



# 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

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 (II): Spatial Design of Dunton Hills Garden Village

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 (II): Spatial Design of Dunton Hills Garden Village

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 R01 (II): Spatial Design of Dunton Hills Garden Village.
3. This representation must be read in conjunction with the other representations submitted by LLLP dealing with related matters.

#### Nature of Representation

4. Policy R01 (II) is concerned with establishing design principles and requirements for the proposed Dunton Hills Garden Village (DHGV).

#### Overall Consideration

5. Much of Policy R01 (II) appears, in LLLP's view, to be aspirational rather than well founded policy direction based on clear testing and evidence of the needs and impacts arising from the proposed development of DHGV.
6. It is appreciated that DHGV represents a major new settlement for the Borough, however the scale and nature of the proposed scheme, even in outline, means that there needs to be a greater level of precision and evidence set out to support the design principles, land use mix and proposed infrastructure contained in draft policy R01 (II).



## Green Infrastructure Buffer/Wedge

7. Policy R01 (II) includes a requirement at Point C (f) for the creation of a:

*“green infrastructure buffer/wedge on the eastern boundary with Basildon Borough to achieve visual separation to help significantly improve the landscape and habitat value thus reinforcing the beneficial purpose and use of the Green Belt in that zone”.*
8. The purpose of the proposed green infrastructure buffer/wedge is unclear and the justification for such infrastructure is not established in the Plan. LLLP are unclear what the reinforcement of the *“beneficial purpose and use of the Green Belt in that zone”* means or is intended.
9. In LLLP’s view, it appears to be simply an attempt to maintain some separation of DHGV from Laindon in Basildon Borough and thereby avoid, unsuccessfully, the perceptual and physical coalescence of DHGV with an existing settlement contrary to the purposes of the Green Belt.
10. The development of DHGV would include a very significant and adverse impact on the existing landscape character and visual amenity of the area (including land within Basildon Borough to the east and Thurrock to the south) due to the scales and nature of the development proposed.
11. No evidence is presented in the draft Local Plan offering a comprehensive understanding, evaluation or testing of the landscape or visual effects of the development of DHGV.
12. The presence of a green wedge/buffer to the eastern boundary appears to be more to screen and separate the proposed new settlement development from Basildon Borough than as an integral component in a wider landscape strategy. Such a buffer would not, of itself, serve to mitigate the potential landscape and visual harm arising from such a substantial scale of new development in the countryside and on land in the Green Belt.
13. The green infrastructure buffer/wedge therefore appears to be an unjustified aspirational measure rather than a well-founded, evidenced requirement.

14. LLLP is concerned that the proposed development of DHGV will give rise to very substantial changes to landscape character and visual amenity and that the Plan has not offered sufficient analysis or substantive evidence to justify why this is appropriate or whether it is the most suitable choice to support the Borough's future housing growth requirements.

### **Transport Impact Mitigations**

15. Policy R01 (II) sets out at Point H that development of DHGV will be required to mitigate any predicted transport impacts and that these should be monitored and re-evaluated throughout the lifespan of the build out.
16. The policy proposes various transport mitigations, which includes, new junctions to access the site H(a); at H(b) the creation of a dedicated bus route connecting the development with West Horndon Station, nearby employment locations and other key social infrastructure; contributions to school bus services (H(c)); improvements to West Horndon Station (H(d)) and plans for key connections to surrounding green infrastructure destinations (H(e)).
17. LLLP are concerned that the transport impacts and proposed mitigations set out in the policy, including the proposed dedicated bus route have not been effectively tested and their delivery is uncertain.
18. The policy is not sufficiently clear as to whether a dedicated bus route would be needed, although the lack of an on-site rail station or public transport hub is obvious and the relatively remote and poorly connected location, some 1.6+ km distance from DHGV to West Horndon Station (as the published *West Horndon Interchange & Southern Development Sites Plan* (June 2018) shows) is a distinct limitation and disincentive to the use of public transport.
19. Indeed, the need to contrive new dedicated bus and cycle links to West Horndon Station indicates how poorly situated and remote the DHGV proposal is in relation to existing settlements, employment centres and services/facilities.
20. Furthermore, LLLP are concerned that the costs of such transport infrastructure development have not been properly identified and that there is no certainty of

securing the requisite land necessary to create a dedicated bus and cycle route from DHGV to West Horndon.

21. As set out in policy R01 (II) the transport impact mitigation requirements are not, in LLLP's view, sufficiently substantiated and do not appear to form part of a coherent, tested transport strategy (including all of the necessary highways capacity and impact modelling) in order to demonstrate that the DHGV will not have unreasonable impacts in transport and highways terms.

### **Viability of Design Principles**

22. There does not appear to be current viability assessment evidence available that shows that DHGV will be a viable development incorporating all of the requirements set out in Policy R01 (II) and including the requirements of the Council's published Infrastructure Delivery Plan (IDP).
23. It is noted that a headline viability assessment of DHGV was undertaken as part of the *Local Plan Viability Assessment* (October 2018) but this identifies that the IDP was assumed to have a zero cost (paragraph 12.51) and the scheme size modelled for DHGV was 3,500 dwellings rather larger than the 2,700 dwellings now proposed in the Local Plan.
24. Indeed, the Local Plan Viability Assessment confirms at paragraph 12.75 that it is:  
  

*“premature to provide definitive advice as to the deliverability of the strategic sites”* (which include DHGV).
25. It continues, noting that:  
  

*“when the Council has completed the work assessing the strategic infrastructure and mitigation requirements, it may be necessary to revisit the analysis”*.
26. Put simply, there needs to be prepared an updated, comprehensive viability analysis of the DHGV proposals including all costs, site specific infrastructure requirements, CIL 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).

27. LLLP reserve the right to make further submissions with respect to viability of the development and its design principles in due course.

### Conclusions

28. LLLP object to policy R01 (II) for the reasons set out above. The design requirements appear to be a mixture of aspiration and emerging ideas rather than a set of tested, evidenced measures and policies to firmly guide the proposed Garden Village. The result is a collection of thoughts and expectations for DHGV and LLLP are concerned that the design proposals are not realistic and it cannot be demonstrated that they are deliverable.
29. The policy as drafted is unsound as it is not:
- *Justified* – in terms of representing the most appropriate strategy and underlying rationale for the design principles and development requirements set out;
  - *Effective* – in terms of clearly demonstrating that the design principles and requirements for DHGV are needed, deliverable and viable.

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