

MM Consultation 2021
Planning Policy Team
Brentwood Borough Council
Town Hall
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33170/A3/JP

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BY EMAIL: planning.policy@brentwood.gov.uk

Dear Sir/Madam

RE: BRENTWOOD LOCAL PLAN: RESPONSE TO MAIN MODIFICATIONS

I write on behalf of Croudace Homes, Redrow Homes Ltd, Countryside Properties and Stonebond Properties (Chelmsford) Ltd ("the Developer Group") in response to the Council's consultation on the Potential Main Modifications to the Brentwood Local Plan. As you know this Developer Group will be bringing forward Local Plan allocation R03, Land North of Shenfield.

The Developer Group is generally supportive of the Potential Main Modifications as the majority of proposed changes will make the Plan more effective and consistent with national policy. The Group does have specific comments of the following Potential Main Modifications, as follows:

MM7: Policy MG05 (formerly SP04): Developer Contributions

The Developer Group *supports* the additional text (in bold) at part D of MG05 which states:

*"D. Applicants proposing new development will be expected to make direct provision or contribute towards the delivery of relevant infrastructure as required by the development either alone or cumulatively with other developments, **as set out in the Infrastructure Delivery Plan and other policies in this Plan, where such contributions are compliant with national policy and the legal tests. Where necessary, developers will be required to:***

- a. enter into Section 106 (S106) agreements to make provisions to mitigate the impacts of the development where necessary. Section 106 will remain the appropriate mechanism for securing land and works along with financial*

contributions where a sum for the necessary infrastructure is not secured via CIL; and/or

- b. make a proportionate contribution on a retrospective basis towards such infrastructure as may have been forward-funded from other sources where the provision of that infrastructure is necessary to facilitate and/or mitigate the impacts of their development (including the cumulative impacts of planned development)..."*

This text puts the IDP within a formal Local Plan policy, which is welcomed. Further, new paragraph MG05D.b. recognises that some infrastructure, such as a primary school and early years and childcare nursery, may need to be forward funded before all allocations that are required to contribute towards it have been built and able to pay the requisite contribution.

Mechanism for Retrospective s106 Contributions

The Developer Group, and in particular Croudace Homes, looks forward to understanding and discussing the mechanism Brentwood Borough Council and Essex County Council will develop and utilise to ensure that all requisite contributions are proportionate, meet the s106 tests and are collected in accordance with Local Plan policies and the IDP.

The Developer Group also *supports* the additional text inserted into policy allocations R04 to R19 referencing the infrastructure requirements in accordance with MG05, as they will be expected to contribute to the provision of the primary school and early years and childcare nursery on Land North of Shenfield, amongst other requirements as set out in the IDP. It is considered that this is more transparent and effective.

MM10: Policy MG06 Local Plan Review

The Developer Group *supports* the Council's commitment to an early review of the Local Plan (MM10) which has allowed this Plan to be examined and proceed to adoption without further undue delay.

This will allow sites, such as Land North of Shenfield, to come forward once the Plan has been adopted and the site removed from Green Belt to deliver much needed housing and support the Council in meeting its housing need.

Concern about Council Resourcing

The Developer Group is aware, however, that the Local Plan Examination Inspectors requested written assurance that the Council would be able to appropriately resource the large number of complex planning applications that will be coming forward within a very short period of time to fulfil the housing trajectory promoted by the Council at the Examination and in the Potential Main Modifications.

This written assurance has not been made public, and the ability to resource applications, without excessive additional cost or time delay to developers remains a concern. That said, the Developer Group looks forward to positively engaging with the Council in order to bring forward the comprehensive masterplan for the site as well as the individual applications in the near future.

Concern about National Highways and Major Road Junctions

The Developer Group is concerned about the way that several Local Plan policies could cause a delay if suitable mitigation measures are not decided upon with National Highways until the Local Plan Review is published 28 months after adoption and then subsequently examined:

- Policy R03 requires the developers to provide financial contributions towards *"off-site highway infrastructure improvements as may be reasonably required by National Highways and Essex County Council in accordance with policies MG05 and BE08"*
- Policy MG05 states that *"Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered in a timely and, where appropriate, phased manner by the proposal" and "Where a development proposal requires additional infrastructure, to be deemed acceptable, mitigation measures must be agreed with the local planning authority and the appropriate infrastructure provider"*
- Policy BE08 states that *"In order to support and address the cumulative impacts of planned and other incremental growth, allocated development within the Local Plan and any other reasonable and any other development proposals shall (where appropriate) provide reasonable and proportionate contributions to required mitigation measures to strategic transport infrastructure, including: c. improvements to the highway network as deemed necessary by transport evidence or as agreed by National Highways and Essex County Council as appropriate..."*
- MG06 obviously highlights the need to provide improvements to and around A12 junction 12 / M25 junction 28 and associates these with the Local Plan review.

Therefore, Policies R03, BE08 and MG06 require developers to provide financial contributions to an as yet undetermined mitigation measure to the A12 junction 12 and/or M25 junction 28. If it is deemed that either of these junctions do not have capacity for our development proposals to be granted permission prior to those improvements being agreed, policy MG05 then requires developers to agree those mitigation measures with National Highways and Essex County Council. However, Policy MG06 incorporates the transport improvements into the Local Plan review, and as such, developers could be waiting for the submission of the review in 28 months and the subsequent examination period following that review before sites could be brought forward – this could cause a 2-3 year delay. Therefore, the Developer Group **object** to this policy as proposed to be modified and considers it necessary for the Council to make the following change to policy MG06D:

*"a review of transport and highway issues to cater for local plan growth throughout the period of the review (in consultation with National Highways and Essex County Council) **unless otherwise agreed with National Highways prior to the Local Plan review, taking into account ..."***

Policy MG06 sets out the specific matters to be addressed in the early partial review of the Plan, which includes at Section D, a review of transport and highways issues including the two M25 junctions in the borough. The Local Plan Examination suffered significant delay as a result of National Highways (then called Highways England) introducing issues around the M25 junctions very late in the process.

It is understood that proposed MG06Di considers *"the optimisation of existing, and the introduction of further, sustainable transport measures where appropriate along with the need to provide improvements to and around... A12 Junction 12; M25 Junction 28 and M25 Junction 29"* however the Developer Group is concerned that this proposed policy has just delayed the policy considerations and not necessarily dealt with National Highways actual concerns about the M25 junctions.

It is assumed that BBC reached an agreement with National Highways and the Local Plan Examination Inspectors on the wording of MG06, and the consequent delay in consideration of the M25 junction issues. The Developer Group seeks assurance that this agreement with National Highways will still hold whilst the planning applications for Land North of Shenfield are being considered and will not, therefore, attract an objection by National Highways on the grounds that this matter has not been resolved at this stage.

The Developer Group looks forward to discussing this matter, and receiving this assurance, through the evolution of the comprehensive masterplan and the pre-application engagement for the various developer proposals.

MM13: Policy BE03 (now BE01) Carbon Reduction and Renewable Energy

The suggested revised policy acknowledges that the requirement for a minimum of 10% of predicted energy needs of a development to be from renewable energy may not be possible or appropriate on site, and therefore allows for flexibility to be provided off site or funded through a s106. The Developer Group *supports* this approach.

MM15: Policy BE04 (now BE03) Establishing Low Carbon Reduction and Renewable Infrastructure Network

The attempt to create decentralised heat networks on large allocated sites is laudable, but it is not the only way to provide low carbon heat or energy. This is not recognised in the policy and is a significant omission. As currently drafted, a developer (of a scheme over 500 homes) is forced to consider a decentralised system before any other alternatives. It does not allow a developer to demonstrate that alternative solutions could deliver the overall aim of the policy, i.e. establishing local carbon reduction and a renewable infrastructure network. The Developer Group therefore **objects** to the wording of B(ii and iii) and considers that the whole of part B should be rewritten to allow a developer to demonstrate that an appropriate strategy has been included in the development. For the avoidance of doubt criterion B(i) is not objected to.

Fundamentally, in the absence of local evidence, developers will be led on this issue by non-planning legislation (e.g. Building Regulations and the Future Homes Standards). Further it is noted that there are no existing networks in the Borough for development to link to or expand.

The flexibility of the policy to take into account the viability of a development is crucial in this early stage of low carbon energy and heat technology and provision, and is welcomed. However, this places the burden of proof on the developer when it is right for the Council to have first demonstrated the deliverability of such technology. Further, as noted above, there are other ways of achieving the overall aim of the policy and that should be the relevant test for the applicant to pass.

MM87: Policy R03 Land North of Shenfield

The Developer Group generally supports this policy; however, it is noted in regard to self build, Policy HP01 now includes a caveat regarding the need for the provision to be demonstrated. This provision is absent from Policy R03, and should be included for consistency.

Yours faithfully,



JANE PIPER

Director