



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
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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 NE13

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

Please see paragraph 16 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 17 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 NE13: Site Allocations in the Green Belt

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 NE13 in order to comply with national policy.

National Policy

3. When considering the soundness of Policy NE13, it is very important to have careful regard to national policy.
4. Paragraph 56 of the NPPF states that Planning Obligations must only be sought where they meet all of the following tests¹:
 - 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.
5. Paragraph 138 of the NPPF specifies that Plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.
6. The Framework goes on in paragraph 139 to refer to the importance of meeting identified development needs and being able to demonstrate that Green Belt boundaries will not need to be altered at the end of the Plan period.

¹ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010



Policy NE13: Site Allocations in the Green Belt

7. The policy specifies that sites allocated to meet housing needs in the Green Belt will be expected to provide significant community benefits, both for surrounding existing communities and those moving into new homes on site.
8. The supporting text explains that this policy is in place to ensure the cost of losing some Green Belt is repaid through significant benefits to new and existing communities, and to capture the uplift in land value for local benefit. It goes on to state that these benefits are likely to be for different needs depending upon the area, but could involve new community facilities, open space for public use, play areas, and investment in existing facilities. Reference is also made to development needing to contribute to local education and healthcare.
9. We strongly contend that the policy requirements fail to accord with what is required by national planning policy, particularly with regard to the tests for seeking Planning Obligations set out in Paragraph 56 of the NPPF. It would be both inappropriate and unreasonable to expect developers and landowners to make provision to meet the needs of surrounding existing communities, rather than addressing the actual needs that would arise from new development. Such an approach would be unlawful.
10. The Council has recognised in preparing the Local Plan that the huge demand and pressure for development in the Borough provides the exceptional circumstances to alter Green Belt boundaries. Through the plan preparation process, including Sustainability Appraisal, it has recognised that the development of our Client's land adjacent to the A12 Ingatestone site for 57 homes (Policy R22) would be amongst the least impactful (in terms of Green Belt purposes) and would promote sustainable patterns of development.
11. It is fully evident that the need for chosen sites to then deliver significant community benefits to justify their Green Belt release is not identified in national policy. Furthermore, opportunities for onsite provision of new "significant" community facilities on smaller scale Green Belt releases are limited and any contributions made towards offsite provision should not go beyond the CIL



Regulation 122 and 123 tests. Accordingly, we strongly challenge the soundness of this Policy.

12. It is particularly important to note that the Housing Delivery Test 2018 measurement (February 2019) identifies that against an annual target of 655 dwellings, over the past 3 years it has only delivered 1,509 dwellings against a target figure of 1,965 dwellings. As a consequence of only delivering 77% of its housing target figure, the Council's 5-year land supply is now to be subjected to a 20% buffer.
13. It is clear that Brentwood Borough Council are experiencing housing delivery difficulties and as a consequence, it is vital that Brentwood Borough Council does not implement policies which threaten housing delivery due to their high associated costs or the fact that their actual final development costs would be uncertain, particularly given that the meaning of the word 'significant' is open to wide possible interpretation. It should also be noted that the associated costs of such potential provision will not have been properly examined within either the Sustainability Appraisal or Viability Assessment.

Conclusion

14. The policy would benefit by the deletion of Section A of the policy in order that the wording is compliant with national policy.
15. We also consider that the policy wording would be clearer by referring to sites being removed from the Green Belt, rather than de-allocated.

Test of Soundness

16. 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 any community benefits being sought are legally justified and appropriate. 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

17. The following amendments are proposed to the text of Policy NE13:

~~A. Sites allocated to meet housing needs in the Green Belt will be expected to provide significant community benefits, both for surrounding existing communities and those moving into new homes on site.~~

~~B. These sites will be removed de-allocated from the Green Belt to allow development to take place and provide new defensible boundaries to protect the open countryside for future generations. Site boundaries to form the new Green Belt boundaries are set out on relevant sites in Appendix 2.~~

PC/1250
19 March 2019