore these concerns and suggested amendments further.

Appendices

Appendix A



DO NOT SCALE

100
Millimetres
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SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following:

CONSTRUCTION
MAINTENANCE/CLEANING
DECOMMISSIONING/DEMOLITION

It is assumed that all works will be carried out by a competent contractor working, where appropriate, to an approved method statement

LEGEND

- ADDITIONAL AREA OF GREENBELT LAND POTENTIALLY REQUIRED FOR BRENTWOOD ENTERPRISE PARK SITE ACCESS (INCLUDING PUBLIC HIGHWAY)
- BRENTWOOD ENTERPRISE PARK SITE ALLOCATION (E11)
- CODHAM HALL SITE ALLOCATION (E10)
- ADDITIONAL AREA OF GREENBELT LAND POTENTIALLY REQUIRED FOR BRENTWOOD ENTERPRISE PARK SITE ACCESS (EXCLUDING PUBLIC HIGHWAY)
- BOUNDARY BETWEEN BRENTWOOD BOROUGH COUNCIL AND LONDON BOROUGH OF HAVERING

Rev.	Date	Description	By	Chk'd	App'd

Drawing Status: **WORK IN PROGRESS** Suitability: **S0**

DRAFT

Client: **ST MODWEN**

Project Title: **BRENTWOOD ENTERPRISE PARK**

Drawing Title: **AREA OF ADDITIONAL GREENBELT LAND POTENTIALLY REQUIRED FOR ENTERPRISE PARK SITE ACCESS**

Scale	Designed	Drawn	Checked	Authorised
NOT TO SCALE	KMcC	KMcC	X	X
Original Size	Date	Date	Date	Date
A1	15/03/2019	15/03/2019	X	X

Drawing Number: **APPENDIX C** Revision: **P01**

Internal Project Number: XXXXXXX