

# **Brentwood District Council Regulation 19 Consultation Draft Local Plan**

**E11 - Brentwood Enterprise Park, M25 Junction 29**

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Prepared by Strutt & Parker on behalf of St. Modwen

March 2019

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Site Name:	Brentwood Enterprise Park (E11)
Client Name:	St. Modwen
Type of Report:	Local Plan Representation
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## **1. Introduction**

- 1.1 These representations have been prepared by Strutt & Parker on behalf of St Modwen Developments Limited ("St Modwen"). They are submitted pursuant to Brentwood Borough Council's (BBC) Pre-submission Version of the Regulation 19 Consultation Draft Local Plan ("Draft Local Plan"), and in particular, with regard to the proposed allocation of the Land south of the A127 at Junction 29 as the proposed Brentwood Enterprise Park (BEP).
- 1.2 This representation sets out St Modwen's position in relation to the commercial site specific allocation ("BEP Site") which is proposed by Policy E11 in the Draft Local Plan. St Modwen has an interest in the BEP Site pursuant to a development agreement dated 23 June 2015. The freehold owner of the BEP Site is Christopher Scott Padfield.
- 1.3 The draft allocation proposed by Policy E11 is the single largest employment allocation within the Draft Local Plan, comprising a developable area of 25.85ha of employment land. The BEP seeks to deliver approximately 2,000 jobs in a sustainable location. The BEP Site therefore plays a particularly important role in providing a significant element of BBC's employment land requirements. The BEP site will contribute 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 and St. Modwen in respect of this site throughout the plan making process and most recently to the 2018 Draft Local Plan – Preferred Site Allocations Consultation.
- 1.5 The BEP Site is located at M25 Junction 29 to the south of the A127. It should be noted that another employment site included within the Draft Local Plan, at Policy E10 (Codham Hall Farm), is situated to the north of the A127.
- 1.6 This Regulation 19 representation is focussed on the soundness of the Local Plan, as per paragraph 35 of the NPPF (i.e. whether this draft Local Plan is positively prepared; justified; effective, and consistent with national policy); and legal compliance.
- 1.7 The Draft Local Plan represents the proposed final version of the Local Plan for the borough, and is supported by a raft of technical studies and evidence.

- 1.8 Due to the binary nature of consultation at this stage (which is recognised as a function of the regulations<sup>1</sup>) where changes are suggested to ensure the Local Plan is sound and / or legally compliant, these are expressed as objections. However, we wish to stress that fundamentally, and particularly in relation to the proposed allocation of new employment land at the BEP Site, we support the Draft Local Plan.

#### Brentwood Enterprise Park

- 1.9 The BEP provides in the region of 26ha of employment land as part of a successfully masterplanned proposal within a wider site of 35.5ha, to also include ancillary landscaping works. It is intended that the proposed development at the BEP Site will provide new floorspace for a range of B-use classes, supporting jobs and employment growth in a range of sectors including (but not necessarily limited to) storage & distribution, office space, and professional services.
- 1.10 The following sections set out the proposals in the context of the Draft Local Plan and provide commentary on the draft policies insofar as they are relevant to the delivery of new employment floorspace, and particular in respect of the BEP Site allocation at Policy E11.
- 1.11 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 in ensuring the Local Plan is sound, in terms of being positively prepared, effective, justified and consistent with national policy.
- 1.12 St. Modwen requests the right for its professional advisors to provide further responses on any matters appropriate to their land interests at the relevant sessions of the examination of the submitted Local Plan.

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<sup>1</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

## 2. Policy E11 – Brentwood Enterprise Park

- 2.1 We wish to make clear that we support the principle of this policy and the vast majority of it is sound. However, we consider there are elements of this policy which are not effective and justified, and therefore require modification. As such, and given the binary nature of consultation at this stage, this response is expressed as an objection.

### Policy E11 part C d)

- 2.2 We do not concur with part C d) of Policy E11. This part of the policy presently requires that the public right of way is preserved and enhanced. Whilst it is recognised that the right of way will need to be maintained, this may be through appropriate diversion if required. The policy wording presently is ambiguous in this regard and may imply that the right of way must be preserved in its current form. This could pose a risk to delivery and would not be a justified and effective approach in accordance with the tests of soundness set out at paragraph 35 of the NPPF. Accordingly, we request that subparagraph 'd.' of part C of Policy E11 be amended so that it reads as follows:

*“preserve, through diversion if necessary, and where appropriate enhance the existing Public Right of Way through the site”.*

### Policy E11 part D c), d) and e)

- 2.3 Furthermore, we consider that the references to infrastructure requirements in subparagraphs c., d. and e. of part D of Policy E11 should be amended to make clear that such provision will be required where appropriate. The wording at present is overly prescriptive and lacks flexibility would not therefore be a justified and effective approach in accordance with the tests of soundness set out at paragraph 35 of the NPPF. It may not, for example, be appropriate to provide direct walking connection towards junction 29 and the western site boundary.
- 2.4 With regards to public transport links we consider it important to recognise the site is one of a number of growth locations and should not be responsible for provision of new transport links alone. As identified in the transport work undertaken by Atkins on behalf of St Modwen, there is potential for accessibility to be provided through private shuttle bus services for example rather than formal public transport or buses. We consider that this part of the policy is not adequately justified, and while provision for bus access

and links to external walkways and cycle ways is supported in principle, the implementation of a wider strategy for sustainable travel and public transport should be delivered by the appropriate local authorities, with relevant contributions sought from developers where the legal tests relating to planning obligations (i.e. regulation 122(2) of the Community Infrastructure Levy Regulations 2010) are met. In this regard, we are aware of the strategy put forward for public transport in this area, as outlined in Appendix G of the Transport Assessment. This is discussed later in the representation, and the wider interaction with other allocations in the Southern Growth Corridor concerning the implementation of this strategy is supported.

2.5 We consider this part of the policy should be amended to read:

- c. provide well-connected internal road layouts which allow good accessibility for bus services or sustainable transport measures where appropriate*
- d. potential travel planning measures and connection to new public transport links with the surrounding area; and*
- e. provision for walking and cycling connections within the site and to the surrounding area where appropriate*

#### Delivery of the BEP

2.6 The landowners and St. Modwen are committed to delivering the BEP scheme and continue to actively engage with the Council on a pre-application basis, and in terms of the delivery of the development proposals generally.

2.7 The reference in Appendix 2 to the BEP Site's delivery forecasting being "Years 5-15" should be amended instead to state: "Years 1 – 15" in order to reflect the intentions of the landowners and St Modwen and in particular the potential for early delivery of a phase of development using the existing access arrangements.

2.8 Importantly, as set out later in this representation, amendments to the allocation area and policies map are also required in order to provide for flexibility with regards to access options.

2.9 Other relevant policy considerations with regards to the allocation at Policy E11 and the supporting evidence base are set out below.

## Green Belt

- 2.10 Firstly, addressing the principle of Green Belt release, this is considered justified and consistent with national policy in the case of Policy E11; as well as being necessary to ensure the Local Plan is sound.
- 2.11 The NPPF states that if Green Belt boundaries are to be altered then this should be done through preparation or updating of plans (see paragraph 136), and only when exceptional circumstances are fully evidenced and justified.
- 2.12 The NPPF does not define what constitutes ‘exceptional circumstances’. However, case law does provide assistance in this regard. In particular, the judgment of the High Court in *Calverton Parish Council v Nottingham City Council & Ors.* [2015] EWHC 1078 (Admin) suggests (see paragraph 51 of the judgment) 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.
- 2.13 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. Similarly, options to deliver sustainable development – including through the realising the opportunities the Brentwood Enterprise Park presents – without amendments to the Green Belt boundary are very limited.

## Landscaping

- 2.14 In addition, the allocation also seeks to deliver landscaping and groundworks to further improve the visual amenity between the site and the surrounding landscape. Given the

Green Belt location of the site, we consider that provisions for landscaping within the site allocation policy is reasonably justified.

- 2.15 Furthermore, the Landscape Sensitivity and Landscape Capacity Study: Potential and Strategic Allocation Options report by Crestwood on behalf of BBC is supported. We note in particular Appendix L3 of the Landscape Sensitivity and Capacity Study finds that the site is Low Landscape Sensitivity, Low Landscape Value, with a resultant High Landscape Capacity (a high capacity site being more readily able to accommodate development).
- 2.16 Appendix L4, the Landscape Character Assessment (LCA), states Moderate Overall Sensitivity to Change, and considers the Site within the LCA as being Low (as L3 above). Appendix L5 summarises the capacity for development as High (the highest it can be). We agree that the site should be preferentially prioritised for development when considering effects on the landscape, and consider that the site is justified for inclusion in the plan on this basis. Further, it is considered the plan has been positively prepared in the way it has considered and identified sites that have are shown to have capacity in terms of effect on the surrounding landscape.

#### Economic Evidence Base

- 2.17 The Draft Local Plan evidence base includes input on the economic forecasts for the Council, including commentary on job growth, employment land requirements and how they relate with growth in other areas. The provision of around 2,000 jobs will undoubtedly aid in achieving the social aspect of sustainability in respect of the NPPF, providing employment opportunities to facilitate the growth of the borough.
- 2.18 The number of jobs and job capacity is largely derived from the estimate of employment floorspace. The Economic Futures document has estimated the number of jobs to be provided on the basis that all employment allocations come forward, while also stating that the purported numbers are indicative. Paragraph 4.1 sets out the methodology for calculating job capacity, with the report going on to state that BEP will provide a total of 4,070 new jobs. We do not consider this figure to be justified, principally because it is based on an over-assumption of the amount of office space that may be provided. The number of jobs will depend on final mix of uses however estimates based on employment density guidance indicates in the region of 2,000 jobs, due mainly to the lower estimation for the amount of office space to be provided by the scheme.



- 2.19 The economic evidence base supporting the quantum and location of employment land is considered in more detail in Section 5 of this representation in the context of Policy PC03 – Job Growth & Employment Land.

#### Transport and Access

- 2.20 The BEP Site allocation is ideally located to provide direct access to the strategic road network for the commercial vehicles that will be generated by the proposed business uses on the site. This will avoid the adverse impacts of commercial vehicles, including HGVs, on the local road network and local residents, that would be likely to occur if these business uses were located on an alternative site or sites that did not have direct access to the strategic road network.
- 2.21 As further discussed within this representation, studies have shown that access to the strategic road network for BEP which is compatible with the LTC proposals for J29 is achievable, and therefore the allocation of the BEP is not compromised by the LTC, should it be delivered.
- 2.22 The transport assessment undertaken to assess the potential impact of the Local Plan on the road network adopts a methodology that forecasts future demand based predominantly on historic trends, in terms of trip generation and background traffic growth. It does not fully account for the likely demand suppression that will occur due to worsening traffic congestion on the road network, i.e. constrained network capacity, which is known to be taking place and driving changes in travel behaviour including:
- a. Fewer and short journeys being undertaken through more working from home, combining trips, ordering of goods and services over the internet, etc.
  - b. Shift to using alternative modes of transport such as public transport, walking and cycling
  - c. Changes in the timing of journeys to avoid the most congested period
- 2.23 Additionally, emerging internet based services, such as ride sharing, mobility as a service and demand responsive public transport, are likely to further change the way that people choose to travel in the future, all of which are forecast to temper or lessen future traffic growth. The transport assessment undertaken in support of the Local Plan recognises that these changes in how people are travelling are already taking

place and are likely to accelerate, with evidence of this now being seen in the most recent travel statistics.

- 2.24 Consequently, the cumulative traffic demand on the road network forecast in the Local Plan should not be interpreted as the likely outcome of the Local Plan site allocations. Instead it should be considered as an indicator of overall travel demand to inform future policy aimed at accommodating it in a more sustainable way that avoids the 'very worst case' forecast traffic growth. The traffic forecasts in the transport assessment should not, therefore, be relied upon to inform specific requirements for road network capacity enhancement schemes, since to do so would very likely result in unnecessarily excessive and expensive schemes.
- 2.25 It is also noted that the trip generation forecast for BEP used in the Local Plan transport assessment is based on the site having an employment capacity of approximately 3,000 jobs, which is considered to be an over estimate. Based on industry standard employment densities for the likely mix of business uses on the BEP Site which is proposed by St Modwen, the employment capacity is forecast to be approximately 2,000 jobs. Therefore, the Local Plan transport assessment overestimates the likely trip generation for BEP by as much as 50%.
- 2.26 The indicative plan of potential sustainable transport linkages shown in Figure 3.14 – Southern Growth Corridor: Sustainable Transport, included in the Infrastructure Delivery Plan should only be seen as an example of how the proposed development sites along the A127 could possibly be linked by a package of sustainable transport measures. It should not be seen as representing the specific measures that will be implemented. This is because further detailed evaluation is required to establish if they represent the most appropriate proposals, taking account of the wide range of sustainable transport measures that could be adopted by the different sites, and to confirm their deliverability (recent discussions with other parties involved with land along the A127 have mentioned the use of compulsory purchase powers, which can be a costly and lengthy process).
- 2.27 While recent engagement with David Ubaka Placemakers and other stakeholders in the Southern Growth Corridor has shed further light on the proposed sustainable transport measures, there is considered to be more work required before a detailed solution is available. It should therefore be recognised that the package of sustainable transport measures that will be implemented for the sites along the Southern Growth

Corridor may ultimately be different to those presented in the Infrastructure Delivery Plan. The IDP itself is acknowledged to be a 'live' working document (see paragraph 1.2) and hence the final package of sustainable transport measures will be agreed at the planning application stage for the relevant development sites along the Southern Growth Corridor.

- 2.28 Fundamentally however, the allocation of sites including BEP, Childerditch Industrial Estate, West Horndon and DHGV along the A127 all make a strong business case for the implementation of a robust and efficient package of sustainable transport measures.

#### Lower Thames Crossing & Additional Land Required for Access

- 2.29 The BEP Site benefits from existing access to M25 junction 29 that can provide for a first phase of development and, in enhanced form, for access on a permanent basis should the Lower Thames Crossing not proceed.
- 2.30 Should the Lower Thames Crossing come forward, it is noted that latest proposals include potential slip roads at junction 29. This includes one running from the A127 westbound onto the M25 southbound at junction 29. The current proposals for the LTC would therefore conflict with both the existing and currently proposed access arrangements for the BEP.
- 2.31 Extensive liaison has been undertaken and will continue to be undertaken with representatives from Lower Thames Crossing, Highways England, Essex County Council, Peter Brett Associates and all other relevant parties. The Highways England LTC team have confirmed their commitment to proactively find solutions to allow BEP and the LTC to come forward in a manner which is mutually acceptable.
- 2.32 Key to this is an acknowledgement that certain land around junction 29 and the A127 will likely be needed for transport works should the LTC project proceed as currently envisaged. Accordingly, such land should be acknowledged in the Local Plan as being released from the Green Belt should it be required to provide works to allow for access to the BEP Site.

- 2.33 The plan at Appendix B shows the additional land that may be necessary to be released from the Green Belt in order for it to be developed for transport works to facilitate access to the BEP Site. Such release would only take effect if the land was needed for transport works to deliver access to the BEP Site.
- 2.34 At present, the options set out in Appendix B include land to facilitate access to junction 29, or to facilitate access to the BEP Site from the B186/Warley Street. This will likely include additional land to the north of the A127 to allow for potential access via junction 29 linking via an improved bridge, as well as land to the east including around the A127/B186 junction to allow for potential junction and slip road improvements. This includes land to the south along Warley Street to allow for potential realignment of the road / roundabout to provide access to the site.
- 2.35 Policy E11 must therefore be amended to acknowledge the above access options and to provide for the land to be released from the Green Belt for such purposes should that be required.
- 2.36 It is proposed that the policy wording seeks to ensure that works on this land are kept to the minimum necessary to facilitate the required access and highway improvements. It should also be noted that access infrastructure is likely to be at grade (or below) existing levels and would not add any significant volume/built structures to the land, and therefore any impact on openness would therefore be limited.
- 2.37 The need to maintain the possibility of achieving safe, satisfactory access arrangements to the largest employment land allocation in the borough in the context of the LTC is considered an exceptional circumstance, and therefore warrants this additional land to be removed from the Green Belt if required.
- 2.38 Further, Paragraph 146 of the NPPF sets out the forms of development that are not inappropriate in the Green Belt, provided they preserve openness and do not conflict with the purposes of including land within it. This includes, at point c), local transport infrastructure which can demonstrate a requirement for a Green Belt location.
- 2.39 This approach has been used in the nearby East Herts District, where the recently adopted East Herts District Plan 2018 found that in order to provide necessary highway capacity to meet the wider needs of existing residents and businesses, as well as for future growth, the connectivity over the River Stort requires significant improving. In accordance with the NPPF, the Council considered it appropriate for new crossings to

be located across Green Belt land, and as a result of the adopted plan, East Herts District Council are working with other LPAs and Authorities to explore landownership associated with the delivery of additional transport capacity, and also reviewed the use of CPO powers if deemed necessary. Whilst this approach could also be adopted in Brentwood there is a need for the Local Plan to provide for release of land from the Green Belt for access should this be required.

2.40 It is additionally noted the Brentwood IDP indicates the potential implementation of sustainable transport measures around the site. The release and identification of such land on the proposals map is therefore an important requirement for the Local Plan.

2.41 In order to achieve the above, we request that the first paragraph of Policy E11 is amended to read as follows:

*"Land south east of M25 Junction 29, as shown on Appendix 2, is allocated to provide high quality employment development and a significant number of jobs.*

*In addition, the areas of land (shown on the plan at Appendix 2) shall be released from the Green Belt for works to provide access to the site should this be necessary. The final extent of the land that is released for such works shall be identified in a planning application and shall be kept to the minimum necessary to provide an appropriate and safe access to the Brentwood Enterprise Park Site along with any associated highway and infrastructure works.*

*Development proposals for the Brentwood Enterprise Park site should consider the following:"*

2.42 The plan at Appendix 2 to the Draft Local Plan will need to be updated to be in line with the plan attached at Appendix B of these representations.

### **3. Section 3 Spatial Strategy, Vision and Strategic Objectives**

#### SO1: Manage Growth Sustainably

- 3.1 We support strategic objective SO1. In order for the Local Plan to be sound, it is essential that it ensures the borough's growth is managed, and in a sustainable manner. As per the 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.

#### SO3: Deliver Sustainable Communities with Diverse Economic & Social-cultural Opportunities for All

- 3.2 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.
- 3.3 Also set out in the Strategic Objectives section is the reasoning behind the identified key growth areas. We broadly support the identified key 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.

#### Growth Areas

- 3.4 We support the identification of the opportunity to provide a strategic employment allocation at the BEP Site. Such an approach accords with the Draft Local Plan's strategic objectives pertaining to the identification of economic growth opportunities, and thereby assists in ensuring this objective is effective. The BEP would deliver significant economic, social and environmental benefits, allowing it to come forward as a sustainable growth location to support the growth of the borough.
- 3.5 Fundamentally, the provision of employment land provides job opportunities and space to deliver economic growth not just in Brentwood, but throughout the region. The well-connected highway network and provisions for sustainable transport links will ensure

that the BEP Site provides employment space that will make best use of its location, set within easy reach of London, DP World, the Dartford Crossing and other notable businesses and employment centres. It is recognised in the plan that other proposed infrastructure projects, such as the Lower Thames Crossing, are most beneficial to distributors and companies that are of a certain scale, who will require larger spaces and facilities from which to run their businesses. As such, employment proposals such as BEP are required not just to provide economic growth and opportunity in their own right, but also to harness the opportunities granted by future infrastructure.

- 3.6 The provision of jobs and employment to support the borough's population is key and the social benefits of the BEP development would principally derive from the number of jobs provided by the development, enabling future and existing residents of the borough to live and work within the locality. It is intended that a planning application will be progressed immediately and delivery on site can come forward over the next 1-15-year period, potentially providing several years' worth of construction jobs and contracts in the construction sector alone.
- 3.7 Currently, St. Modwen's strategy continues to be for a planning application to be prepared for submission alongside the examination in 2019, targeting determination following receipt of the Inspector's Report and adoption of the Local Plan. This proactive approach, if reflected in an amendment to the BEP Site's delivery forecast, will lead to an effective plan that can allow for the site to come forward expediently to address the borough's employment land needs.
- 3.8 The site is a sustainable location for development for employment uses owing to its location adjacent to the strategic highway network. Supporting large-scale employment growth here negates the need for the delivery of further employment uses in less sustainable and less suitable locations.

Figure 3.1 – Key Diagram

- 3.9 The identification of an employment-led development in the south-west of the borough is supported. Such a location is well-connected to the strategic highway network, which as set out above, facilitates connections to other key employment centres. As such, the proposed approach in this regard is justified. The allocation of the BEP Site for new employment development is clearly very much consistent with national policy; and will make a significant contribution to ensuring the Local Plan is positively prepared. Indeed, if the Key Diagram were not to identify and promote realisation of

such an opportunity, we consider that such an approach could not be consistent with national policy or justified.



#### **4. Section 5 – Transport and Connectivity**

- 4.1 Successful delivery of the allocated development within the growth areas requires a grounded appreciation of the transport issues along the various corridors. Section 5 of the Draft Local Plan covers how the Plan seeks to develop a resilient built environment. Page 92 sets out the Transport and Connectivity related policies.
- 4.2 We support part C of Policy BE11: Strategic Transport Infrastructure, which sets out how the Council will continue to liaise with Highways Authorities and other key stakeholders to ensure the necessary improvements to ensure highway infrastructure capacity is maintained. We welcome BBC's proactive approach in this respect.
- 4.3 We support the wording in Paragraph 5.105 relating to the South Brentwood Growth Corridor, particularly the intent for BBC to work proactively with developers and stakeholders along the A127. We recognise the need to work collaboratively to address any transport impacts the BEP development may have on the highway network.
- 4.4 We concur with paragraph 5.107, which raises doubt on the scale and timelines associated with the impacts of the proposed Lower Thames Crossing. Having liaised extensively with the LTC teams, we are aware of the proposals and their relationship with the Brentwood Enterprise Park. We can confirm that the LTC teams and ourselves are committed to the realisation of both projects in a mutually acceptable manner and discussions are on-going in this regard.
- 4.5 Policy BE13 should acknowledge that site specific policies provide details of how sustainable travel opportunities will be achieved in respect of each site. Accordingly, Policy BE13 should be amended so that it is made clear that it does not have the effect of imposing any requirements on the allocated sites that are in addition to those set out in the individual site allocation policies.

## **5. Section 7 – Prosperous Communities**

- 5.1 The Economic Aims and Strategy priorities set out within Section 7.3 are supported. We consider these will help facilitate sustainable development, which is of course required to ensure the Local Plan is sound.
- 5.2 The Brentwood Enterprise Park will provide a range of employment types in a sustainable location. The proposals have been designed to reflect the need for a greater proportion of B-type use classes, supporting jobs in a range of industries that will make the most of the site's location adjacent to an established highways network, fundamentally meeting Economic Aim A1.
- 5.3 The scheme will provide in the region of 2,000 jobs on an area that makes up around 54% of the land identified for employment use within the Draft Local Plan. Economic Aim E2 seeks the provision of high value, diverse employment uses that will provide a significant number of high skilled and quality jobs.

### PC02: Job Growth and Employment Land

- 5.4 The Draft Local Plan has as part of its evidence base a document entitled 'Brentwood Economic Futures 2013-2033', prepared by Lichfields, which sets out the economic evidence base in support of the Local Plan. We have reviewed the available economic evidence and also considered the conclusions drawn from that document, in particular how it determines the amount of employment land required to support the needs of the borough throughout the next plan period.
- 5.5 Principally, we have some reservations as to the quantum of employment land that is proposed under the various scenarios considered as part of the study. While each of the scenarios has considered relevant factors conducive to understanding the amount of employment land required, we consider that the Council should be considering the Experian based forecasts set out under Scenario A as a minimum requirement of employment land. The other scenarios do not provide an adequately robust assessment of the land required to support the necessary employment growth.
- 5.6 In terms of the quantum discussed within the evidence base, the Local Plan forecasts a need between 20.3 ha (Scenario A) and 8.1 ha (Scenario D) for land to be used for B-class employment uses. The Plan seeks to allocate an additional 47.4ha (with BEP accounting for around 55% of this total allocation), allowing for the compensation of

the loss of 21. ha of current employment land to other uses. While it is positive that the Council has sought to address the loss of existing land, while also seeking to provide over and above the highest amount required by the Scenario A (Experian figures generated using SHMA data), we would consider the Council could be more proactive by allowing for a greater buffer beyond the requirement of land set out under Scenario A. Such a buffer would ensure flexibility, and therefore effectiveness, should any of the smaller site allocations not be delivered within the timescales envisaged.

- 5.7 The site's location on the outskirts of London is also considered to assist in addressing the trend for the reduction in B-class land uses within the capital. Situated adjacent to the M25 and A127, the site presents an attractive destination for London firms requiring B1c/B2 and B8 floorspace. Elsewhere in Brentwood, this ability to capitalise on the migration of such employment uses from London is not being realised, as the supply of land for industrial uses is below any of the closest competing Boroughs (Brentwood's supply of industrial land was just 205,000 sq m in 2015/16). In order to attract industrial employers and capture employment opportunities migrating from London, sites like Brentwood Enterprise Park are required to provide the required space and land uses.
- 5.8 Therefore, not only is BEP the foremost important asset for the Borough in terms of employment land, but especially as an option for the development of B1c, B2, and B8. The loss of the land allocation at BEP would seriously impede the borough's ability to grow in the future, and to take advantage of likely future geographical changes in location and demand for B-class employment uses.
- 5.9 When further considering and allocations required to deliver the number of jobs to be provided, it is critical that the Local Plan:
- a) Provides for sufficient flexibility to be able to respond to rapid change (as required by paragraph 11 of the NPPF); and
  - b) Does so in a manner that ensures the Green Belt boundary will not need to be reviewed before the end of the plan period (paragraph 136 of the NPPF).
- 5.10 In respect of this, it must be recognised that the borough is predominantly Green Belt. The Council has evidenced that the current Green Belt boundaries are required to be amended by the new Local Plan (which is appropriate, as per paragraph 136 of the NPPF). In reviewing the Green Belt boundaries at this juncture, it is important that the Council is confident that the amended Green Belt will not have to be altered again in five years, when the Local Plan is required to be reviewed. As such, in considering the

scale of land to be allocated to meet development needs through this Local Plan, it is important that a precautionary approach is taken so that the amount of land that is released from the Green Belt is sufficient to ensure delivery of the sites that are allocated in the Local Plan for development.

- 5.11 We therefore object to Policy PC02, on the basis that at the very least it should be amended such that land allocations are expressed as minimums. If Policy PC02 is amended to state that the allocation of 47.39 ha of new employment land is a minimum this will ensure that the plan is positively prepared, effective and consistent with national policy.

#### 7.19 and 7.20 Employment Land Provision

- 5.12 Having regard to our comments in respect of Policy PC02 – the need to ensure flexibility; and the need to ensure the revised Green Belt boundary will be capable of enduring beyond the plan period – the Local Plan must use the higher growth forecasts and plan accordingly. In addition, it is important that the Council is satisfied the proposed allocation of employment land is sufficient in respect of the requirements outlined in our response to Policy PC02 regarding the need for both flexibility and for the Green Belt to be able to endure during the plan period.

#### Policy PC03: Employment Land Allocations

- 5.13 Policy PC03 sets out a number of considerations which are intended to relate to existing and proposed employment sites identified in Figure 7.6. Brentwood Enterprise Park is listed as one such site in Figure 7.6 of the Draft Local Plan.
- 5.14 The Draft Local Plan also proposes a specific site allocation policy for the BEP, (Policy E11).
- 5.15 Policy PC03 contains a prescriptive list of the circumstances when non B-class uses will be permitted in respect of "Redevelopment or change of use of business, office, general industry and distribution". Given that Policy E11 refers to the possibility of development for uses other than B-class uses i.e. for "any associated employment generating sui generis uses" we assume this part of Policy PC03 relates only to existing employment sites. However, in order for the policy to be effective, the policy should be amended so that the opening paragraph reads as follows:

"Within those areas allocated for general employment and office development, set out in Figure 7.6 and on the Brentwood Policies Map, the Council will seek to achieve and retain a wide range of employment opportunities. Further details in this regard are set out in the individual site allocation policies.

In relation to existing employment sites redevelopment for non B-class uses will only be permitted where:"

Paragraph 7.23 – b) part i)

- 5.16 The reference to BEP within the context of opportunities for growth within the South Brentwood Growth Corridor is welcomed and supported. However, in our view the reference to "redeveloping brownfield land" in sub-paragraph (b)(i) is unnecessary given that the BEP Site has been assessed by the Council and considered to be suitable for strategic employment development. Accordingly, for purposes of clarity we request that sub-paragraph b. i. is reworded to read as follows: "developing land at Brentwood Enterprise Park (see Policy E11)". This would also correct the typographical error of "Site E01" which should instead refer to E11.

Paragraph 7.25

- 5.17 The NPPF calls for Local Plans to make use of development opportunities. The recognition that the Lower Thames Crossing represents an opportunity which Brentwood Enterprise Park will realise is supported, as this is consistent with relevant national planning policy.

PC05 – Replicates Site Specific policies

- 5.18 As currently worded, the Draft Local Plan is ambiguous as to whether this policy is intended to apply to proposed as well as existing employment land. If it is intended to apply to new allocations, then similar concerns to those that we expressed in relation to policy PC03 also apply here. To ensure the Local Plan is effective, to avoid inconsistency, and so that it is clear how a decision maker should react to development proposes, Policy PC05 should be amended to make clear it does not apply to the new employment site allocations because these policies have (as applicable) clear 'Development Principles' and 'Infrastructure Requirements'.

## **6. Section 8 – Natural Environment**

### NE08 – Lighting Restrictions

- 6.1 We support what we have inferred is the intended objective of this policy: to ensure lighting schemes are appropriate for the use to which they are associated, and potential harm arising from lighting schemes is minimised. In respect of policy BE08 A a) we suggest that, order to provide greater clarity as to how a decision maker should react to development proposals, it is acknowledged that employment land may well require the provision of lighting for security and operational purposes.

### Policy NE9: Green Belt

- 6.2 It is considered necessary (in respect of the effectiveness of the Local Plan and compliance with the NPPF, in relation to the need to ensure policies are not ambiguous) that the Local Plan makes clear where land is being removed from the Green Belt (such as in respect of the allocation contained in Policy E11). It is suggested that text is added to this policy to clarify that the Local Plan is altering the Green Belt boundaries.

### Policy NE13: Site Allocations in the Green Belt

- 6.3 The policy should be amended to provide clarity that sites are being removed to enable employment needs to be met, in addition to housing. It should be recognised that the development of employment uses has intrinsic community benefits, with resultant social and economic gains.

### Potential additional land required for access to Brentwood Enterprise Park

- 6.4 As covered in elsewhere in our representation, owing to factors arising from the proposals for the Lower Thames Crossing (LTC), it is considered that additional land may need to be released from the Green Belt in order to ensure appropriate access to the BEP Site can be provided.

## **7. Strategic Environmental Assessment / Sustainability Appraisal**

- 7.1 The Draft Local Plan is accompanied by a Sustainability Appraisal that has been prepared by AECOM, which assesses all sites put forward against a number of criteria in order to ascertain an overview of the sustainability credentials of a site or location. The SA concludes that the BEP Site is suitable for the intended proposals when considered on its own merits and when considered against other options within the borough.
- 7.2 Turning to the more specific aspects of the proposed allocation, the SA finds that the site scores moderately well when considered against other options for growth put forward at the various stages of plan preparation. While we agree with the allocation, and consider that the SA supports the sustainability of the site location, we consider that a number of the assessed criteria could be more accurately represented.
- 7.3 The SA broadly supports the inclusion of the Brentwood Enterprise Park within the plan, stating all sites will have good or excellent access onto the strategic highway network, and Brentwood Enterprise Park will provide an opportunity for high-end modern premises, along with appropriate ancillary uses, e.g. a hotel.
- 7.4 Table C from the Sustainability Appraisal is included above, showing how the BEP site (ref 101Aii) has been assessed against the criteria set out within the plan. It is noted that the site has been scored low in respect of relationship to Local Wildlife Sites, Ancient woodland and also with regard to Air Quality Management Areas (AQMA).
- 7.5 It is noted that the criteria in Table B of the SA state that the thresholds have been selected on the basis that County Wildlife Sites and Ancient Semi Natural Woodlands have a relatively low sensitivity. However, the proposed allocation at Brentwood Enterprise Park is adjacent to the Hobbs Hole, and does not directly intersect with it. While a medium score would be more appropriate in this regard, it is important to note that the proposed scheme also provide opportunities for the enhancement of the Hobbs Hole site through the provision of effective landscaping schemes and ecological management.
- 7.6 The criteria set out in Table B stipulates that a low score is given to sites in or adjacent to an Air Quality Management Area (AQMA), and a medium score will be given if located within a kilometre of an AQMA. Despite not satisfying either of these criteria, the site has scored low in respect of its effect on Air Quality Management Areas. The

Assessment justifies this, noting that growth along the A127 corridor can be expected to lead to increased traffic in the Brentwood town centre Air Quality Management Area, which is located some 5km to the north.

- 7.7 The SA does however follow this up by stating that “there is some uncertainty in respect of this conclusion, given the potential to deliver significant upgrades to walking/cycling and public transport infrastructure through a focus at DHGV, as well as to deliver employment and a local centre (to include a secondary school) on-site.” We support this view, and concur that the growth locations identified in the southern corridor cumulatively make a strong business case for the implementation of sustainable transport linkages and necessary infrastructure that will ultimately lessen the perceived effect on the nearest AQMAs. As such, we feel that a medium score would be more appropriate in this regard.
- 7.8 Finally, on the SA, it is considered to be ineffective to judge the merits of a site for employment use with regard to its proximity to services such as a GP, Primary School and Secondary School. While these services may be considered key to the delivery of successful residential allocations, they are not relevant indicators of sustainability of potential employment sites. The site has been scored low in all three aspects, due to the distance it is located from these services, and we also consider that these scores should be ‘NA’.
- 7.9 As such, the current SA may suggest the proposed BEP is less sustainable than it actually is and this references should be updated. However, it is also relevant to note that the SA is still considered this site as a merited allocation despite this.



## **8. Summary**

- 8.1 This representation has considered the Brentwood Borough Council Regulation 19 Draft Local Plan against the test of soundness as set out at Paragraph 35 of the NPPF, with specific reference made to the allocation of land for the development of the Brentwood Enterprise Park scheme.
- 8.2 The representation sets out how the plan, whilst fundamentally sound, is not completely justified or effective with regard to ensuring the adequate delivery of sufficient employment land to support the planned growth of the borough. Furthermore, references to certain of the draft policies and supporting evidence show that the plan should be amended to be more positively prepared and consistent with National Planning Policy.
- 8.3 Proposed modifications to the plan to address these matters are set out including in relation to Policy E11.
- 8.4 We request that we be invited to attend the relevant sessions of the forthcoming examination hearings in order that we can provide the Inspector with further oral evidence and explanation in support of these representations.

**Appendix A – Letter from Highways England regarding Lower Thames Crossing**



**Appendix B – Potential land required for access solutions (ref: 5183535-ATK-ZZ-DR-D-0001)**

