



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	Mike
Last Name	Taylor
Job Title (if applicable)	Director
Organisation (if applicable)	On behalf of LaSalle Land Limited Partnership
Address	c/o Chilmark Consulting Ltd. Cambridge House Henry Street Bath
Post Code	BA1 1BT
Telephone Number	
Email Address	planning@chilmarkconsulting.co.uk

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	LaSalle Land Limited Partnership
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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).

Section 8, Policy NE13: Site Allocations in the Green Belt

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 the attached.

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 the attached.

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.

The matters and issues raised by this representation are fundamental to the Local Plan Inspector's consideration of the Brentwood Borough Local Plan and our client, LaSalle Land Limited Partnership, wishes to ensure that their views and position are fully heard and taken into proper consideration.

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.

Brentwood Borough Local Plan

Pre-Submission Local Plan (Regulation 19)

Representations for and on LaSalle Land Limited Partnership

Policy NE13: Site Allocations in the Green Belt

March 2019

Introduction

1. Chilmark Consulting Ltd. (CCL) are instructed by and write for and on behalf of LaSalle Land Limited Partnership (LLLLP) with respect to the Brentwood Borough Local Plan: Pre-Submission Plan (BBLP) published for consultation by Brentwood Borough Council (BBC) in January 2019.
2. This representation is concerned with Policy NE13: Site Allocations in the Green Belt.
3. This representation must be read in conjunction with the other representations submitted by LLLP dealing with related matters.

Nature of Representation

4. Policy NE13 requires, at Point A, 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”.

5. LLLP object to NE13 Point A as the policy appears to be entirely aspirational and unjustified. The benefit of releasing Green Belt land for new housing is to ensure that the Borough effectively meets its identified Local Housing Need and maintains a continuous supply of housing land and sites in order to do so.
6. The National Planning Policy Framework identifies the delivery of new housing as contributing to achieving sustainable development at paragraph 8 (as both an economic and social objective) and recognises the importance of significantly

boosting the supply of housing at paragraph 59. These national objectives are for the public benefit and represent positive contributions arising.

7. Financial, land or other contributions to new or expanded community, transport or environmental infrastructure must be made in accordance with the relevant statutory tests including the *Community Infrastructure Levy Regulations, 2010* (as amended).
8. The NPPF is clear at paragraph 55 that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.
9. NPPF paragraph 56 confirms that planning obligations must only be sought where they meet the relevant statutory tests.
10. Paragraph 57 of the NPPF requires that up-to-date policies should set out the contributions expected of development.
11. In LLLP's view there is nothing set out in planning statute or in the NPPF that supports the approach described in Policy NE13 (Point A) or at the reasoned justification in paragraph 8.114, seeking benefits that are in some way additional to or in excess of those that are wholly necessary, directly related to the development and fairly and reasonably related in scale and kind.

Conclusions

12. LLLP object to Policy NE13 at Point A. The policy is not sound as it is not justified in generally seeking "*significant community benefits*"; is not effective in terms of specifying what the benefits sought would be or why they comply with the relevant statutory and national policies; and the policy is not consistent with the NPPF including at paragraphs 55 – 57.

Modifications Required

13. LLLP conclude that Point A of Policy NE13 should be deleted. Paragraph 8.114 should also be deleted or re-drafted to be explicit and entirely clear that the community benefits sought from meeting housing needs on sites released from the

Green Belt will only be secured in accordance with the relevant statutory tests and national planning policies.

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