



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	David
Last Name	Russell
Job Title (if applicable)	
Organisation (if applicable)	David Russell Associates On behalf of Wiggins Gee Homes Ltd
Address	11 East Mount Wheathampstead St Albans
Post Code	AL4 8BJ
Telephone Number	
Email Address	

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

David Russell Associates – on behalf of Wiggins Gee Homes Ltd

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).

Policies R03, R16 and R17, R21 and R22

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

We have grouped these policies together since our comments relate to their common characteristics. The most important is that these allocations are all bounded by the A12 to a greater or lesser extent. As noted in our representations on Policy NE05, the Pre-Submission Document's paragraph 8.50 states that transport generated emissions are the prime source of air pollution in the Borough. We have consistently questioned the wisdom of locating new housing next to the A12 on the grounds of public health.

Policy R16 and R17 refers to two parcels of land on either side of the A12, currently designated as Green Belt. The Policy says that new development on this land should consider, amongst other things, providing for:

"... appropriate landscaping and buffers along sensitive boundary adjoining the A12."

R17 is a relatively narrow strip of land on the southern side of the A12. It is currently a relatively wooded area at around the same level as the A12. Any landscaping here would be confined by the narrowness of the site and ineffective as a barrier against air and noise pollution. This should be removed from the allocation and designated instead as open space.

R16 is a larger and better configured space and we agree that a degree of development here could be achieved in an acceptable environment, provided there are strong and effective measures to reduce air and noise pollution from the A12. Again, the land is on much the same level as the A12. Clearly, the further any development is located away from the A12 then the less the risk of pollution measures to mitigate.

Policy R16 and R17 is weakly worded on the need for appropriate mitigating measures. It should state that any new development **will** provide effective measures along boundaries with the A12 and elsewhere. We note that the Policy also includes requirements for public open space and provision of pedestrian and cycling connections. Again, the Policy should insist on these provision and not simply ask potential developers to "consider" them.

Effective noise and pollution barriers do not look aesthetically pleasing. Adequate space will be needed for landscaping to mitigate their visual impact.

R03 is one of the Pre-Submission Document's strategic allocations. Much of this allocation seems sensible and logical. It is bounded to the north-west by the A12 and south-east by the main railway line. As with Policy R16 and R17, R03 says new development should consider providing for:

"... appropriate landscaping and buffers along sensitive boundary adjoining the A12."

As with Policy R16 and R17, Policy R03 should be more strongly worded to insist on appropriate mitigation measures.

There are two parts of the allocation which should be removed and left in the Green Belt. The first is the elliptical shaped piece of land between the A1023 Chelmsford Road and the A12 Marylands Interchange, unless it is specifically reserved for the employment uses mentioned in Policy R03 at A.e.:

“... provision of 2ha of land for employment purposes.”

The Marylands Interchange is elevated at this point and would result in a poor residential environment.

The second is an area to the north of the site bounded by the Marylands Interchange to the north, the railway line to the south-east, a part of Arnold's Wood to the south-west and Chelmsford Road to the north-west. This site would also provide a poor and unhealthy environment for new homes as a consequence of its proximity to both the interchange and the mainline railway. Regardless of any mitigation measures, residential development this close to Arnold's Wood, already bisected by the railway line, can only be detrimental to its wildlife value.

R21 and R22 are both proposed allocations for Ingatestone. R21 is a relatively narrow triangular site lying between the mainline railway and the A12. Previously described as land adjacent to the garden centre, we now note that the proposed allocation includes the garden centre. The site is at a level with the A12 and the railway, with consequent air and noise pollution issues. The allocation's extension northwards to the rear of homes in Burnthouse Lane means that it will form a long, southern extension to Ingatestone. It will consolidate coalescence with Mountnessing, which lies to the west of the site on the other side of the A12. In our representations on 2018' s Preferred Sites Consultation, we said:

“This narrowing site, wedged between the A12 and the main railway line is completely unrelated to any existing residential area. The area would suffer from social isolation as well as air and noise pollution. Although the Ingatestone Nursery site would help to form a bridge with the rest of the village, it is our opinion that this site would retain significant disadvantages, and is not a sustainable location in either social or environmental terms.”

We think this assessment remains true, even though the nursery now forms part of the allocation.

R22 – we still think it extraordinary to propose this allocation as a satisfactory environment for new homes. There are houses immediately to the south-west along Roman Road, but their presence should not be seen as a justification. The site is at a level with the A12, with the B1002 on the site's northern boundary elevated to cross the A12. We said in our response to 2018's Preferred Sites Consultation that no further consideration should be given to this site and nothing in the Pre-Submission Document has changed our views on this.

Our main point here is that all these proposed allocations, in whole or part, have significant issues resulting from their proximity to principal sources of air and noise pollution. There is conflict with the Pre-Submission Document's own policies on these issues, including Policy NE05. Consequently we are suggesting a number of modifications to the relevant policies.

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.

We propose the following modifications for the reasons outlined in our answer to Question 5 above.

Strengthen the wording of all policies to ensure that appropriate air and noise pollution measures form an integral part of any development proposals. Wherever there is reference to either the A12, or the mainline railway, the related criterion should read as follows:

“appropriate measures, including barriers, embankments and landscaping, to reduce air and noise must be provided along the site's boundary(ies) with the A12 and/or the mainline railway.”

Removal of R17 from Policy R16 and R17.

Removal from proposed allocation R03 of the elliptical shaped piece of land between the A1023 Chelmsford Road and the A12 Marylands Interchange, and the area to the north of the site bounded by the Marylands Interchange to the north, the railway line to the south-east, a part of Arnold's Wood to the south-west and Chelmsford Road to the north-west.

Removal of Allocation R21 on grounds of poor physical environment, isolation from the main settlement of Ingatestone and coalescence with the village of Mountnessing.

Removal of Allocation R22 on grounds of poor physical environment.

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.

These representations, together with those we have made on Dunton Hills Garden Village and other residential land allocations raise a number of key issues about suitability, availability, timing of delivery and the balance between brownfield and Green Belt sites. These are key issues and we wish to be present to contribute to the discussion on them as they affect the proposed allocations mentioned above.

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.