



# 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](http://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](mailto: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](http://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	On behalf of S&J Padfield and Partners
First Name	James
Last Name	Firth
Job Title (if applicable)	Director – Head of Chelmsford Planning
Organisation (if applicable)	Strutt & Parker
Address	Coval Hall Rainsford Road Chelmsford
Post Code	CM1 2QF
Telephone Number	01245 254610
Email Address	james.firth@struttandparker.com

## 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	S&J Padfield and Partners c/o James Firth
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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).

Policy E10

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

### **Policy E10 – Codham Hall Farm**

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.

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.

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.

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**

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).

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.

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.

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.

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.

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

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.

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.

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.

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.

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

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.

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.

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.

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.

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

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.

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.

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.

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”.

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.

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.

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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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.

As set out, we consider the Local Plan to be unsound and have recommended modifications to rectify this. We therefore wish to participate orally at the Examination to explore these issues and modifications further.

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.