



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.

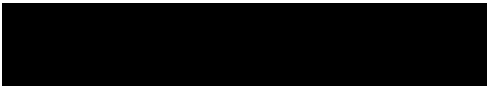
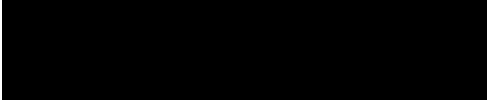
Please keep in mind the information provided above to assist with correctly completing your comment form. For additional information on what the difference is between a Regulation 18 and Regulation 19 Local Plan consultation, please view the FAQ's published on-line www.brentwood.gov.uk/localplan

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	Mrs
First Name	Pauline
Last Name	Roberts
Job Title (if applicable)	Planning Director
Organisation (if applicable)	Lichfields on behalf of CEG Land Promotions Limited (CEG)
Address	14 Regent's Wharf All Saints Street London
Post Code	N1 9RL
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	Lichfields for CEG
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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).

These representations deal with the following chapters in the Plan:

- Chapter 1. Introduction
- Chapter 2. Borough of Villages
- Chapter 3. Spatial Strategy – Vision and Strategic Objectives

In relation to Chapter 1, under Sustainability Appraisal, we also comment on the Sustainability Appraisal report (AECOM, January 2019).

Within our response to question no. 5 below, reference is made to specific pages, paragraphs and/or policies.

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

Chapter 1. Introduction

Duty to Cooperate (page 14)

Paragraphs 1.11 to 1.15 of the Local Plan briefly describe the Duty to Cooperate, its legal requirements in this regard and its commitment to cooperating with neighbouring authorities and key organisations on strategic planning issues. Paragraph 1.14 indicates the Council will publish a Duty to Cooperate Position Statement to describe the ongoing engagement and provide an update on the activities undertaken so far.

The Duty to Cooperate was introduced by the Localism Act 2011, and is set out in section 33A of the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. This is picked up in the National Planning Policy Framework (NPPF) which makes it clear that (paragraphs 25 – 27):

- (a) strategic policy-making authorities should collaborate to identify the strategic matters of relevance;
- (b) effective and ongoing joint working between strategic policy-making authorities and relevant authorities is integral to the production of a positively prepared and justified strategy; and
- (c) in order to demonstrate this, statements of common ground should be produced (in accordance with the Planning Practice Guidance (PPG) and made publicly available so as to ensure transparency.

The Position Statement makes it clear that engagement with a wide range of stakeholders has taken place over several years which is noted and supported, as it demonstrates a significant effort has been made. CEG can confirm such an effort has been made by the Council with them over the Dunton Hills Strategic Allocation. However, at present CEG is not convinced that the Position Statement demonstrates that the Council has complied with the duty. The Council itself describes the document as a 'snapshot' and an 'initial summary' suggesting more is being done.

The PPG places much more emphasis on statements of common ground as how strategic policy making authorities can demonstrate that a plan is based on effective cooperation and that they have sought to produce a strategy based on agreements with other authorities. The Council has not yet provided the level of detail set out in the PPG and this will need to be worked up in due course.

The PPG also indicates that as the duty relates to the preparation of the plan it cannot be rectified post-submission so if the Inspector finds that the duty has not been complied with the examination would not proceed further. It might well be the case that there is further evidence, to which the Council can point in demonstrating compliance with a duty but it does not appear to be publicly available.

CEG understands that discussions with various authorities and prescribed bodies are well advanced and that an updated Position Statement will be prepared prior to submission to fully document the level of cooperation and the extent of agreement reached.

It is noted that the Position Statement refers to Dunton Hills Garden Village (DHGV) and consultation with Homes England but makes no reference to consultation with other relevant authorities or prescribed bodies which CEG knows has occurred. The updated Position Statement and relevant Statements of Common Ground should explain the full extent of the cooperation and agreement that has been reached in relation to this Strategic Allocation, as CEG is aware that it has been very extensive.

Sustainability Appraisal (Local Plan, page 15) & Interim Sustainability Appraisal (January 2019)

The Planning and Compulsory Purchase Act 2004 makes clear that local planning authorities must carry out a process of sustainability appraisal alongside plan making. This approach is reinforced in the NPPF which states that local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant statutory tests. Sustainability appraisals are required to demonstrate how the plan has addressed relevant economic, social and environmental objectives and avoid significant adverse impacts, wherever possible.

The Council has prepared Interim Sustainability Appraisals throughout the preparation of the Local Plan and this has informed the Spatial Strategy. The latest Interim Sustainability Appraisal explains the seven alternative development scenarios considered and the reasons for supporting some scenarios over others. There is an assessment of each scenario against economic, social and environmental topics based upon the relevant evidence base for each topic. This assessment explains why some scenarios rank higher than others. The Interim Sustainability Appraisal is sound and has been prepared in accordance with legislative requirements and the NPPF.

CEG supports the conclusion regarding DHGV but considers that the Council should supplement the assessment of the options – this could be more empirical and provide a fuller explanation of the conclusions reached, with more cross reference to the outcomes of other evidence base. Furthermore, in considering landscape issues the assessment does not deal with the landscape capacity of sites or areas to accommodate new development.

South Essex Joint Strategic Plan (page 17 - 18)

The Council helpfully explains the progress that has been made on the Joint Strategic Plan (JSP) and the collaboration that has occurred on this. However, CEG considers that the relationship between the Local Plan and the JSP should be made clearer. It should be clearly explained that adoption of the JSP will only occur after the adoption of the Brentwood Local Plan and because of the timing the Brentwood Local Plan will contribute towards some of the growth requirements of the JSP. To address this, some modifications are suggested in response to question no. 6 below.

Chapter 2. Borough of Villages

CEG supports the characterisation of Brentwood as a Borough of Villages and the Borough Profile (February 2019) evidence base which describes the unique nature of a market town and surrounding villages set amongst countryside as fundamental to the Borough's character. CEG considers that it is entirely appropriate that this characterisation forms a central part of the Vision set out in Chapter 3 of the Local Plan.

Fig. 2.2 (Brentwood Borough Hierarchy) in the Local Plan draws from the existing and proposed settlement hierarchy diagrams set out in the Borough Profile, and shows in plan form how well the Local Plan proposals reflect the Borough of Villages character. This includes the DHGV proposal, which presents a very positive response to meet the Borough's housing needs and will fit into the hierarchy of settlements in the future as set out in Fig. 2.3 (Settlement Hierarchy) in the Local Plan.

Chapter 3. Spatial Strategy – Vision and Strategic Objectives

The Spatial Strategy identifies two growth areas which align with transport corridors; the Central Brentwood Growth Corridor and the South Brentwood Growth Corridor, within which DHGV is proposed. Development outside of these corridors will be limited to retain the local character of the Borough (paragraph 3.21).

The NPPF recognises that the supply of a large number of homes can often best be achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns (paragraph 72). The approach of planning for DHGV is consistent with this and retaining the local character of the Borough.

CEG supports the Vision, the Driving Factors, the Overarching Aims, Strategic Objectives and the Strategic Allocation of DHGV as part of the South Brentwood Growth Corridor set out in Chapter 3. The Spatial Strategy and Development Principles will deliver the Vision. Given the importance attributed to Brentwood as a Borough of Villages and the need for Brentwood to meet its housing needs, the Spatial Strategy is sound; it is positively prepared, justified and consistent with national policy.

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.

Chapter 1. Introduction

Duty to Cooperate (page 14)

An updated Position Statement should be provided prior to submission of the Local Plan to explain the full extent of the cooperation undertaken and agreement reached with local authorities and prescribed bodies. This update should make clear the position reached in relation to DHGV, given the importance of this Strategic Allocation to the Local Plan.

Sustainability Appraisal (page 15)

CEG considers a supplementary note or the like should be prepared by the Council to provide a fuller explanation of the conclusions reached in the Interim Sustainability Appraisal and how this has informed the Spatial Strategy which has been adopted.

South Essex Joint Strategic Plan (page 17 – 18)

The below modifications are proposed paragraph 1.38 to ensure the Local Plan is positively prepared and the relationship between it and the JSP is clearer:

*“Work on the Joint Strategic Plan is at an early stage with adoption ~~in 2020~~ **expected after the adoption of the Brentwood Local Plan**. The Brentwood Local Plan will contribute towards some of the growth requirements **of the Joint Strategic Plan**. ~~early in that Plan~~. However, Following the adoption of the Joint Strategic Plan it may be necessary to review the Brentwood Local Plan.”*

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.

CEG is a major stakeholder in Local Plan. It is the main developer behind the DHGV proposal which is a Strategic Allocation that will provide for a significant proportion of the housing need identified over the plan period.

DHGV is located close to the boundaries of Thurrock Council and Basildon Borough Council areas and they have previously taken an interest in issues relating to the planning and delivery of this new settlement.

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.