

GR/CAM.0940

2 October 2013

Planning Policy Team  
Brentwood Borough Council  
Town Hall  
Brentwood  
Essex  
CM15 8AY

Dear Sirs

**Brentwood Borough Local Plan 2015-2030 – Preferred Options Consultation**  
**Comments on behalf of Mrs Rasch**

Thank you for this opportunity to comment on the Brentwood Local Plan Preferred Options Draft. We submit comments on behalf of Mrs Rasch who have land interests in West Horndon (Site reference 126).

Our comments relate mainly to the Amount and Distribution of Residential Development set out in Policy S2 and the specific policies relating to the West Horndon Opportunity Area set out in Policy CP4 and Major Housing Land Allocations in Policy DM23.

***Policy S2 - Amount and Distribution of Residential Development***

Policy S2 states that 3,500 dwellings need to be built in the Borough between March 2015 and March 2030 (resulting in an annual rate of between 200-250 dwellings). The justification for this housing provision is included in paragraphs 2.22 – 2.37. There is concern regarding this justification. In summary, the concerns are:

- The plan period starts in 1.5 years time not immediately;
- The housing provision is significantly lower than the objectively-assessed need for the Borough;
- No evidence of a duty-to-cooperate with neighbouring authorities in relation to locating any additional housing growth.

Plan Period

There is no explanation in the preamble to the policy as to why the plan period does not start immediately and what allowance is made for either the shortfall or over provision which may occur in the next year or previous years. The plan assumes that at the starting point there is no under or over provision which may have occurred in the preceding years which needs to be taken into account.

Paragraph 157 of the National Planning Policy Framework (NPPF) states that Local Plans should be kept up to date. Therefore the Council has a duty to ensure that the Local Plan is up to date and takes into consideration present day requirements and influences such as relevant housing completions.

It is considered that there needs to be an allowance made for the under or over supply of housing at March 2015 in order to ensure that the housing provision as set in Policy S2 is sound.

#### Housing Provision

The Council has undertaken a study outlining the *Objectively Assessed Needs For Brentwood*. This study concludes that the level of housing provision to meet this need should be in the region of 331-362 dwellings per year. This is significantly above the housing provision requirement as set out in Policy S2. Paragraph 2.20 of the Draft Local Plan states that "*due to significant capacity constraints, it is not possible to accommodate fully the scale of growth implied within the context of a coherent spatial strategy in accordance with sustainable development principles as set out in the NPPF*".

This conclusion is questionable and it is not considered to be a sound spatial strategy that does not fully consider the impacts and benefits of such a strategy. Paragraph 14 of the NPPF states that: "*Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*" It is not considered that the adverse impacts reported by Brentwood Council have been assessed appropriately to conclude that they significantly and demonstrably outweigh the benefits of providing sufficient housing in the Borough.

Recently, Lichfield District Council has been criticised for not providing adequate housing to meet their objectively assessed need and their Plan has been suspended while other sites are identified. In the Inspectors note to the Council it states that "*I am, however, concerned that the Plan as submitted is unsound in that it does not make adequate provision for the objective assessment of housing need contained in its own evidence base.*" In this case the Council has decided to seek to identify additional sites in order to ensure the plan is found sound. It is therefore considered that Brentwood Council should also seek to identify additional sites to meet their objectively assessed need.

There has been no further testing as to the impact of **not** providing adequate housing in the Borough and what adverse impact would result from a significant under provision of housing which does not meet the objectively assessed needs of the Borough. This should be taken into account when assessing the environmental impact of housing provision in the Borough.

Alternative Option 1 which relates to the objectively assessed need is listed in Policy S2 and the reasons for rejection relate to the perceived environmental impact of such a level of housing provision. However, there is no assessment of the benefits which would be received by a significant boost to the housing supply in the Borough, as required by the NPPF, and therefore these do not seem to have been taken into account when selecting the housing options.

It is considered of paramount importance for the Council to demonstrate that the impact of not providing an adequate supply of housing in the Borough to meet the identified need has been assessed as part of the identification of an appropriate housing provision.

A recent court judgement offers more insight into this subject. *Hunston Properties v Secretary of State [2013] EWHC 2678* in summary requires the decision maker to assess housing need and identify the unfulfilled need having regard to the supply of specific deliverable sites. The consideration of need requires under paragraph 47 the need to "boost significantly" the supply of housing. Under the first bullet point this cannot be a needs figure that expressly does not and does not purport to identify actual need. A constraints adjusted figure does not meet need and is not consistent with paragraph 47. Once the full objectively assessed figure is identified then the decision maker must then consider the impact of other policies in the NPPF.

Relying solely on the impact on the Green Belt as a reason not to provide objectively assessed need is not adequate. The judgement in paragraph 29 states that "*Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF. The Green Belt policy as I have explained is not an outright prohibition on development in the Green Belt. Rather it is a prohibition on inappropriate development in the absence of very special circumstances.*"

The Council is relying on a forthcoming Landscape Sensitivity Testing and Green Belt Assessment and a 2006 Mid Essex Landscape Character Assessment in reaching the conclusions of harm to the Green Belt. It is considered that the 2006 assessment is out of date and does not comply with the current guidance as set out in the NPPF. It is difficult to challenge or assess the conclusions of the forthcoming reports if these have not been published concurrently with the Local Plan. Therefore it is considered unsound to rely on out of date and unpublished data.

The Council themselves in allocating a significant level of housing in the Green Belt (1,500 houses at West Horndon Policy CP4) has already assessed that in certain very special circumstances it is appropriate to allocate houses in the Green Belt. Presumably this relies on the conclusions of the unpublished studies. However, the significant boost to housing supply can be also be considered as a very special circumstance as tested at a number of appeals. Therefore it is considered that additional assessment is needed as to the balance between the adverse impacts outweighing the benefits of housing supply.

#### Duty to Co-Operate

The Council in paragraph 2.21 states that "*The NPPF advises planning authorities to look to neighbouring authorities to meet unmet demand, where they cannot meet this themselves through a 'Duty to Cooperate'. The Council is exploring options in this regard.*" It is considered inadequate to rely on this statement without providing more detail at this stage. There are concerns that if at a later stage there are no further opportunities to meet this demand in neighbouring authorities then this will have a significant impact on the provision of housing supply in the area.

It is considered necessary at this stage that the Council provides more information of the meetings that are taking place with neighbouring authorities and the potential development options being discussed and how these will relate to the development options as set out in the Preferred Options Local Plan.

The 'duty to co-operate' is a legal requirement of the plan preparation process (Section 110 of the Localism Act). The LPA needs to provide sufficient evidence to demonstrate that the 'duty to co-operate' has been undertaken appropriately for the plan.

There is no fixed format for how this evidence should be presented, nor what it should comprise, but it should be:

- succinct
- flow from the issues that have been addressed jointly
- highlight the practical policy outcomes that have resulted.

A 'tick box' approach or a collection of correspondence will not be sufficient. The LPA should show how they have considered joint plan-making arrangements, what decisions were reached and why. Brentwood Council needs to report how the duty is being taken forward on an ongoing basis through the Annual Monitoring Report.

It is not considered that the Council has correctly met this duty by simply stating that they are exploring options. Additional details need to be provided which set out the approach and strategy.

#### ***Policy CP4 – West Horndon Opportunity Area***

Policy CP4 allocating strategic development at West Horndon is supported. It is considered that there are ample opportunities within West Horndon to deliver this level of strategic development. As discussed in the response to Policy S2, it is considered that the level of housing provision proposed in the Brentwood Local Plan is insufficient in relation to the objectively-assessed need of the Borough and therefore further opportunities within Brentwood Borough and specifically West Horndon should be explored in relation to providing additional housing provision in order to ensure that the Plan is found sound.

In the preamble to Policy CP4, the Council acknowledges that "*West Horndon could give rise to further capacity depending on its ability to accommodate a self sustaining community and provision of infrastructure can be met over the plan period.*" Therefore it will be necessary to identify additional sustainable sites within West Horndon.

The Policy identifies sites 020, 021 and 037 as forming the strategic allocation for 1,500 houses. However, the site to the south of Station Road (reference: 126) has been also been assessed. It is considered that allocating additional land to the east of West Horndon, South of Station Road (Site reference 126) would provide an appropriate scale and balance of development in this vicinity which would meet the longer term needs of the Borough as identified in the objectively assessed needs study. This would ensure that new development is evenly balanced on the western and eastern side of West Horndon. The preamble to the policy acknowledges that there is an opportunity to provide further development in West Horndon and the Council's own objectively assessed need study identifies a greater housing need than Policy S2 will satisfy so therefore it would be a sensible approach for the Council to allocate additional land to the south of Station Road (site reference 126).

The location of West Horndon has been identified as a sustainable location due to the provision of the strategic allocation for 1500 houses. It is considered that land south of

Station Road is sustainable as it abuts the development boundary of West Horndon and is close to all facilities and public transport routes. Therefore it would be in accordance with the NPPF to provide additional sustainable development at West Horndon, particularly at Site reference 126, to significantly boost the supply of housing in the Borough.

**Policy DM23 Housing Land Allocations – Major Sites**

Policy DM23 allocates the West Horndon Strategic Allocation and is supported by my client. However, as stated in our response to Policy CM24 it is considered that additional sites are capable of allocation in West Horndon in order to meet the objectively assessed needs of the Borough. In particular, it is requested that site reference 126, land south of Station Road, east of West Horndon is allocated in order to provide additional housing in a sustainable location.

We trust these comments are useful at this time and we look forward to being kept informed of the next stages of the Local Plan.

Yours faithfully

