



# 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](http://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](mailto: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.

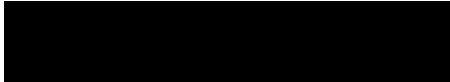

Please keep in mind the information provided above to assist with correctly completing your comment form. For additional information on what the difference is between a Regulation 18 and Regulation 19 Local Plan consultation, please view the FAQ's published on-line [www.brentwood.gov.uk/localplan](http://www.brentwood.gov.uk/localplan)

#### **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 6, Housing Provision.

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 HP01, Housing Mix (page 124)**

Self-build and/or custom build housing is supported by the National Planning Policy Framework (NPPF) and its contribution can help to diversify a housing offer, thus supporting housing delivery overall (Letwin, October 2018). CEG is committed to the delivery of self and custom build housing at Dunton Hills Garden Village (DHGV). Planning for a variety of housing types, including self and custom build assists in the delivery of housing on large sites. However, the minimum target of 5% set out in criterion A. c. (i) is not justified by an appropriate evidence base.

CEG is aware that the current level of interest on the Council's Self and Custom Build Register is relatively limited and the need for such housing does not, therefore, justify a minimum level of 5% being required. Indeed, if such a level isn't needed setting such a high minimum requirement could effectively prevent land being released for other types of housing which are needed.

In the 12 month period ending in October 2018 it is understood that 47 individuals and no associations were registered with the Council. Of the total number, 9 indicated a preference for village locations across the Borough, which in the future might include DHGV.

It is acknowledged that the Register is relatively new and the need for this type of housing might change over time. Considering this, a lower minimum requirement should be sought, probably at 1%, to support this type of housing at a level proportionate to the likely need. DHGV will provide for 2,700 new homes over the plan period, and 1% of this would amount to 27 self-build homes in total.

Overall CEG considers the 5% is too high and a lower figure should be adopted.

### **Policy HP03, Residential Density (page 128)**

The policy is positively prepared. Taking a design led approach to density should enable development to achieve a net density of at least 35 dph or higher. This approach is consistent with Chapter 11 of the NPPF which seeks to make efficient use of land and optimise the density of development. A modification is proposed to reflect that density across a site should be an average.

**Policy HP05, Affordable Housing (page 131 – 132)**

CEG supports the approach set out at paragraph 6.35 which explains that the ‘need’ for 86% social rent and 14% other forms of affordable housing will be used to inform negotiations between the Council and developers to determine the appropriate tenure and mix of affordable housing.

This ‘need’ is then expressed as an ‘indicative requirement’ in Figure 6.2 and a ‘requirement’ in Policy HP05(B). The Policy currently requires a specific tenure split (86% social rent and 14% other forms of affordable housing) which may not be appropriate for the life of the Plan or for Strategic Allocations in the Plan. CEG supports the approach set out in paragraph 6.35 to ensure there is an appropriate amount of flexibility, for example, to accommodate changing circumstances over the lifetime of the Plan; and ensure the right mix and balance is created where Strategic Allocations are concerned.

**Policy HP19: Conservation and Enhancement of the Historic Environment (page 160)**

Paragraph 185 of the NPPF, requires that *“Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account: a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;...”*

In relation to designated heritage assets, paragraphs 195 and 196 provide for harm to heritage assets to be weighed against the public benefits of a proposal. As such, there are circumstances where not all heritage assets will be *“sustained and enhanced”*. A modification is proposed in our response to question no. 6 to ensure consistency with the NPPF.

**Policy HP20 Listed Buildings (page 161-162)**

The Policy is not consistent with the NPPF or statutory requirements as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 about listed buildings and how proposals that affect them should be assessed. Some modifications are proposed in our response to question no. 6 to address this.

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 HP01, Housing Mix (page 124)**

To ensure the policy is positively prepared and justified the following modification is proposed:

*“c. i. a minimum of ~~5~~-1% self-build homes which can include some custom housebuilding;...”*

**Policy HP03, Residential Density (page 128)**

A modification is proposed to reflect that the density should be an average across a site, recognising that on large strategic sites a range of densities might be appropriate. This would ensure the policy is positively prepared.

*“B. Residential development proposals will generally be expected to achieve an **average** net density of at least 35 dwellings per hectare or higher...”*

**Policy HP05, Affordable Housing (page 131 – 132)**

Modifications are proposed to ensure that the tenure split is guided, rather than dictated, by the SHMA. Modifications are proposed below to ensure the policy is positively prepared and consistent with the intention of the Plan as set out at paragraph 6.35.

*“B. In considering the suitability of affordable housing, the Council will require that:  
a. the tenure split be made up of ~~86%~~ Affordable/Social Rent and ~~14%~~ as other forms of affordable housing (this includes starter homes, intermediate homes and shared ownership and other forms of affordable housing as described by national guidance or legislation) ~~or~~ **having** regard to the most up to date SHMA;”*

*“B. c. the type, mix, size and cost of affordable homes ~~must meet~~ **should have regard to** the identified housing need as reported by the Council’s most up-to-date Strategic Housing Market Assessment and Housing Strategy”*

**Policy HP19 Conservation and Enhancement of Historic Environment (page 160)**

The following modification is proposed to ensure consistency with the NPPF:

Criterion A (a) **“take account of the desirability to** conserve, sustain and enhance...”

**Policy HP20 Listed Buildings (page 161 - 162)**

The following aspects of the policy require modification to ensure consistency with the NPPF and statutory requirements as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990:

Criterion A. *“sympathetic to its character and setting”* is not consistent with NPPF.

Criterion D. *“only be permitted in exceptional circumstances;”* is not consistent with the NPPF or 1990 Act.

It is recommended that the policy is re-visited generally to ensure consistency with the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 will provide for a significant proportion of the housing need identified over the plan period. In light of this, CEG wishes to be represented at the oral examination on all matters relating to housing provision given the importance of the DHGV to the delivery of housing in the Plan, including any discussions related to the viability appraisal which supports the level and tenure of the affordable housing being sought. CEG also wishes to offer its assistance more generally regarding the planning and delivery of DHGV.

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.