



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	Sworders 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

☒

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).

Planning Policy Framework
1.24 – 1.25

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

Planning Policy Framework

Since the Local Plan Regulation 18 consultation, which took place in early 2018, the revised NPPF has been published. This Plan will therefore now be examined against the policies set out in the revised NPPF (February 2019). Paragraph 212 of the NPPF confirms this, stating that:

'Plans may ...need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.'

We question whether, in light of this fundamental change to the planning policy context, as well as changes to the introduction of the Standard Methodology for calculating housing need and the Housing Delivery Test, which will be discussed below, the Plan should progress to Examination.

In addition, we note that significant elements of the evidence base to the Plan, which were prepared under the 2012 NPPF, have not been updated.

For example, the Site Assessment Methodology and Summary of Outcomes – Working Draft provides the basis on which sites have been assessed as suitable for development and whether they should be allocated in the Plan. This document has not been amended to reflect the publication of the revised NPPF, or the Standard Methodology. The paper still refers to making provision for 'slightly above 380 dwellings per annum'; in fact, this number will need to increase significantly, for reasons set out below.

On this basis, we believe that the Plan is unsound. It is not positively prepared because it does not make provision for the Borough's objectively assessed needs and it is not justified because the evidence base on which it is based is not proportionate.

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 Plan should be updated so that the housing need is calculated based on the Government's standard methodology for calculating housing need, as well as reflecting the findings of the Housing Delivery Test. This will significantly increase the housing numbers and the number of sites required. Further consultation should then take place on a revised draft Plan, before it is submitted for Examination.

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.

To set out the need for the Plan to be properly considered against the provision of the NPPF 2019.

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.