



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.

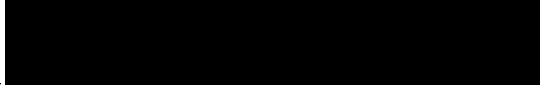

Effective - The Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

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.

Section A: Personal Details	
Title	Mr
First Name	Mike
Last Name	Taylor
Job Title (if applicable)	Director
Organisation (if applicable)	Chilmark Consulting Ltd On behalf of: U+I Group Plc
Address	Cambridge House Henry Street Bath
Post Code	BA1 1BT
Telephone Number	
Email Address	

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	U+I Group Plc
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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="114 – Annexe 1"/>
Sustainability Appraisal	para(s)	<input type="text"/>
Habitat Regulations Assessment	para(s)	<input type="text"/>
Policies Map or other supporting documents	Please specify	<input type="text"/>

Question 2: Do you consider this **Main Modification and/or supporting document**:

Legally Compliant?

YES

NO

Sound?

YES

NO

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

Not justified

Not effective

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.

Please see the attached representation submission

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.

Please see the attached representation submission

Please continue on a separate sheet if necessary

Brentwood Local Plan Examination: Schedule of Potential Main Modifications

Annexe 1 - MM114 Appendix 1: Local Development Plan Housing Trajectory and F81A – Housing Trajectory Update August 2021

For and on behalf of: U+I Group Plc

November 2021

Introduction

1. This submission to the Brentwood Borough Local Plan Examination is for and on behalf of U+I Group Plc.
2. It is concerned with the Consultation on the Schedule of Potential Main Modifications (September 2021) and particularly with **MM114 (Annexe 1 – MM114 Appendix 1: Local Development Plan Housing Trajectory)** which is also published in the form of an updated Examination Document **F81A** (August 2021).
3. U+I Group Plc has acquired the land interest and position taken formerly by LaSalle Land Limited Partnership (LLLLP) with respect to the Brentwood Borough Local Plan (BBLP) submitted for Examination by Brentwood Borough Council (BBC).

Overview

4. U+I Group Plc has already commented upon and objected to the various iterations of the Local Plan Housing Trajectories published including **F81A** in June 2021 (base dated April 2021) and via earlier Examination documents **F5D**, **F26** and **F81**.
5. U+I Group Plc's objection to the proposed Housing Trajectory set out in Potential Main Modification **MM114 Annexe 1** remains as per our earlier concerns.
6. **MM114 Annexe 1** continues to:
 - a. fail to demonstrate a level of housing provision that would meet the identified minimum requirement for the Borough overall;

- b. fail to offer any flexibility or headroom in the planned supply; and
- c. fail to deal effectively with the evident under-supply of housing in the first five years of the plan period.

Response to MM114 Annexe 1 Housing Trajectory

- 7. Brentwood Borough's Local Housing Need figure and planned total requirement of 7,752 dwellings (456 dpa) is the **minimum** annual housing requirement for the Borough to deliver over the plan period.
- 8. For the Local Plan to be considered sound, the proposed Housing Trajectory is expected to meet, at the very least, the Plan's identified housing requirement and to ensure a five year housing land supply. The delivery trajectory should also represent realistic assumptions as to delivery in each year. **MM114 – Annexe 1** (and **F81A** August 2021) fails to achieve this because:
 - a. the Trajectory's stated cumulative housing provision over the plan period (from all sources of housing supply) is adjusted now to 7,146 dwellings (in the previous version of F81A it totalled 7,092 dwellings) and when measured against the identified housing requirement (7,752 dwellings) there would be a **cumulative shortfall under-supply of -606 dwellings** by 2032/33 at the end of the plan period (representing a very slight change to the overall cumulative deficit compared to the last version of the Housing Trajectory F81A, April 2021). It is therefore continuing to plan to fail to meet the identified housing needs of the area;
 - b. the MM114 version of the Trajectory still results in a very 'fragile' five year housing land supply of **5.21 years** (previously the position was **5.01** years (F81A, April 2021). The five year land supply position **still has no resilience, headroom or flexibility**. Any slippage or delay will result in the Borough failing to have a five year land supply. This is not sufficiently positive or effective;
 - c. the proposed stepped trajectory (300 dpa rising to 400 and then 984 dpa) in the remaining 12 years of the plan period is unrealistic as U+I Group have previously identified. It would result in a significant residual risk in the

last few years of the plan period (particularly 2030/31 – 2032/33) of under-delivery of housing for which there would be no planned remedy (further allocations or similar that could be drawn forward) and now a reliance on an early plan review. The NPPF is clear that local authorities should significantly boost the supply of housing. Brentwood Borough is an area with a persistent record of under-delivery of housing over many years resulting in a significant shortfall to identified needs. The stepped trajectory approach supports a continued under-delivery in an area with an acute need for new housing now;

- d. the continued proposal to use the ‘Liverpool’ (spread the housing delivery to meet the deficit over the plan period) rather than ‘Sedgefield’ (deal with the deficit in the five year period) method of resolving past under-delivery (in the 2016/17 – 2020/21 period) has the effect of pushing further risk of continued under-delivery into the later years of the plan period and is not justified by low completions in recent years (which are largely due to a lack of allocated housing land / sites in the current Local Plan);
 - e. the annual allowance for windfall housing is still not substantiated by the evidence base as most of the windfalls in recent years have arisen from conversion of former B1 office accommodation to residential use via Permitted Development Rights; a finite resource in Brentwood Borough. The windfall rate used in **MM114 – Annexe 1** and replicated in **F81A** remains artificially inflated.
9. **MM114 – Annexe 1** does not demonstrate that there is an adequate supply of housing land and sites to meet even the minimum requirement by the end of the plan period. It offers no resilience or flexibility should sites or schemes fail to be implemented or delayed (of which there is a substantial remaining risk given the complex nature of many of the sites included within the Trajectory).
10. **MM114 – Annexe 1** is unrealistic. It is not positively prepared nor is it effective. The Plan should not be considered sound on this basis.

Conclusions

11. The latest version of the Housing Trajectory shown in MM114 – Annexe 1 reflects some minor tinkering with the housing supply numbers and timing for various sites. It fails however to address the underlying and serious concerns raised by U+I Group Plc (and other representors) previously both in written and oral evidence to the Examination and the Housing Trajectory remains deficient now.
12. For the reasons set out above therefore U+I Group Plc continue to object to the Plan's Housing Trajectory as set out in **MM114 – Annexe 1** and at **F81A**. It cannot be supported as it is not sound in terms of its positive preparation, effectiveness or justification.

Remedy

13. U+I Group Plc has previously set out the necessary remedies for the Housing Trajectory. The Council should be directed to set out a revised Trajectory modification that:
 - a. removes, or at the very least flattens, the extreme upward delivery rate curve of the stepped housing trajectory (as per the previous Main Modification proposed in **MM12** set out in **F9A** at page 10 which U+I Group supported). Use of the 'Sedgefield' method (deal with the deficit in the five year period) to address past under-delivery would help resolve the over-emphasis on a backloaded trajectory in light of the extreme shortfall in housing delivery in recent years;
 - b. takes a much more positive and proactive approach to meeting, in full and with some significant contingency / headroom built in, the Borough's housing requirement arising in the whole plan period, including in the next five years. This should be achieved by allocation of more housing land and sites at sustainable, suitable and available locations including around Brentwood town that was highlighted in the South Essex Strategic Growth Locations Study (May 2020) (**F34A**) as providing the opportunity for growth in the shorter term while other areas of South Essex progress their own plans. Such sites should include Land at Honeypt Lane, Brentwood – site ref: **022** (previously included as an allocation for residential

development in the BBLP) and which the Plan's SA confirms as being a reasonable, sustainable and achievable location for housing.