



# 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	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 5, Policy BE03: Carbon Reduction, Renewable Energy and Water Efficiency

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 BE03: Carbon Reduction, Renewable Energy and Water Efficiency

March 2019

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#### 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 BE03: Carbon Reduction, Renewable Energy and Water Efficiency.
3. This representation must be read in conjunction with the other representations submitted by LLLP dealing with related matters.

#### Nature of Representation

4. LLLP understand the UK's commitment to dealing with climate change and adaptation and support the need to encourage the use of renewable energy and low carbon developments. There is however a need to ensure that the policy standards that are proposed are capable of being delivered viably for individual schemes.
5. As drafted Policy BE03 B(a) requires minimum sustainable construction standards in line with Part L of the Building Regulations both in the period pre and post 2020. For on-site carbon reduction, the policy also requires, in the period before 2020, at least 10% reduction in CO<sub>2</sub> emissions above Part L, rising to "nearly zero carbon" in the period from 2020 onwards.
6. LLLP notes that the long term trajectory set out in the Climate Change Act (2008) and the European Union Energy Performance of Buildings Directive (2012/31/EU) requires all new buildings to be nearly zero-energy by 2020. It is also noted that the



Government's zero-carbon homes policy was withdrawn in 2015 and that the foundation for this in the UK's Increasing the Number of Zero Energy Buildings: National Plan (2012) will need revision in light of the removal of the zero-carbon homes policy.

7. The national zero-carbon housing policy has therefore been abandoned and LLLP note that the Government's proposed 'Future Homes Standard' announced by the Chancellor of the Exchequer in his HM Treasury Spring Statement 2019: Written Ministerial Statement (13th March 2019) identifies that the new standard will be introduced by 2025, seeking from then to future-proof new build homes with low carbon heating and leading levels of energy efficiency.
8. LLLP is therefore concerned that Policy BE03 B(a) requirements for on-site carbon reduction are:
  - lacking in clear local evidence of the need to raise on-site carbon reductions for new developments, relying on national level information;
  - out of step with the Government's current position on future homes standards and zero carbon housing policy;
  - likely to be outdated as, at the time of the Local Plan's adoption, all development proposals and applications would need to conform with the post 2020 on-site carbon reduction requirements; and
  - overly onerous, placing an additional financial cost burden on new residential development schemes with the potential for adverse effects on scheme viability.
9. With regard to the financial development cost burden, LLLP are particularly concerned that the Local Plan's Viability Assessment (October 2018) has not fully modelled the cost implications of implementing Policy BE03. The Viability Assessment identifies at paragraph 7.8 that:

*“The base assumption in this report is that homes are built to the basic Building Regulation Part L 2010 Standards but not to higher environmental standards.*

*This is in line with the Government announcement, made at the time of the*

*Summer 2015 Budget in the Fixing the foundations productivity report, of its intention not to proceed with the zero carbon buildings policy”. [Our emphasis].*

10. At paragraph 7.9 it continues:

*“As a result, there was no uplift to Part L of the Building Regulations during 2016, and both the 2016 zero carbon homes target and the 2019 target for non-domestic zero carbon buildings will be dropped, including the Allowable Solutions programme”.*

11. The Viability Assessment concludes in paragraph 7.12 that the costs of building to an “*enhanced building standard*” are included in the median BCIS costs advice that forms the basis of the viability assessment.

12. LLLP does not consider that the “*enhanced building standard*”, included within median BCIS figures used in the Local Plan Viability Assessment, encompasses the additional construction costs of developing near zero carbon residential dwellings.

13. It is therefore concluded that the deliverability and viability of Policy BE03 at Point B(a) is uncertain. Additional testing and evidence is required in order to support and justify this policy measure and to show that the policy would be effective if implemented. This is particularly important if the Building Regulations baseline is increased in future (if the national near zero carbon policy is not finally adopted) as the final limb of Point B(a) states.

### Conclusions

14. LLLP object to Policy BE03, particularly Point B(a). The requirements of Point B(a) are onerous and the effects/implications of this part of the policy are uncertain.

15. The policy is unsound as it is not justified or effective in relation to understanding the viability implications of the near zero on-site carbon requirements for residential dwellings constructed post 2020.

Chilmark Consulting Ltd.

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