



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 9, Policy R01 (I): Dunton Hills Garden Village Strategic Allocation

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 R01 (I): Dunton Hills Garden Village Strategic Allocation and Appendix 1: Local Plan Housing Trajectory

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 R01 (I) Dunton Hills Garden Village Strategic Allocation and also Appendix 1 Local Development Plan Housing Trajectory.
3. This representation must be read in conjunction with the other representations submitted by LLLP dealing with related matters.

Nature of Representation

Housing Delivery and Trajectory

4. Point B of Policy R01 (I) establishes that the Dunton Hills Garden Village (DHGV) will provide 2,700 new homes in the plan period (some 35% of the total planned housing provision) and an indicative overall capacity of some 4,000 homes in total (the remainder beyond the current plan period).
5. Point D(a) of the same policy then states that delivery will be “at least” 2,700 dwellings in the plan period.
6. Appendix 1 of the Plan sets out the Local Plan housing trajectory which identifies a total of 2,700 dwellings to be developed at DHGV in the plan period. The Housing

Trajectory proposes that 100 dwellings will be completed in 2022/23 with development delivery rates ramping up significantly to 150, 250 and then 300 dwellings per annum (dpa) during the period from 2023/24 – 2032/33.

7. Paragraph 9.23 (iii) in establishing development principles, sets out that the development of DHGV should be flexible to accommodate the likely progression over a 20 year build-out period.
8. DHGV is a Green Belt, greenfield location. Any development therefore requires an adopted Development Plan that includes release of the whole site area from Green Belt as well as all of the necessary land control, funding and planning permissions (outline and then reserved matters) together with requisite secured planning obligations and contributions in order to proceed.
9. The development proposed and the community that would be created depends entirely on new social, community and green infrastructure to be created. Substantial new and enhanced highways and public transport infrastructure is required given the chosen location for the Garden Village. There is evidently a major programme of new infrastructure development necessary to ensure that the resulting new settlement is in any way sustainable.
10. It is clear to LLLP that the planning and development of DHGV is a long-term project and not a scheme that can be swiftly mobilised and construction completed in the short term as the Council's assumptions concerning the delivery trajectory propose.
11. In this context, LLLP raise significant concerns over the quantum of housing that is intended to be provided within the plan period and the phasing of such delivery. The total quantum of residential development proposed does not appear to be realistic in the plan period with very substantial development rates identified each year up to 2033.
12. The Housing Trajectory in Appendix 1 signals that there will be 100 residential completions in 2022/23. To achieve this, the Local Plan will need to be adopted in order to release the site from Green Belt, the DHGV masterplanning and infrastructure testing and validation work completed and all necessary outline and reserved matters permissions secured. Pre-commencement conditions will also

need to have been discharged, CIL payments made and relevant planning obligations completed and implemented, including the negotiation and signing of a S.106 Agreement.

13. Put simply, LLLP do not believe that there is a realistic prospect of any residential dwellings being completed by 2022/23 and indeed would not anticipate that DHGV will be sufficiently advanced to deliver housing in the following years until at least 2025/26.
14. There is therefore no likely or realistic contribution arising from new dwellings at DHGV towards meeting the Borough's persistent and acute housing needs or in remedying the lack of a five year housing land supply.
15. LLLP has, in previous representations on the emerging Local Plan, raised the importance of ensuring that the Local Plan offers a choice and mix of housing sites to enable delivery in the immediate and shorter term and reduce the risk of non-implementation of individual residential schemes while plans and work continues to secure necessary consents for DHGV.
16. The removal of sites, such as LLLP's land interest at Honeypot Lane, Brentwood, in favour of a greater quantum of housing growth at DHGV during the plan period does not help achieve the choice and mix of housing sites necessary. In fact it positively discriminates against such an outcome.
17. LLLP therefore object to the total proposed quantum and the identified phasing of new residential development at DHGV as set out in Policy R01 (I) and at Appendix 1.

Infrastructure Dependency and Viability

18. DHGV is predicated on a substantial level of new transport, community, social and green infrastructure. This is largely necessary because of the site's greenfield location which is well away from existing settlements and facilities in Brentwood Borough or in Basildon or Thurrock (with which the proposed site borders).
19. The full costs and infrastructure requirements are not specified in detail in the Local Plan, but policy R01 (I) and R0 (II) set out a series of proposed development and design aspirations, objectives and needs. The evidential basis confirming the

scale, extent and need for many of these requirements is not convincing (see LLLP's separate representation concerning R01 (II)).

20. Furthermore, LLLP are concerned about the deliverability and viability of DHGV with the potential infrastructure necessary to make the scheme sustainable.
21. The *Local Plan Viability Assessment* (October 2018) identifies an infrastructure contribution cost of some £126m based on modelling of 3,500 dwellings rather than the 2,700 dwellings proposed in the current Plan, but this assumes no contribution arising/required from the Borough's Infrastructure Delivery Plan (IDP) and the viability work was clearly undertaken prior to the Pre-Submission Plan's specific policy requirements for DHGV. Indeed, the Viability Assessment notes that further work is likely to be needed as the site specific costs and requirements for DHGV are derived.
22. As LLLP's separate representation to policy R01 (II) concludes there needs to be an updated, comprehensive viability analysis of the DHGV proposals including all costs, site specific infrastructure requirements, CIL, S.106 obligations and modelling of the effects of all of the proposed design and land use requirements set out in the Local Plan, including those stated in Policy R01 (I) and R01 (II).

Sustainability

23. The location chosen to site the new settlement comprises greenfield, Green Belt land that is unconnected to the existing pattern of settlements. It is, at its northern boundary, adjacent to the A127 strategic road and to the south, adjacent to the main Basildon rail line, but is not easily connected to either. It is some 1.6+ km distant from West Horndon railway station and also separated from the centre of Laindon in the west of Basildon Borough by existing countryside and agricultural land including Dunton Hall and various farm buildings.
24. LLLP noted that there are no proposals in the emerging Basildon Borough Local Plan: Revised Publication (October 2018) that includes any development or proposed vehicular or public transport connection between the eastern edge of DHGV and the Southfields and Laindon area in the west of Basildon Borough. The DHGV site's location is therefore clearly unrelated to the existing and proposed settlement pattern.

25. The Local Plan Sustainability Appraisal (SA) has had to make a number of 'heroic' assumptions in order to attempt to demonstrate that the DHGV proposals represent the most appropriate reasonable development alternative.
26. It is suggested in the SA that the opportunity to achieve higher levels of sustainability at DHGV are greater for a new greenfield settlement than development in/adjacent to existing settlements because of the 'clean sheet' such a site would afford.
27. In taking this approach the SA fails to properly consider that the existing settlement hierarchy represents a sustainable pattern of land uses and activities with appropriate infrastructure available now and with significant enhancements capable of being made or indeed already committed during the lifetime of the Local Plan (for example the opening of the new Queen Elizabeth Line connecting Brentwood and Shenfield more closely with London and other centres).
28. LLLP concludes that DHGV only performs at a similar level to alternative development locations in Brentwood, Shenfield or Ingatestone because of a heavy reliance and emphasis in the SA appraisal on possible positive effects from implementing aspirational design, environmental and transport ideas/measures that are not yet adopted plan policies or from uncoded and untested new infrastructure that seeks low carbon, high design quality, sustainable transport and other measures.
29. There is no clear reason however why other development locations and sites in and adjacent to Brentwood, Shenfield or Ingatestone cannot be as sustainable, or indeed more so, than construction of a new settlement at a greenfield location in the countryside where all infrastructure will have to be provided from scratch.
30. The SA is flawed in its analysis of the future sustainability performance of DHGV in comparison with reasonable alternatives (section 9 of the Sustainability Appraisal), including greater growth at Brentwood and other existing settlements. The SA skews its assessment based on aspirational design ideas and measures for DHGV that are not properly or fully evidenced and appears predicated towards demonstrating that DHGV is a better option than a more balanced distribution of growth at Brentwood and other settlements.

Conclusions

31. LLLP object to Policy R01 (I) and to the Housing Trajectory set out in Appendix 1 of the Plan. The policy and the Appendix are not sound as they are not:

- *Justified* – the total quantum of housing propose for DHGV and the delivery trajectory proposed are not realistic or justified by sufficient evidence to demonstrate that such housing will be delivered in the plan period.

The Plan's SA does not adequately justify the allocation and development of DHGV and is reliant upon untested or costed new infrastructure and upon design principles and other measures that are aspirational but not sufficiently tested to show that they are realistic and can be viably delivered during the plan period.

- *Effective* – the emphasis in Policy R01 (II) and the Appendix 1 housing trajectory on DHGV to provide 35% of the total planned housing delivery in the plan period represents an over-reliance on this long term development project. The Plan is at serious risk in failing to deliver sufficient housing because of the reliance on the new settlement proposal. This is not an effective policy or spatial strategy as it fails to ensure that there is a sufficient choice and mix of housing land sites to meet acute short term housing needs or redress the persistent shortfall in housing delivery.

The proposals for DHGV are not sufficiently developed to offer adequate certainty that the new settlement is sustainable, deliverable or viable. Proposals in Policy R01 (I) and R01 (II) are in many cases aspirational ideas or measures and require a substantial level of additional evidential work and testing to prove that they are deliverable in the context of NPPF paragraph 16.

Modifications Required

32. Policy R01 (I) should be modified to reduce the overall quantum of housing to be delivered at DHGV in the plan period. The overall reduction in quantum need to reflect a more realistic development trajectory with commencement of completions not earlier than 2025/26. A total delivery figure of some 1,950 dwellings for DHGV

in the later part of the plan period is a more realistic target (removing the 750 dwellings proposed to be completed in the period 2022/23 – 2025/26 as set out in Appendix 1).

33. The Housing Trajectory at Appendix 1 also therefore requires modification for DHGV to remove the completion of dwellings in the period 2022/23 – 2025/26 which are considered to be unrealistic given the time necessary to resolve planning, land control and funding matters fully. The overall quantum should be reduced accordingly rather than further backloaded in the DHGV trajectory.
34. Other reasonable alternative sites (as identified in the Sustainability Appraisal), including LLLP's land interest at Honeypot Lane, Brentwood should be included within the Local Plan allocations to assist in meeting the housing requirements and acute shortage in the early part of the Plan period given the changes needed in total delivery and phasing trajectory for DHGV.
35. Additional technical evidence, testing and evaluation of the DHGV proposals in terms of transport, community and green infrastructure requirements costs and funding, is required to support the Local Plan's proposed allocation of the site and to ensure that this is proposed on a comprehensive and realistic basis. Policy R01 (l) should be modified accordingly.

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