



Brentwood Local Plan

Response to Schedule of Potential Main Modifications

**Prepared by Strutt & Parker (ID 2741) on behalf of Stonebond Properties
(Chelmsford) Ltd (ID 5948)**

November 2021

1. Introduction

- 1.1. This representation on the Brentwood Local Plan (BLP) Schedule of Potential Main Modifications is submitted by Strutt & Parker on behalf of Stonebond Properties (Chelmsford) Ltd. (representor ID 5948), a SME housebuilder based in Chelmsford, Essex.
- 1.2. Representations have been submitted by Strutt & Parker throughout the development of BLP and its Examination, with particular regard to the sites it proposes to allocate in Kelvedon Hatch. Site R23 comprises Land at Brizes Corner Field, west of Kelvedon Hatch, and R24 is the site at Stocks Lane, to the east of Kelvedon Hatch, both in the control of Stonebond Properties (Chelmsford) Ltd.
- 1.3. As per our BLP representations and submissions to the Examination, the BLP is considered to be broadly sound. We are generally supportive of the proposed main modifications as set out in the Schedule of Potential Main Modifications, but consider that some further main modifications are nevertheless required to ensure the BLP is sound.
- 1.4. Comments are provided within this representation on:
 - MM7 (Policy MG05: Developer Contributions);
 - MM22 (Policy BE11: Strategic Transport Infrastructure);
 - MM105 (Policy R23: Brizes Corner Field, Kelvedon Hatch)
 - MM106 (Policy R24: Land off Stocks Lane, Kelvedon Hatch)
- 1.5. The above are considered in turn.

2. MM7 – Policy MG05: Developer Contributions

- 2.1. MM7 proposes changes to Policy MG05 (Developer Contributions) that require contributions to infrastructure “*as set in the Infrastructure Delivery Plan...where such contributions are compliant with national policy and the legal tests*”.
- 2.2. ‘Legal tests’ currently include *inter alia* those set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (‘the CIL Regulations’). This states that a planning obligation may only constitute a reason for granting planning permission for the development if it is:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 2.3. Whilst the caveat proposed within MM7, referring to the need to comply with legal tests, is welcomed and we infer this refers to the CIL Regulations, we suggest there would be merit in expressly referencing the above criteria regarding a legally compliant contribution within the policy itself. This would help provide clarity to a future decision-maker.
- 2.4. Separately, we have concerns regarding MM7 proposed wording, which links contributions to the Infrastructure Delivery Plan (IDP). We do not consider this approach is sound as:
- a) we are given to understand the IDP is a live document and subject to change; and
 - b) the IDP is not subject to a level of scrutiny to ensure that the contributions it demands are justified and viable, in the same way that a Local Plan or CIL Charging Schedule would be.
- 2.5. We suggest that, rather than expressly referring to the IDP within the policy, it would be appropriate for the IDP to be cited in supporting text as a document that may help inform determination of appropriate, CIL Regulations compliant contributions in the consideration of planning applications.

3. MM22 – Policy BE11: Strategic Transport Infrastructure

- 3.1. MM22 suggests changes to Policy BE11 (Strategic Transport Infrastructure) that would result in a requirement for, in effect, all development within the Borough to make “*reasonable and proportionate*” contributions towards mitigating the cumulative impacts of “*planned and other incremental growth*”.
- 3.2. We have concerns with the wording MM22 proposes to introduce. As currently proposed, the wording could result in a decision-maker inferring proportionate contributions towards highway infrastructure should be required of developments, even if such infrastructure was not directly related to the development proposed and / or unnecessary to make the development acceptable in planning terms, i.e. even if such a contribution were not in accordance with Regulation 122 of the CIL Regulations
- 3.3. We consider MM22 should be amended such that the policy makes clear contributions to transport infrastructure that will only be sought where they are directly related to development proposal in question, and necessary to make it acceptable in planning terms.

4. MM105 (Policy R23: Brizes Corner Field, Kelvedon Hatch)

- 4.1. MM105 proposes modifications to Policy R23 in relation to contributions that might be sought from it towards infrastructure.
- 4.2. We consider it appropriate in principle for the policy to require contributions from development of R23, provided they are compliant with the CIL Regulations (i.e. they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development).
- 4.3. Our concerns in respect of MM105 are similar to those set out in this representation in relation to MM22. Specifically, we consider that, to ensure the policy is effective, justified, and provides clarity to decision-makers, the policy text should make clear that contributions will only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

5. MM106 (Policy R24: Land off Stocks Lane, Kelvedon Hatch)

- 5.1. Our comments on MM106 relate to proposed modifications regarding how the quantum of development is expressed in the policy for R24, and regarding the suggesting policy wording concerning infrastructure contributions.

Quantum

- 5.2. MM106 proposes that reference to the site providing 'around 30 homes' be replaced with 'around 40 homes'.
- 5.3. We consider there is a particular necessity in ensuring this modification is made to the policy to ensure the BLP is sound, for two reasons.
- 5.4. Firstly, evidence submitted as part of the BLP preparation process, as well as the Examination, has clearly demonstrated that more than 30 dwellings can be suitably accommodated on R24. Therefore reference to 30 dwellings was not justified and a main modification is necessary in this respect to ensure Policy R24 is sound. The ability of site R24 to suitably accommodate c.40 dwellings has been evidence, and therefore reference to provision of around 40 dwellings on the site is justified.
- 5.5. Secondly, the NPPF places great importance on boosting housing supply and on meeting housing needs in full. This is clearly a challenge for the Borough. Separately, the NPPF also stresses the need to make efficient use of land for development. We consider this objective is particularly important in the case of the BLP, given that the Borough is predominantly Green Belt, the protection of which national policy affords great importance. Failure to make efficient use of development sites within Brentwood Borough will inevitably result in the need to release more Green Belt to meet the Borough's development needs in the future than would otherwise be the case. We note that early review of the BLP is required and that this will almost certainly entail further alterations to the Green Belt before the end of the BLP plan period in order to meet needs. In such circumstances, we consider that modifications such as the justifiable increase in housing numbers on sites such as R24 are essential in order to ensure the BLP can be considered positively prepared, effective, and consistent with national policy.
- 5.6. In overview, in order to ensure the BLP is sound, it is necessary for the quantum of development proposed at R24 to be increased from 'around 30' dwellings. The reference

to 'around 40' dwellings is justified and consistent with national policy, and help ensures the BLP can be considered effective and positively prepared.

Infrastructure Contributions

- 5.7. In respect of MM106, as with MM105 and Policy R23, we acknowledge that it is appropriate in principle for the policy to require contributions from development of R24. Again, this is provided such contributions accord with the requirement of the CIL Regulations.

- 5.8. As with our comments on MM105, we suggest MM106 should incorporate further modifications to make clear that contributions can only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.