



Brentwood Local Plan

Response to Schedule of Potential Main Modifications

Prepared on behalf of Clearbrook Group (Respondent ID 2930) and Turn2us (Respondent ID 6753)

November 2021

1. Introduction

- 1.1. This representation on the Brentwood Local Plan (BLP) Schedule of Potential Main Modifications (SoPMM) is submitted by Strutt & Parker on behalf of Clearbrook Group (Respondent ID 2930), and Turn2us (Respondent ID 6753).
- 1.2. Clearbrook Group and Turn2Us are two entirely separate organisations, with separate interests in the BLP, but which have shared concerns in respect of the BLP.
- 1.3. This representation concerns MM10 of the SoPMM, and Policy MG06. Policy MG06 introduces a requirement for an immediate review of the BLP.
- 1.4. This representation discussed the need for the policy in principle, as well as the proposed wording of Policy MG06.
- 1.5. In overview, we consider the introduction of a policy requiring immediate review of the BLP represents a pragmatic response to addressing clear flaws in the submitted BLP, avoiding potential significant delay that would likely arise if such defects were sought to be cured through modification to the BLP itself. However, we consider that as proposed through the SoPMM, Policy MG06 is not sufficiently robust to ensure that development needs will be met in the longer term, and further modifications are required to ensure the BLP is capable of being sound.

2. Immediate Review Policy in Principle

- 2.1. The NPPF is clear that strategic policies should look ahead over a *minimum* of 15 years from the date of adoption. The need to do so is reiterated in the Planning Practice Guidance (PPG), where it repeats the requirement for strategic policies to address a 15-year period as a minimum, and the need for Local Planning Authorities to plan for the full period.¹
- 2.2. There is nothing within the NPPF or PPG which suggests there are circumstances where a Local Plan may address a shorter period.
- 2.3. However, the BLP plan period only runs until 2033. Adoption of the BLP is unlikely to be until 2022, at the earliest, meaning that its strategic policies will address, at most, an 11-year period.
- 2.4. In respect of housing, it is questionable whether the BLP will even meet the Borough's needs over this 11-year period. The housing trajectory published alongside the SoPMM suggests that the requirement will have to be stepped in order to meet the minimum overall housing requirement over this period – a process by which the housing target is artificially adjusted to a lower figure during the early years of the plan period such that proposed delivery will meet it. This masks the reality of housing need / supply, allowing the illusion that needs are being met to be presented, when in fact they are not. However, even if one were to ignore such concerns, the BLP patently does not address housing needs for the requisite 15-year period.
- 2.5. The position is further complicated by the fact that Brentwood Borough is predominantly Green Belt, and additional development is highly likely to require further alterations to the Green Belt boundary. This is problematic, as one of the two essential characteristics of Green Belt is permanence (the other being openness). The NPPF explains, at paragraph 140, that altered Green Belt boundaries should be established such they are capable of enduring beyond the plan period. Clearly, in the case of the BLP, the Green Belt will have to be altered again within the plan period.
- 2.6. Notwithstanding the above, it is recognised that the Borough is in desperate need of a more up-to-date Local Plan. The existing Development Plan is substantially out-of-date, having been adopted back in 2005 and predicated on very different circumstances – and

¹ Paragraph: 064 Reference ID: 61-064-20190315

different needs – than exist today. Furthermore, as a predominantly Green Belt Borough, opportunities to bring forward development to meet needs in the absence of a new Local Plan are severely limited.

- 2.7. We can therefore see the merit of taking a pragmatic approach through which the BLP is allowed to progress to adoption, but only subject to a policy within it which compels the Council to undertake an immediate review.
- 2.8. It is imperative for such a policy to not only ensure that the Local Plan is reviewed, but that the resultant revised Local Plan covers a minimum of 15 years from adoption, and addresses objectively assessed needs in full over this longer plan period.
- 2.9. We also consider that it is critical that the policy which requires the early review is prepared and adopted as swiftly as possible, for two reasons. Firstly, to properly and fully address objectively assessed needs, and to minimise the length of time in which the Council is utilising an arbitrary, reduced housing target which does not reflect actual needs (as proposed by the BLP). Secondly, to limit the amount of time in which uncertainty over the extent of the Green Belt remains, and thereby limiting harm to the permanence of the Green Belt.
- 2.10. In addition, it is essential that any policy put in place is effective in compelling the Council to undertake the review and adopt a revised Local Plan in a timely fashion. The policy must sufficiently incentivise the Council to ensure issues are addressed as swiftly as practicable, and there must be measures in place to ensure that development needs do not go unmet in the event that a review is not implemented in a timely fashion.

3. Detailed Wording of MM10 and Policy MG06

- 3.1. MM10 proposes that Policy MG06 require a partial review of the BLP to take place, and for this to *inter alia*:
1. Commence immediately upon adoption of the BLP;
 2. Be submitted for examination within 28 months;
 3. Be undertaken with the objective of meet meeting objectively assessed development need in full;
 4. Entail allocation of further sites to meet the objectively assessed housing needs in full.
- 3.2. For the reasons set out in Section 2 of this representation, in the event that introduction of a policy requiring a Local Plan review is deemed an appropriate cure to the defects within the submitted BLP, we support the above objectives.
- 3.3. However, we are concerned as to whether this policy is effective. Specifically, whether it provides sufficient incentive to compel the Council to undertake and adopt a partial Local Plan review.
- 3.4. We consider that, for the BLP to be sound, there must be a reasonable level of certainty that the partial review of the BLP will take place and that the resultant, revised Local Plan be submitted and adopted in a timely fashion.
- 3.5. We do not consider the policy as presently worded provides sufficient certainty.
- 3.6. The proposed wording of Policy MG06, for example, does not compel the Council to progress the Local Plan review beyond submission and to adoption.
- 3.7. More fundamentally, it is unclear what will happen in the event that any of the objectives listed in Policy MG06, cited in paragraph 3.1 of this representation, are not met. The Borough is predominantly Green Belt. As such, paragraph 11d) of the NPPF and the 'titled balance' in favour of residential development in the event development needs are not being met is unlikely to enable potential development sites beyond those allocated in the BLP to come forward to make up any shortfall in housing provision. Failure to progress a Local Plan review is highly likely to result in development needs going unmet.
- 3.8. To address these concerns, we suggest that:

1. Policy MG06 should incorporate a commitment to progressing the Local Plan review to adoption, with an appropriate timeframe set.
 2. Policy MG06 should expressly state that, in the event that the Local Plan review is not progressed in accordance with the objectives set out within the policy (both in respect of time and meeting development needs in full) *and* the Council is unable to demonstrate a five-year housing land supply and / or the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, then this will be afforded substantial weight in determining whether very special circumstances apply that justify residential development in the Green Belt.
- 3.9. In respect of point 2, we consider this would serve the dual purpose of helping to ensure that development needs could still be met in a Borough heavily constrained by Green Belt, even if the Local Plan review were not to be progressed; and providing incentive for the Council to progress the review through to adoption.
- 3.10. Without incorporation of the two points set out above in Policy MG06, we cannot see how the policy could be considered effective in ensuring development needs will be addressed over the minimum 15-year period from adoption. If Policy MG06 is not effective, we cannot see how it could be rationally concluded that the BLP is sound, given the importance of the issues that it seeks to address.