



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	Jon
Last Name	Nicholls
Job Title (if applicable)	
Organisation (if applicable)	c/o Sworders
Address	Hadham Hall Little Hadham Ware Hertfordshire
Post Code	SG11 2EB
Telephone Number	01279 771188
Email Address	Rachel.bryan@sworders.com

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

Rachel Bryan

Question 1: Please indicate which consultation document this representation relates to?

The Local Plan

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Sustainability Appraisal

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Habitat Regulations Assessment

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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 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

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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

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

Land at Dunton Hills (east of the A128, south of the A127 and north of the C2C railway line, approximately 259.2 ha in size) is allocated for residential-led development to deliver Dunton Hills Garden Village (DHGV).

The policy states that development will deliver a mix of uses to comprise around 2,700 homes in the plan period (as part of an overall indicative capacity of around 4,000 homes to be delivered beyond 2033 – subject to further feasibility and assessment of impact). This number has increased from 2,500 homes stated in the Preferred Site Allocations Consultation document of March 2018.

We object to this policy to propose a new settlement to deliver 2,700 dwellings during the plan period to meet a significant proportion the Borough's housing needs. Whilst we do not object to the principle of a new settlement, we do not consider that it should be relied upon to deliver such a significant proportion of the Borough's housing need within the timeframe envisaged.

We consider there to be both generic and site-specific constraints to delivery. Delivery of this strategic allocation is crucial to being able to demonstrate and maintain a five-year supply in the early Plan period, meaning the Plan fails the tests of soundness as set out in paragraph 182 of the NPPF.

It is considered that such a significant reliance on a single site within a Local Plan is not a sustainable approach to meet housing need and is one that has been heavily criticised by a number of Inspectors at recent Local Plan Examinations, for example Braintree District, Tendring District and Colchester Borough councils in relation to the North Essex Garden Communities.

Research published by consultancy Nathaniel Lichfield & Partners (*Start to Finish: How Quickly do Large-Scale Housing Sites Deliver? November 2016*) found that average planning approval period and delivery of first dwelling (i.e. from the date of the validation of the planning application) for sites of over 2,000 dwellings was just under seven years. This compares to just under five and a half years for sites of between 500 – 999 dwellings, just over four years for sites of 100 – 499 dwellings and just under three years for sites up to 99 dwellings.

The housing trajectory suggest that DHGV will deliver 750 dwellings by 2026. However, given the recent research, adopting the lag of seven years from a Plan adoption date before the end of 2019 (which we consider highly ambitious) would mean there would be no deliveries on site until after 2026.

Paragraph 9.33 states that of the 6,700 homes, 4,000 are to be delivered after 2033. However, this is caveated by the statement 'subject to further feasibility and assessment of impact', calling into doubt whether 4,000 can in fact be delivered on site.

There are no circumstances that suggest that Dunton Hills Garden Village can deliver more quickly than the seven years recommended by the above research.

The eastern edge of the DHGV allocation follows the Borough boundary with Basildon. The new settlement would adjoin Basildon's Green Belt, leaving a narrow strip between DHGV and the existing built up area of Basildon. At one point, both Councils intended to locate new settlements in this location, however, Basildon no longer propose this, which calls into question whether the authorities have complied with the duty to co-operate.

As such, we object to the reliance on this site for such a large proportion of the Borough need and consider that, as drafted, the Plan is not sound because it is not based on an appropriate strategy which proactively delivers housing across the Plan period.

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 Plan places significant reliance on the timely delivery of Dunton Hills Garden Village. This is not a positive strategy for meeting housing need and does not provide the flexibility required to address changes in circumstances. The allocation should be complemented by the allocation of small sites, to improve deliverability.

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

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YES, I wish to participate in the oral part of the EiP

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Question 8: If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary.

We wish to participate in the Examination to set out the case that additional smaller sites should be allocated, to ensure the Plan's deliverability and to ensure a constant delivery of new homes.

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.