



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	Nicholas
Last Name	Pryor
Job Title (if applicable)	Planning Consultant – Senior Partner
Organisation (if applicable)	The JTS Partnership on behalf of Brentwood School
Address	44 St Peter's Street Canterbury Kent
Post Code	CT1 2BG
Telephone Number	01227 456633
Email Address	Nick.pryor@jtspartnership.co.uk

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	Nicholas Pryor on behalf of Brentwood School
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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).

Chapter 7 Community Infrastructure Policy PC15:Education Facilities

It is recommended that there is minor changes to the wording within the Policy. Under Policy B delete the word *demonstrable* before *need*. It is also considered unnecessary to have the additional wording that relates to the ECC's Developer's Guide to Infrastructure Contributions. If the proposals are clearly

associated with educational requirements which will be a matter of fact and degree then there is no need to turn to other schedules. Furthermore the link to the Essex County Council document does not provide a clear schedule of criteria to which the decision maker or applicant can turn. It is confusing and should be deleted.

We would recommend that the policy should now read *“Where there is a need for new educational facilities, planning permission will be granted for appropriate and well-designed proposals.”*

As explanation for such minor change it will generally be the education provider whether independent school, religious order or County Education Authority who will know what is needed to improve their overall education facilities either through direct education floorspace or ancillary or associated floorspace.

Comment is also made on Policy PC16: Buildings for Institution Purposes

In Policy A delete demonstrable before need. The Policy now reading *“A. Where there is a need for the facilities.....”*

Comment is also made in relation to the general text of paragraph 7.105. This is an unnecessary inclusion within the Plan. There may from time to time be need for minor loss of existing residential accommodation to facilitate a bigger objective of educational community facilities. An example given is the recent redevelopment of the Brentwood Prep School Site where the demands for new form of entry and enlarged educational facilities necessitated the loss of an existing caretakers house.

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 Local Plan will not be effective with respect to the policy issue raised as it creates an unnecessary hurdle by reference to using the word demonstrable and is confusing and not necessary to relate to another document such as the Essex County Council Developers Guide to Infrastructure Contributions.

Please continue on a separate sheet if necessary

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.

I have set out the modification to PC15 Education Facilities above but for ease of reference repeat here:

B. "Where there is a need for new educational facilities, planning permission will be granted for appropriate and well-designed proposals."

Please continue on a separate sheet if necessary

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.

The provision of educational facilities is an important part of the Local Plan and subject to any response of the Local Authority the point is best made orally.

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.