



**BRENTWOOD
BOROUGH COUNCIL**

Brentwood Pre-Submission Local Plan (Regulation 19)

January 2019

COMMENT FORM

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

www.brentwood.gov.uk/localplan

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

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

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

How to complete the representation form:

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

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

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

which adheres to the requirements as set out in the National Planning Policy Framework (NPPF), planning practice guidance, and other relevant planning regulations & legislation.

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

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


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

Data Protection

All personal information that you provide will be used solely for the purpose of the Local Plan consultation. Please note whilst all addresses will be treated as confidential, comments will not be confidential. Each comment and the name of the person who made the comment will be featured on the Council's website.

By submitting this form, you are agreeing to the above conditions.

Section A: Personal Details

Title	Mr.
First Name	James
Last Name	Govier
Job Title (if applicable)	Planning & Development Surveyor - Associate
Organisation (if applicable)	The JTS Partnership LLP, on behalf of the Ursuline Sisters, Brentwood
Address	
Post Code	
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	James Govier
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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).

Appendix 4 – Proposed Changes to Policies Map

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

The Plan is not legally compliant as not all submission documents required to form a Local Plan, namely a Policies Map, have been produced during all the stages of consultation.

The Appendix 4 of the pre-submission, Regulation 19 Document identifies that the production of a new Policies Map will require changes to the 2005 Proposals Map. Maps setting out the changes to the Plan were stated to be published as part of the Regulation 19 but this has not happened. As such, the plan preparation and consultation process has not adhered to requirements in failing to publish all relevant documents for consultation.

In particular, the adopted Replacement Local Plan (2005) identifies land within Protected Urban Open Space (PUOS), a matter addressed with Emerging Policy BE23. The policy makes specific reference to the Brentwood Policies Map in identifying such designated areas.

“POLICY BE23: Open Space, Sport And Recreational Facilities

- 1. Within the borough's urban areas, permission will not be granted for development of land allocated on the Brentwood Policies Map as Protected Urban Open Space or Local Green Space unless it can be demonstrated...”*

However, in assessing open spaces position within the Borough, the Council rely on the Sport Leisure and Open Space Assessment, 2016, which considers the contribution sites with the PUOS designation make, assessed against three criteria:

- **Public Accessibility;**
- **Recreational Value; and**
- **Amount Value.**

Sites such as land at Playfield at Brentwood Ursuline (Sport Leisure and Open Space Assessment, 2016, Appendix 12, Site ID:19b) score very low against these criteria and, therefore, the justification for its retention within the PUOS designation does not exist.

We have made representations on this land through the Local Plan Review process, including specific reference at the Call for Sites, 2009 and the Issues and Options Consultation 2013. More general comment has been made in respect at the Council's spatial strategy of focusing on the sequential use of land, which prioritises brownfield land first and then considers growth in settlements in terms of their relative sustainability, at the strategic Growth Options consultation 2015 and the Preferred Sites Allocation consultation 2018.

These representations have identified the little contribution the site at the Ursuline

Playing field (Site ID: 19b) makes to open space and the worthiness of removing it from the designation to allow for its potential development as a parcel in a central urban area and very well located to the town centre, the public transport network, public open space and other services.

However, without having had the opportunity to view the new Policies Proposal Map at any stage during the consultation process, the designation of this piece of land is unknown and, thus, the ability to make detailed comments on such matters has been denied.

In addition, the soundness of the Plan is brought into question where decisions made on the extent and location of designations, such as Protected Urban Open Space, have not been published. Thus, no judgement can be made as to whether such decisions/designations are justified and supported by the evidence base and whether the Plan, in this respect, is sound.

If it is the case that the PUOS designation remains unchanged from the 2005 Proposals Map, this position is not supported by the evidence base which scores the subject site (Site ID: 19b) very lowly against the assessment criteria. However, without confirmation in the form of a new Policies Map, this position is unclear and the Respondent is prejudiced by it.

The Respondent in this case would wish to reserve the right to make representation on the extent of the Protected Urban Open Space designation, as they see fit, once the Policies Proposal Map has been made publically available.

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.

Publication of the Policies Proposals Map to enable it to be consulted upon and to provide context to the references to it within the draft Submission Plan.

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.

Failure to publish the Policies Proposal Plan has denied the opportunity to make representation on aspects of it, specifically the extent of the Protect Urban Open Space designation.

The EIP will enable discussion and understanding of the extent of such designations and questioning as to whether they are supported by the evidence base.

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.