



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.

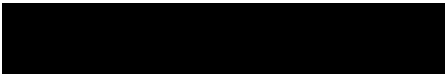
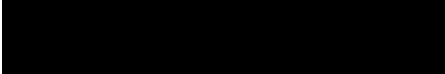
Please keep in mind the information provided above to assist with correctly completing your comment form. For additional information on what the difference is between a Regulation 18 and Regulation 19 Local Plan consultation, please view the FAQ's published on-line www.brentwood.gov.uk/localplan

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 relate to Chapter 5. Resilient Built Environment.

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

Policy BE02, Sustainable Construction (page 67 – 68) and Resource Efficiency and Policy BE03 Carbon Reduction, Renewable Energy and Water Efficiency (page 71 – 74)

Paragraph 153(a) of the National Planning Policy Framework (NPPF) states that *“In determining planning applications, local planning authorities should expect new development to: (a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable;...”*

Policy BE02(f) is currently inconsistent with the NPPF as it does not reflect that this should not apply in circumstance where it is not feasible or viable. It is also inconsistent with Policy BE03 which states that *“Proposals for renewable, low carbon or decentralised energy schemes will be supported provided they can demonstrate that they will not result in adverse impacts...” i.e. this recognises that this approach may not be appropriate in all circumstances. This approach is sound and consistent with the NPPF.*

It is important that Policy BE02 and BE04 are consistent with the NPPF and do not unintentionally result in a policy expectation that over burdens development and undermines viability. This is particularly important in relation to Dunton Hills Garden Village which is important to the delivery of housing in the Local Plan.

Modifications are proposed to Policy BE02 in our response to question no. 6 to ensure consistency with the NPPF and between policies in the Plan.

Policy BE04 Establishing Low Carbon and Renewable Energy Infrastructure Network (page 77 – 79)

Policy BE04 is currently inconsistent with paragraph 153 of the NPPF, which states that local plans can expect to comply with such provision where it is feasible or viable, and with Policy BE03 of the Local Plan. Modifications are proposed in our response to question no. 6 to ensure consistency with the NPPF and between policies in the Plan.

BE11 Strategic Transport Infrastructure (page 92 – 94)

CEG supports the objectives of Policy BE11, particularly improving multi modal integration and/or capacity at train stations, which is consistent with the NPPF (paragraph 110(a)). In relation to criterion B(ii) a modification is proposed to ensure consistency with Policy R01.

Policy BE22, Open Space in New Development (page 119)

The NPPF states at paragraph 56 that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Policy BE22 is not positively prepared or consistent with paragraph 56 of the NPPF because it is not reasonable to request financial contributions in circumstances where a developer is providing functional open space on-site. To ensure the policy is positively prepared consistent with the NPPF modifications are proposed in our response to question no. 6.

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.

Policy BE02, Sustainable Construction (page 67 – 68) and Resource Efficiency and Policy BE04 Establishing Low Carbon and Renewable Energy Infrastructure Network (page 77 – 79)

For consistency with paragraph 153 of the NPPF and with Policy BE03 of the Local Plan the following modification are proposed.

In relation to Policy BE02 criterion (f):

*“f. **where feasible and viable**, include commercial and domestic scale renewable energy and decentralised energy as part of new development.”*

In relation to Policy BE04 criterion (B):

*“B. New development of over 500 dwelling units, or brownfield and urban extensions at 500 units or more, or where the clustering of neighbouring sites totals over 500 units, will be expected, **where feasible and viable**, to incorporate decentralised energy infrastructure in line with the following hierarchy...”*

and

*“ii. Where there is no existing heat network, new development will be expected to deliver an onsite heat network, unless demonstrated that this would **be unfeasible or would** render the development unviable;”*

BE11 Strategic Transport Infrastructure (page 92 – 94)

For consistency with Policy R01, the following modification is proposed:

*“B. ii) improving the public realm, circulation arrangement and capacity of West Horndon station as well as creating associated multimodal interchange through phases to support new residents and employees **at West Horndon and Dunton Hills Garden Village**”*

Policy BE22, Open Space in New Development (page 119)

Policy BE22 is not positively prepared or consistent with paragraph 56 of the NPPF because it is not reasonable to request financial contributions in circumstances where a developer is providing functional open space on-site. To ensure the policy is positively prepared consistent with the NPPF modifications are proposed as follows:

*“A. New development proposals are expected to provide functional on-site open space and/or recreational amenities **or, where it is demonstrated that this is not possible, and may, where appropriate be required to also provide a financial contribution in lieu towards new or improved facilities within the borough.**”*

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 wishes to be represented at the examination in relation to policies in Chapter 5 of the Local Plan. This is because the wording of these policies could have implications for the Dunton Hills Garden Village proposal, which is a Strategic Allocation in the Local Plan.

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.