



Consultation on Potential Main Modifications to the Local Plan 2016-33

September 2021

REPRESENTATION FORM

This form should be used to make representations on the Main Modifications to the Brentwood Local Plan 2016-2033 submission version as contained within the Schedule of Potential Main Modifications and accompanying updated Sustainability Appraisal and Habitats Regulations Assessment.

The Schedule of Potential Main Modifications and all required supporting documents can be accessed via the Local Plan website at <http://www.brentwood.gov.uk/local-plan-examination>

Please note this form has two sections:

Section A – Personal information

Section B – Your representation

Please ensure you complete **both** parts of the form.

Where possible, we would prefer responses are provided using our Local Plan online consultation portal. This is the quickest and easiest way to make representations. To respond in this way, please follow this link: <https://brentwood.oc2.uk/>

Comments will be considered by the independent Planning Inspectors undertaking the examination.

All responses must be received by 5pm Thursday 11 November 2021

Please return forms either by attaching completed forms by email to planning.policy@brentwood.gov.uk or alternatively by post to MM Consultation 2021, Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY

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.

Guidance Note on Legal Compliance

The Inspectors have assessed whether the Plan meets the legal requirements under section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended (PCPA), which includes whether the Local Planning Authority has complied with the Duty to Cooperate (section 33 of the PCPA) when preparing the Plan, before moving on to test the Plan for soundness.

In relation to this consultation, comments regarding legal compliance should only be submitted where they relate to the potential Main Modifications.

Guidance Note on Soundness

Local Plans are required to be assessed against the tests of soundness. If you are objecting to a potential Main Modification, Question 3 of the representation form asks you to identify which of the below tests of soundness you consider the modification fails to address (soundness is explained in National Planning Policy Framework (NPPF 2021) paragraph 35).

Positively prepared - The Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified - The Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective - The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

Consistent with national policy - The Plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

The preparation of the Local Plan has had regard to all policies in the NPPF. However, insofar as your comments relate to the Main Modifications, you may take the view that the Local Plan:

- a) Fails to address a requirement of the NPPF; in this case you should explain what else it needs to include. Please note that the Local Plan does not need to repeat national policies; or
- b) Departs from national planning policies without good local reasons. In this case, please explain why.

Please keep in mind the information provided above to assist with correctly completing your comment form.

Do you wish to be notified when the Brentwood Local Plan 2016-2033 is adopted by the Council?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
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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	M Scott Properties Ltd
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Question 1: Which **Main Modification and/or supporting document** does your representation relate to?

Each Main Modification within the Schedule has a reference number. This can be found in the first column i.e. MM1, MM2

Any representations on a supporting document should clearly state which paragraphs of the document it relates to and, as far as possible, your comments should be linked to specific Main Modifications. You should avoid lengthy comments on the supporting documents themselves.

Representations on the Policies Map must be linked to specific modifications in that they reflect a change required as a result of a Main Modification.

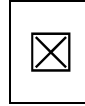
Schedule of Potential Main Modifications	MM no.	<input type="text" value="MM10"/>
Sustainability Appraisal	para(s)	<input type="text"/>
Habitat Regulations Assessment	para(s)	<input type="text"/>

Policies Map or other supporting documents	Please specify <input data-bbox="1089 226 1338 300" type="text"/>
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Question 2: Do you consider this Main Modification and/or supporting document :			
Legally Compliant?	YES <input checked="" data-bbox="922 783 1015 888" type="checkbox"/>		NO <input data-bbox="1255 783 1347 888" type="checkbox"/>
Sound?	YES <input data-bbox="922 945 1015 1050" type="checkbox"/>		NO <input checked="" data-bbox="1255 945 1347 1050" type="checkbox"/>

Question 3: If you consider the Main Modification and/or supporting document unsound, please indicate which of the soundness test(s) does it fail (please mark all that apply):	
Not positively prepared	<input checked="" data-bbox="1122 1461 1208 1566" type="checkbox"/>
Not justified	<input checked="" data-bbox="1122 1602 1208 1707" type="checkbox"/>
Not effective	<input checked="" data-bbox="1122 1749 1208 1854" type="checkbox"/>

Not consistent with national planning policy



Question 4: Please provide details of either:

- Why you consider the **Main Modification and/or supporting document** to be sound or legally compliant; or
- Why you consider the **Main Modification and/or supporting document** to be unsound or is not legally compliant.

It is clear that the submitted Local Plan is unsound, and modifications to it are necessary such that it is capable of being found sound.

In order for the Local Plan to be capable of being sound, as per the NPPF, it must contain strategic policies that address a minimum of 15 years from adoption. Such strategic policies should ensure development needs over a minimum of 15 years will be met, as a minimum.

The submitted Local Plan clearly fails to meet this express requirement of the NPPF.

MM10 proposes the introduction of a new policy (Policy MG06) which seek to resolve this flaw in the submitted Local Plan by requiring an immediate review of the Plan upon its adoption.

It should be noted that it is a substantial defect in the submitted Local Plan that the introduction of Policy MG06 seeks to address. The NPPF does not suggest that there are circumstances in which a Plan may address a shorter period than 15 years, and places great emphasis on ensuring development needs are met in full. As such, we consider it critical that the policy is effective and will ensure development needs do not go unmet.

Whilst we support the inclusion of Policy MG06 as a pragmatic response to addressing this issue, we consider that it is critical that the policy ensures that a review of the Local Plan is progressed and adopted. We do not consider that, as currently proposed to be worded, Policy MG06 achieves this.

Additional supporting text should be included which makes reference to the basis on which sites will be identified for allocation as part of the review. This should refer to the sites within the SHLAA that were assessed as being suitable, available and achievable but which were rejected on questionable grounds, including due to their location within the Green Belt.

We have concerns that there are no safeguards in place to guarantee the review of the Plan being undertaken within the proposed timescales, or at all. As such, and in order to ensure the proposed approach will be effective, suitable wording should be incorporated which states that failure to

review the Plan within the specified timescales will be deemed a significant factor in determining whether Very Special Circumstances exist for planning applications on sites within the Green Belt.

We also note that Policy MG06 does not specify a timeframe for adoption of the Local Plan review, and there is nothing within the suggested wording that would require it to be progressed beyond submission.

In addition, and whilst we agree it is *necessary* to specify a timeframe of 28 months for a Local Plan review to be submitted, we question whether this is *achievable* without Policy MG06 providing a clearer steer.

Appendix V to the Local Plan Final Sustainability Appraisal Report (January 2019) contains a list of 'village omission sites' which identifies whether any should be taken forward for further analysis. These sites were identified as deliverable or developable, but not considered further as potential allocations as they did not conform to the Plan's spatial strategy.

The inclusion of suitable wording would set out the basis on which sites will be identified for allocation within the review, and provide a clear steer to decision makers when approaching the site allocation process. This will also enable the ambitious timescales for the review to be met, given such sites have already been assessed in detail.

Please continue on a separate sheet if necessary

Question 5: Please set out what change(s) you consider necessary to make the **Main Modification and/or supporting document sound or legally compliant, having regard to the matters that you identified above.**

You will need to say why this change will make the Submission Version of the Local Plan sound or legally compliant. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as accurate as possible.

Additional wording should also be included within Policy MG06 which states that failure to undertake the review within the specific timescales would be deemed a significant factor in determining whether Very Special Circumstances exist for proposed development sites within the Green Belt.

Additional supporting text should be included which refers to omission sites, assessed as suitable, available and achievable within the Plan's evidence base as the starting point for identifying site allocations.

Please continue on a separate sheet if necessary