



# 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	David
Last Name	Russell
Job Title (if applicable)	
Organisation (if applicable)	David Russell Associates On behalf of <b>Wiggins Gee Homes Ltd</b>
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).

Policy SP02: Managing Growth, Figure 4.2 and Appendix 1: Local Development Plan Housing Trajectory

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

Figure 4.2 sets out a total net new homes requirement of 7800 of which 6100 will be met on new land allocations. One strategic allocation, Dunton Hills Garden Village, accounts for 2700 or 44% of the total allocations. The Plan is therefore heavily dependent on the ability of this site to deliver within what remains of the Plan period, which is 12 years.

The Document's Appendix 1: Local Development Plan Housing Trajectory, notes a potential delivery start in 2022/23. This means the allocation will need to deliver 2700 homes over a nine year period, an annual build rate of 300, around the build rate for the whole District predicted during the Plan's first six years.

The 2018 consultation on the Preferred Sites Document said that delivery at Dunton Hills would start by 2021/2022. 2500 homes would be delivered over 10 years, a build rate of 250 per year.

The logical conclusion is that the longer it takes for the emerging Local Plan to be adopted, the shorter the time and the higher the build rate will need to be. The LDP Timetable suggests that adoption will be in Quarter 3 of this year. We believe adoption will more likely happen in Quarter 1 next year or beyond. This will squeeze delivery at Dunton Hills into an eight-year period with a resulting annual build rate requirement of nearly 340.

In commenting on the Preferred Sites Document in 2018, we referred to research carried out by Nathaniel Lichfield and Partnership on delivery from large housing sites. Their report calculated the average planning approval time for sites of 2000 or more dwellings was 6.1 years. The 'planning approval period' was calculated as the time between the validation date of the first application for the proposed development to the decision date of the first detailed application which permits the development of dwellings on site.

We believe the Local Development Plan Housing Trajectory's figures for Dunton Hills Garden Village are based more on wish fulfillment, rather than solid evidence of achievable build rates.

The Dunton Hills Garden Village proposal remains locally controversial. A number of local newspaper articles, published during 2018, highlight opposition to the proposal from two neighbouring Local Planning Authorities: Basildon Borough Council and Thurrock District Council.

Your Thurrock in an article dated 29 October 2018 quotes Thurrock as saying :

*“The location does not have any public transport such as a railway station or other infrastructure or services compared to existing settlements”, adding that the development will have “a much greater negative impact on the landscape than stated”.*

The same article quotes Basildon Borough Council as follows:

*“The proposals in Basildon and Brentwood Boroughs could, without careful planning and site allocation choices, lead to settlement coalescence and inadequate access to appropriate infrastructure, which in turn could have implications on the amount of development that can be brought forward in this location on both sides of the boundary.”*

Basildon's website says that Dunton Garden Suburb:

*“... **was** a potential cross-boundary development opportunity to the west of Laindon (Basildon Borough) and east of West Horndon (Brentwood Borough) for 4,000 to 6,000 homes.”*

It goes on to say:

*“On 4 November 2014, Basildon Borough Council and Brentwood Borough Council each signed a Memorandum of Understanding (MOU) setting out the terms and conditions for the joint project to explore Dunton Garden Suburb in accordance with Section 110 of the Localism Act 2011, also referred to as the Duty to Cooperate. It expired on 4 February 2016 and has not been renewed.”*

Brentwood Borough Council's Dunton Hills webpage makes no reference to the expiration of the MOU, neither does it record any further progress with the project following January 2018's Preferred Sites consultation. CEG is the company promoting the Dunton Hills project; their website relating to the proposal is currently a holding page.

The Emerging Basildon Local Plan shows no proposals relating to the Dunton Hills project on its side of the border. Instead it shows the whole area as Metropolitan Green Belt land.

All the above indicates that there has been a lack of cross-border cooperation on the Dunton Hills proposed land allocation since 2016.

We believe both the quantity and timing of new housing delivery from this site, set out in the Pre-Submission Document, are not soundly based. Furthermore we believe the whole project is now mired in a controversy that involves two of the Borough's local authority neighbours. This must cast doubt on whether the Duty to Cooperate has been fully followed. Therefore at present the whole project is surely in jeopardy.

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.

The Pre-Submission Document relies very heavily on the Dunton Hills Strategic Allocation. If it were not accepted, or only partially accepted, a review of all the Plan's allocations would be needed and alternatives, like our client's site at Pilgrims Hatch, be reconsidered to make up the deficit.

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.

Our representation raises issues of critical importance to the Plan. We would wish to participate in the debate on the implications for the Plan as a whole and, in particular, for the Plan's development land allocations.

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.