



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	John
Last Name	Boyd
Job Title (if applicable)	Managing Director
Organisation (if applicable)	JB Planning Associates
Address	Chells Manor Chells Lane Stevenage Herts
Post Code	SG2 7AA
Telephone Number	01438 312130
Email Address	john.boyd@jbplanning.com

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	Mr John Boyd
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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).

Policy HP06

Question 3: Do you consider the Local Plan is:

Sound?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Legally Compliant?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Compliant with the Duty to Cooperate?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

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	<input checked="" type="checkbox"/>
The Local Plan is not justified	<input checked="" type="checkbox"/>
The Local Plan is not effective	<input checked="" type="checkbox"/>
The Local Plan is not consistent with national planning policy	<input checked="" type="checkbox"/>

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

Please see paragraph 11 of our accompanying representation.

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.

Please see paragraph 12 of our accompanying representation.

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.

JB Planning Associates on behalf of CALA Homes (North Counties) Ltd, wish to attend the Examination Hearing as the complexity of the issues raised in our representations can only be fully investigated through an oral examination.

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.



Policy HP06: Space Standards for New Housing

Summary of Representation

1. This representation has been prepared on behalf of CALA Homes (North Home Counties) Ltd in support of the proposed allocation of its land adjacent to the A12 Ingatestone site for 57 homes (Policy R22).
2. The representation seeks amendments to the wording of Policy HP06 in order to comply with national policy.

National Policy

3. The national Planning Practice Guidance (PPG) states that in relation to 'what optional technical housing standards can local planning authorities set?' that local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water, and an optional nationally described space standard. Local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in their Local Plans¹.
4. In consideration of 'how should local planning authorities assess viability concerns for setting optional Building Regulation requirements and the nationally described space standard?', the PPG specifies that local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment. In considering the costs relating to optional Building Regulation requirements or the nationally described space standard, authorities may wish to take account of the evidence in the most recent Impact Assessment issued alongside the Housing Standards Review².

¹ Paragraph: 002 Reference ID: 56-002-20160519

² Paragraph: 003 Reference ID: 56-003-20150327



5. The PPG goes on to state that:

“Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- **need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.**
- **viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.**
- **timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions”³.**

Policy HP06: Space Standards for New Housing

6. Table 1: Monitoring Framework: Broad parameters for monitoring policy implementation specifies that in respect of Policy HP06 internal spaces are to be above minimum standards in national space standards. It specifies that the monitoring target is 100% of new homes at or above minimum standards.
7. We note ‘Table 8.3: Additional Costs of Building to the draft Approved Document M amendments included at Appendix B4’ within the Local Plan Viability

³ Paragraph: 020 Reference ID: 56-020-20150327



Assessment (October 2018) identified costs based upon national 2014 prices for category 2 dwellings of up to £940 per dwelling and prices for category 3 dwellings of up to £23,052 per dwelling (these national prices now being 5 years out of date). These were published in March 2015 with the proposed national space standard.

8. We further note the reference on p.102 of the Viability Assessment which states **“through the September 2018 consultation some concern was expressed about the need for this policy. It is beyond the scope of this study to consider need”**.
9. Paragraph 8.24 states that in the Viability Study the units are assumed to be in excess of these National Space Standards.

Conclusions

10. The policy is not supported by detailed local evidence to support the imposition of the national space standard. Consequently, the policy would benefit by amendments which would bring it in line with national policy.

Test of Soundness

11. In view of the above considerations, we consider that the Local Plan is not sound, because it is not fully **‘consistent with national policy**, as it fails to have direct regard to viability. The Plan needs to be amended so that it provides greater clarity regarding affordable housing provision requirements. Consequently, in its present shape, it will be neither **‘justified’**, nor **‘effective’**, as it will not represent the most appropriate strategy, when considered against the reasonable alternatives. Nor has the Local Plan been **‘positively prepared’**.



Proposed modifications

- 12.** In the absence of any detailed local evidence to demonstrate the need for setting a local space standard, or evidence that it would be viable for developments of less than 500 dwellings, paragraph A of the policy should be deleted:

All residential development shall comply with the following:

Internal Residential Space

~~**A. All new build housing will achieve appropriate internal space through compliance with the nationally-described space standard....**~~

PC/1250
19 March 2019