



**BRENTWOOD  
BOROUGH COUNCIL**

# 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](mailto: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	Ms
First Name	Rachel
Last Name	Clements
Job Title (if applicable)	Associate Director
Organisation (if applicable)	Lichfields on behalf of CEG Land Promotions Limited (CEG)
Address	The Minster Building 21 Mincing Lane London
Post Code	EC3R 7AG
Telephone Number	[REDACTED]
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"/>
---	---	-----------------------------

## 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 Clements
-----------	-----------------

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="85"/>
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.

These representations are made on behalf of CEG. CEG is the principal promoter of the proposed development at Dunton Hills Garden Village; for which an Outline application was recently submitted on behalf of CEG and the landowner.

CEG is generally supportive of the changes to the policy including the consolidation of former Policy R01(III). However, there are some further amendments that are required to ensure the policy is positively prepared, justified, and effective (NPPF, Paragraph 35). They will also aid clarity. These relate to how the garden village will come forward, especially in respect of the order of development.

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.

(Proposed amendments in red)

**"A. Master Planning, Design and Layout**

...

2. The masterplan shall: ...

*c. demonstrate how heritage assets and their settings will be sympathetically and appropriately integrated into the development taking into account the requirements of para.3 (j) and (k) below;"*

- No specific change but see our response to MM51.

*"h. show how development will safeguard, maintain and, where possible, enhance key views in and across the allocated site (to be identified in the Dunton Hills SPD);"*

- Amendment to make the policy more effective; linking to the SPD.

*"i. include a phasing and implementation plan which should secure the ~~phasing~~ general order of development across the whole of the allocated site to ensure that the development will be carried*

out in a manner that co-ordinates the implementation and timely delivery of such on and off-site infrastructure as shall be necessary to support each phase of the development and to ensure that:

i. its impacts are satisfactorily and appropriately mitigated;

ii. there are adequate supporting facilities (including access to adequate green and blue infrastructure, leisure and sporting facilities, shops, health, community and educational facilities) that will allow the early establishment of a self-sufficient and cohesive community; and

iii. occupiers have an appropriate range of sustainable travel options at their disposal, including access to bus services and the cycle and pedestrian link to West Horndon Station.”

- To reflect that the submitted phasing plan seeks to implement an appropriate order of development. The timescales in this document are shown as indicative and the timing of each phase cannot be guaranteed.

“3. Development proposals should: ...

“i. ensure the public rights of way (PRoW) ~~is~~ are retained (or where required diverted), ~~maintained~~ and enhanced;”

- To reflect that there are two PRoWs across the site; one of which will need to be diverted as necessary.

**“B. Delivery and Legacy:**

1. The development shall be delivered in **general** accordance with the phasing and implementation plan; **specifically, the order of development”**

- As per other changes, this reflects that the order of development will need to be followed while the timescales are indicative.

“2. A mobility hub (**which can initially be a temporary facility**) shall be delivered prior to the first occupation of the development with provision for its enhancement and expansion during later phases to be secured through a planning obligation.”

- Amendments reflects the phasing of development where a temporary mobility hub will initially be delivered followed by a permanent feature of the Garden Village.

“3. The first primary school with early years provision shall be delivered **within the first phase of development and opened at an appropriate time. prior to the occupation of the 200th dwelling** Its opening and the delivery of the further primary schools and the secondary school to be determined in consultation with Essex County Council. Planning obligations will be sought to secure **either** the timely transfer of the land needed to accommodate the schools along with any necessary financial contributions towards educational provision **or the delivery of the required schools by the developer.”**

- The opening of the school will need to respond to the delivery of homes (taking account of the mix, specifically size of dwellings delivered) at the time. This amendment would make the policy justified and more effective.

*“4. Where directly related to Dunton Hills Garden Village applicants will be required to make necessary, appropriate and reasonable financial contributions via planning obligations towards:*

*a. off-site highway infrastructure improvements as may be necessary **determined through the application(s) process in consultation with and reasonably required by** National Highways and Essex County Council; in accordance with policies MG05 and BE08 (the planning obligation will determine the level and timing of payments for these purposes) unless, in the case of the A127/128 junction, the applicant enters into a s.278 Agreement for its timely **construction improvement**, if more appropriate;*

...

*c. **through the application process, proportionate contributions to the** phased improvements to West Horndon Station in accordance with policy BE08 to increase its capacity and utility **will be agreed** in line with anticipated demand generated by each phase the development; ...”*

- These amendments would make the policy positively prepared and more effective.

*“8. Proposals shall include a supporting statement that includes initiatives **to ensure a proportion of that** new **construction** jobs created are offered to local people, as far as may be reasonably possible.”*

- The amendment ensures that the policy reflects what is in control of the developer(s). Various measures to ensure a proportion of the construction jobs will be offered to local people as set out in the submitted Employment Strategy. Beyond this point, the developer(s) have limited control over how operational developments employ future staff.

Paragraph 9.45:

*“The site contains and is surrounded by the following listed buildings, designated heritage assets and non-designated heritage assets as set out in the Heritage Impact Assessment:*

...

- *Dunton Hall (Grade II listed building) ~~on~~**off-site;**”*
- Dunton Hall is outside the allocation area; not within it. See Page 27 of the submitted Heritage Statement (labelled on the map as 15).