

## **BRENTWOOD BOROUGH LOCAL PLAN, 2015-2030: PREFERRED OPTIONS**

Essex County Council welcomes the production of Local Plan Preferred Option by Brentwood Borough Council.

This response is structured as,

- Evidence Base
- Education Requirements
- Crossrail
- Additional Core Policies – Education Provision
- Comments on Core Policies including supporting text
- Comments on Development Management Policies including supporting text
- Other Supporting Text Comments

### **Evidence Base**

The County Council welcomes the opportunity to comment on the emerging Brentwood Local Plan, especially with regards the potential impact on the delivery of key ECC services and other areas of statutory responsibility. In order for a Local Plan to be found 'sound' it is required to be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, and based on proportionate evidence. It is noted that the Local Plan is to provide for a housing provision figure below that considered to be the 'objectively assessed need' of the Borough (between 4965 and 5430 dwellings). Para 2.20 of the Local Plan indicates that a lower housing provision is being proposed since the higher level of growth implied would lead to significant impacts for the Borough; namely harm to the landscape, Green Belt, settlement identity and character and town centre traffic congestion. It is noted that the Plan will be supported by key evidence including, but which is not presently available:

- Brentwood Strategic Housing Market Assessment (jointly with HOE districts and Colchester Borough);
- Landscape Sensitivity Testing and Green Belt Review/Assessment
- Objectively Assessed Needs Assessment
- Highway modelling work
- Utilities Assessment
- Infrastructure Delivery Plan
- Brentwood Borough Council Site Allocations technical paper
- Surface Water Management Plan
- Sustainability Appraisal (SA)

The County Council would seek to withhold its support for the proposed Spatial Strategy (Policy S1) until these key pieces of evidence are publicly available, since it is presently unable to form a view as to whether the proposed spatial strategy is the most appropriate. Any significant amendment to the proposed strategy is of particular importance to the County Council as it will need to be satisfied that the impact of any planned scale and distribution of growth can be accommodated by ECC areas of responsibility, and in so doing consistent with Strategic Objective SO2 and SO11 concerning infrastructure capacity and facilities. At present the Local Plan does not clearly demonstrate the link between the strategy and the conclusions arising from the evidence base.

### Highway Modelling

At present there does not appear to be the appropriate transport evidence to support the selection of the preferred option of directing development to Brentwood, Shenfield and West Horndon (Strategic Objective SO1), and the identification of appropriate mitigation. Essex

County Council, as highway authority, will need to be satisfied with the approach to highway modelling and the necessary mitigation required on the overall network and key junctions before support can be given to the proposed strategy and strategic development sites. Any modelling work will also assist in identifying particular areas within Brentwood urban area which experience unacceptable periods of congestion. It is noted that some 1800 dwellings are proposed throughout the urban area, and it will be necessary to ascertain the potential cumulative impact of these sites on the network, which in turn will inform whether and what needs to be considered as part of any Transport Assessment or Statement.

Essex County Council would seek to be involved in the consideration of the impact of the development on the local and strategic highway network, and in particular potential access onto the A127, from the strategic site at West Horndon.

As part of any highway work it will be necessary to involve the Highways Agency given the proximity to the A12 and M25, and to ensure their support for any underlying parameters to modelling, and their views of the impact of strategic sites on their network.

### Brentwood Surface Water Management Plan

The emerging Brentwood Surface Water Management Plan does not appear to be referenced in the Local Plan, as either an evidence document, or as being considered in the determination of any spatial strategy. The emerging draft highlights a number of areas to be at a higher risk than others to surface water flooding, namely West Horndon, Ingatestone and Brentwood Town Centre. Such areas should not be precluded from development but will lead to additional work identify appropriate mitigation and amelioration work.

### Sustainability Appraisal

Paragraph 1.14 indicates that a Sustainability Appraisal was undertaken to support the Issues and Options stage of the Local Plan, and to support previous work concerning Gypsy and Traveller sites. Brentwood Borough Council published a Sustainability Scoping Report for consultation in May/July 2013. ECC consider our comments provided for this consultation should be considered with respect the current consultation. ECC was particularly concerned that the `Scoping Report` did not update the Sustainability Objectives or Sub Objectives from those identified in the Core Strategy Scoping Report (2009). This will need to be undertaken and subject to further consultation.

The Sustainability Appraisal at this stage is a key evidence base document, assessing the economic, environmental and social impacts of the preferred strategic and development management policies as well as site allocations and alternatives for all these three elements of the Local Plan. It is noted that a Sustainability Appraisal was undertaken for the 2009 Issues and Options Core Strategy, and an interim Sustainability Appraisal (SA) has been published part way through the current consultation. Consequently, it is unclear how this Appraisal could have appropriately informed the spatial strategy in the Preferred Option Local Plan. As such, as far as can be evidenced, no independent recommendations regarding sustainability could have influenced the production of these two elements of the plan, contrary to paragraph 1.14.

It is recommended that a Sustainability Appraisal Scoping Report compliant with the statutory requirements of the EU Directive 2001-42-EC and the 2004 Environmental Assessment of Plans and Programmes Regulations is undertaken. Post consultation of this scoping stage, a similarly compliant Sustainability Appraisal Environmental Report should also be undertaken for the Preferred Options Local Plan on all relevant content and their alternatives.

## **Education Requirements**

Each year Essex County Council publishes the Commissioning school places in Essex document, and which currently covers the period 2013-2018. This document sets out the number of places available at each school and the number of pupils that currently attend each. Using historic births data, current GP registrations, historic admissions patterns and current numbers on roll the demand for places five years hence is forecast. Longer range forecasts are not attempted as reliable data on future birth rates is not available.

For the purpose of this assessment the anticipated pupil number from developments within each school's priority admission area has been considered against the forecasts at 2017-18. A high level view has been provided with regards the ability of primary and secondary schools to accommodate this growth.

### ***Primary School Capacity***

Without considering the impact of the planned housing growth in the Local Plan there will be a significant deficit of primary school places by 2017/18, at the following schools – Holly Trees Primary (over 100 places); Larchwood Primary (over 30 places); Long Ridings (over 10 places); and Willowbrook Primary (over 40 places). All the remaining schools in the Brentwood, Hutton, Pilgrims Hatch and Warley urban area will be close to capacity or slightly over capacity by 2017/18.

The catchment area of these schools is expected to have to accommodate approximately 900 additional dwellings and their pupil product (approximately 275 pupils). It is expected that this planned growth coupled with existing deficits will lead to a deficit in primary school places across this area of some 450 pupil places. Many of the existing school sites are constrained with regards their ability to expand and accommodate additional growth. Furthermore, the size of the potential Local Plan allocations are of a scale and in a location that would prove problematic in providing a new primary school facility. However, their cumulative impact will potentially require a new primary school facility. Essex County Council will need to undertake some additional assessment if this level of growth is progressed by the Borough Council.

The Local Plan identifies a significant strategic green belt release of 1500 dwellings at West Horndon. Without considering the impact of the planned housing growth in the Local Plan there will be sufficient capacity of primary school places by 2017/18. The planned level of growth could generate up to 450 additional pupil places, and would require a substantial amount of additional provision. Consideration will need to be given to the provision of a new 2fe primary school within the proposed new allocation and/or the part expansion of West Horndon Primary School

The planned growth identified for Ingatestone/Mountnessing of some additional 150 new homes could be accommodated within existing primary provision.

The limited planned growth for Blackmore, Doddinghurst and Kelvedon Hatch could be accommodated within existing primary provision

### ***Secondary School Capacity***

Without considering the impact of the planned housing growth in the Local Plan there will be a surplus of secondary school places within the Brentwood urban area (over 400 places) by 2017/18. However, there will be a significant deficit in pupil places at St Martin's, Hutton (over 100 places). The Local Plan is to generate the need for approximately 490 additional pupil places, which can be accommodated within existing secondary provision. Some

consideration may be required if significant growth is to progress within the catchment of St Martin's in Hutton.

The planned growth identified for Ingatestone/Mountnessing of some additional 150 new homes could generate approximately 30 additional pupil places. Whilst this would create a small deficit at Anglo European School the deficit could be accommodated within other Brentwood Secondary Schools.

### **Early Years and Childcare**

Essex County Council has a duty to ensure, as far as reasonably practicable, that there is sufficient childcare across Essex to meet the needs of parents. This is called childcare sufficiency. Termly sufficiency meetings are conducted and a termly childcare sufficiency assessment is produced. This gives a picture of the supply and demand for childcare and identifies any barriers to families accessing childcare. The most recent report is June 2013 and was based on the spring 2013 take up audit and local intelligence.

The Local Plan is seeking to provide some 1800 dwellings in the Brentwood urban area and 1500 dwellings at West Horndon, which will have an impact on the provision of Early Years and Childcare in the following areas:

Brentwood North – there is already an identified need for additional places in this ward, with the current provider seeking to expand its existing site. The proposed development could generate an additional 24 childcare places. Developer contributions will be required from developments, and Essex County Council will need to undertake some additional assessment if this level of growth is progressed by the Borough Council in the Pre Submission Plan.

Brentwood South – there is already an identified need for additional places in this ward. The proposed development could generate an additional 20 new childcare places. Developer contributions will be required from developments, and Essex County Council will need to undertake some additional assessment if this level of growth is progressed by the Borough Council in the Pre Submission Plan.

West Horndon – there is presently no need for additional places. The proposed development could generate over 130 additional new childcare places, which is likely to require a minimum of 2 new 56 place centres (ie 2 x 0.13 ha). Consideration will need to be given to the location of these new facilities, which may be co-located with a new primary school, if necessary, and/or an expanded West Horndon Primary School. There is some employment proposed within the allocation, which may be a reasonable location for a new facility. The location will need to be considered as part of the community masterplanning of the West Horndon Opportunity Area (Policy CP4)

### **Crossrail**

Essex County Council notes the numerous references to Crossrail in the Plan, and the opportunity this will bring to the retail and leisure offer for Shenfield (paragraph 2.51 and 3.52). Essex County Council supports this intention and considers this is necessary in order to support and inform Strategic Objective SO6, which states:

'Optimise the social and economic benefits that arise from Crossrail for the benefit of residents and visitors to the Borough'

This Strategic Objective should also refer to the benefits of Crossrail to business.

Policy CP11 – Strong and Competitive Economy also refers to capitalising on the economic benefits that arise from Crossrail.

However, it is unclear as to whether any reports have been commissioned to consider and identify any opportunities for improving the retail offer and its environment at Shenfield. The Brentwood Retail and Commercial Leisure Study identified a potential increase in footfall and potential expenditure at Shenfield arising from Crossrail, which would benefit retail. The report also identified the opportunity to potentially undertake piecemeal upgrading of dated units and servicing arrangements at Shenfield, along with public realm improvements. However, there appears to be no clear reference to improvements within any Policy regarding the retail offer and its environment. Essex County Council would like to see some reference in Policy CP12 – Thriving Town and Local Centres with regards potential enhancements/opportunities at Shenfield.

Essex County Council would recommend that the social and economic benefits and strategic importance of Crossrail is further explored in relation to the emerging spatial strategy.

### **Policies Map**

A Local Plan should be accompanied by a Policies Map, which spatially demonstrates all the areas where different policies and site allocations will apply. It is also common practice that in draft Local Plans sites are also included which have been rejected and the reasons for their rejection. This would assist in demonstrating that the local authority has considered all relevant proposals in arriving at the Preferred Spatial Strategy.

### **Additional Core Policies**

#### **New Education Policy**

Essex County Council would like to see more positive support given in policy terms for the improvement and expansion of existing schools. Schools evolve over time to reflect changes in educational practice and operational requirements that better meet, and improve, future educational quality and standards. This results in proposals for remodelling and reconfiguration of school sites that are likely to require extension of buildings beyond the existing built footprint on school sites. It may not be possible to obtain the required educational outcomes without using parts of school playing fields which may be designated also as lying within the Green Belt.

The Spatial Strategy (Policy S1) seeks to ensure no change is made to Green Belt boundaries other than the potential strategic allocation at West Horndon and development of existing developed sites in the Green Belt. Policy DM11 – New Development in the Green Belt provides tight restrictions on any development within the Green Belt or to Green Belt boundaries.

Essex County Council considers that retaining Green Belt status for school playing fields would not offer sufficient flexibility to attain the intent of Strategic Objective SO11 (Page 7) due to some school expansion proposals that may need to extend across the Green Belt boundary. Following a cumulative assessment of the planned growth in the Brentwood Urban area there is a significant deficit in capacity for primary school places, and existing schools are restricted with regards potential on site expansion, and/or subject to local environmental impacts (eg highway congestion). Core Policy CP17 (Provision of Infrastructure and Community Facilities) and Development Management Policy DM39 (Changes of Use or New Buildings for Institutional Purposes) do not fill the void.

NPPF (Paragraph 72) attaches great importance to ensuring sufficient choice of school places is available to meet the needs of existing and new communities, and to ensure a wide choice in education.

Consequently, a new and additional policy should be added to the Document, to read,

'Policy \*\*\*\*\*: Existing Education Provision

The re-modelling and expansion of education and childcare facilities, including necessary development on school playing fields will be supported where it is proven that such expansion is the most appropriate way to meet local need.'

With supporting text, to read,

'There are 24 existing primary schools, 6 secondary schools, including 1 Academy Free School (July 2012) in the Borough. There is a need for these important facilities to continue to be fit for purpose to deliver high standard education provision. Where schools are retained in education use the Council will support their re-modelling and expansion to meet local need.'

## **Chapter 1 – Introduction and Context**

Reference should be made to the Essex and Southend Replacement Waste Plan (RWLP) and the Essex Replacement Minerals Local Plan (RMLP), as these form part of the Development Plan for Brentwood Borough, and are a material consideration in the determination of planning applications. The RMLP was submitted to the Planning Inspectorate for examination in July 2013. The RWLP is presently at Preferred Approach stage and is being considered for compliance with provisions set out in the National Planning Policy Framework.

## **Chapter 3 - Core Policies**

### **Policy CP3 – Strategic Sites**

The Policy identifies the key strategic sites within the proposed spatial strategy. It will be necessary to identify the potential impacts of these sites on the highway network in terms of safety and capacity, and identify necessary mitigation that satisfies both the Highways Agency and Essex County Council. All Strategic Sites will need to be supported by a Transport Assessment and Travel Plans, especially given the location of Brentwood Enterprise Park and West Horndon from Brentwood urban area

The Policy identifies mixed use development at William Hunter Way for leisure, retail and housing purposes, and could lead to the retail/cultural focus of the high street moving north of the high street. The Brentwood library is presently located to the south of the High Street, and there is concern that any refocus of the high street northwards could impact on the footfall for the library service. Appropriate consideration will be necessary to ensure the library maintains and/or enhances its connection to the town centre.

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

The Policy refers to working in partnership with the local community, which should also refer to key stakeholders. Essex County Council would need to be involved to consider the potential impact of the development on the local and strategic highway network, and in particular potential access onto the A127, which is a key route on the network. Essex County Council would wish to be involved in consideration of the overall transport strategy with

regards impacts on the A127 and beyond; enhanced bus links to Brentwood Town Centre, and improved walking and cycling routes within the development and to wider networks.

The planned level of growth could generate up to 450 additional pupil places, and would require a substantial amount of additional primary provision. Consideration will need to be given to the provision of a new 2fe primary school within the proposed new allocation and/or the part expansion of West Horndon Primary School. Consideration will also need to be given to ensuring safe and direct routes from the development to West Horndon Primary, if the option to part expand the school is selected.

Reference is also made to the provision of community facilities within the area, and ECC would wish to be consulted on any opportunities, including the youth service.

### **Policy CP8 – Housing Type and Mix**

Paragraph 3.21 indicates there is a significant need for smaller 1 and 2 bedroom dwellings, and the Strategic Housing Market Assessment (SHMAA, 2010) indicates a forecast need of new dwellings to be approximately 60% for 1 and 2 bedroom dwellings and 40% for 3 or more dwellings. Essex County Council notes that a review of the SHMAA is presently being undertaken, which will provide a more up to date evidence regarding housing mix. NPPF, paragraph 159 identifies the need for Local Plans to identify the scale and mix of housing and range of tenures the local population is to need over the plan period. Essex County Council has already indicated a concern at the lack of spare capacity at existing primary schools in the Brentwood urban area. In calculating future demand for school places it is assumed that no pupil product is generated from 1 bedroom properties and housing for the elderly (Education Contribution Guidelines Supplement, paragraph 3.2). Consequently, Essex County Council would welcome as much detail as possible in the Policy with regards housing mix, in order that any future cumulative assessment of growth on primary school provision is not over estimated.

Essex County Council welcomes reference to specialist accommodation in this policy, and the appreciation that it forms part of the overall housing mix to ensure balanced communities. Whilst specific locations for specialist housing are not identified the criteria in Policy DM26 are supported in principle.

### **Policy CP9: Protecting the historic character and natural environment and landscape character**

Essex County Council recommends criteria c should also refer to protecting heritage assets and their settings to read:

c. *Protecting*, Conserving and, where appropriate, enhancing heritage assets and their settings

Under National Policy (Page 46) reference should also be made to paragraph 139 of the NPPF to ensure that consideration is given to designated and non designated heritage assets in determining planning applications.

With regards Delivery (Page 46) – reference should also be made to the need for early consultation with Historic Environment advisors on development proposals.

Evidence (Page 45) - whilst the Essex Historic Environment Record includes details of all listed buildings, scheduled monuments, designated and other non-designated heritage assets it does not provide an assessment of the significance of those heritage assets. Essex County Council has undertaken an Historic Environment Characterisation assessment for

most of the local authorities in Essex, which have been used in the consideration of both emerging spatial strategies and the determination of planning applications. This assessment provides a planning tool which gives an overview of the historic environment character and significance. This would also support policies DM16 , DM18 and DM22.

The Policy seeks to protect or enhance Protected Lanes in the Borough. It is recommended that Brentwood Borough Council considers undertaking a review of its evidence base for Protected Lanes designation in order to ensure that this policy within the Local Plan remains sound and up to date. This resource exists within the Place Services team and its historic environment specialists.

### **Policy CP10 – Green Belt**

Policy CP3 Strategic Sites and CP4 – West Horndon Opportunity Area identifies a significant Green Belt release for mixed use development including 1500 new dwellings, and this should be referenced in the policy. As worded the policy implies that the general extent of the Green Belt will be retained subject to minor allocations, which appears to be inconsistent with the policies above.

### **Policy CP11 – Strong and Competitive Economy**

Essex County Council welcomes reference to capitalising on the economic benefits that arise from Crossrail, although these benefits do not appear to be articulated elsewhere in the Plan with regards Brentwood and Shenfield in particular.

Criteria h – this is supported and is considered consistent with emerging guidance that acknowledges the close connection between agricultural enterprises and the waste industry, and the potential redundant agricultural and forestry buildings (and cartilage) has for waste uses.

### **Policy CP12 – Thriving Town and Local Centres**

Comments provided in relation to Crossrail and Shenfield are also relevant to this Policy.

Paragraph 2.50 refers to the inclusion of Warley Hill within the Brentwood Town Centre, and is indicated on the Policy Map. This Policy should be clear that Warley Hill is included within the town centre, and that the wording under 'Brentwood Town Centre' is also relevant to Warley Hill.

### **Policy CP13: Sustainable Transport:**

Essex County Council would seek the policy to be reworded into the separate aspects of sustainable travel, including public transport; cycling, walking and travel planning, and provide more positive encouragement for sustainable transport.

Paragraph 2, page 57 – reword 1<sup>st</sup> sentence to read:

*'Future developments will be located in accessible locations to help reduce the need to travel'*

Paragraph 3, page 57 – reword to read:

*'The sustainable transport network will be extended and improved. Developer contributions will be sought to improve links and key corridors from new development to key destinations and the wider network. This will include new or improved infrastructure, services and promotion to support walking, cycling and public transport, including Quality Bus*



*Partnerships. Sustainable travel will be encouraged through the requirement for residential travel plans and packs for major developments, employers and institutions.'*

Paragraph 4, page 58 – reference to Green Travel Plan should be deleted, as these are referred to as travel plans.

Reference is made to a Green Travel Route (Brentwood Town Centre to West Horndon and Brentwood Enterprise Park allocations) in this policy and paragraph 3.59. Essex County Council has presently not been consulted on this initiative, and seeks further clarification regarding its nature. Whilst the principle of encouraging sustainable transport links is welcomed the initiative requires more detail in terms of bus services and supporting infrastructure; projected demand for any service; potential costs and deliverability, partners, funding and sustainability over the long term.

Paragraph 5, page 58 – delete 'may suffice' with 'will be required'. Delete paragraph 3.58 as repeating policy wording.

Add an additional sentence

*'Advice should be sought from the Highway Authority on the requirements of any Transport Assessment or Statement'*

Paragraph 6, page 58 - reword 2<sup>nd</sup> sentence to read:

*'Support will be given to proposals to refurbish rail station buildings.....'*

Paragraph 7, Page 58 – this will need to be considered as part of an overall sustainable transport strategy.

Paragraph 8, page 58 – the principle of a 'Park and Walk' facility in sustainable terms is welcomed. However, Essex County Council would seek more detail to be provided before it can be supported in policy terms. A detailed feasibility study is required to identify the actual demand for such a facility, and including potential impact of additional traffic on any proposed vehicle access off Chelmsford Road, since any impact on the A12 would be resisted. Consideration should also be given to the route to Shenfield station via Alexander Lane bridge which has a narrow footpaths, which could raise safety concerns.

Reference should also be made to seeking improvements to the public realm and circulation around both Brentwood and Shenfield rail stations, given the potential increased usage and footfall arising from Crossrail.

Alternative approach – Essex County Council consider that the encouragement of car sharing and community transport schemes are part of any sustainable transport strategy

An additional criteria should be added to ensure the safe environs around education premises:

*'Development close to schools and Early Years & Childcare facilities should facilitate an attractive public realm that is safe for children and encourages walking and cycling as opposed to school run traffic.'*

Reference should also be made to the Public Rights of Way network (PROW) which forms part of the pedestrian/cycleway and bridleway network, and provides additional links between locations.

Supporting text to Policy CP13 – Sustainable Transport

Paragraph 3.56 – amend to read:

*'Sustainable transport refers to any means of transport which reduces the impact on the environment...'*

Targets, Page 61 - The targets identified are difficult to achieve and difficult to monitor as they appear to cover the whole plan area. It may be that more specific targets would be more appropriate – perhaps related to modes of transport in new developments and for specific journey for example journey to work and school. These could be monitored through travel plans and perhaps targets set based on similar developments with data gathered from TRICS.

#### **Policy CP14 – Sustainable Construction and Energy**

Essex County Council would seek reference to Policy S4 – Reducing the use of mineral resources (Page 39), as contained in the Replacement Minerals Local Plan, Pre Submission Draft, January 2013, which seeks to increase the rate of aggregate re use and recycling in Essex, partly through maximising the recovery of minerals through construction and demolition .

#### **Policy CP15 – High Quality Design**

Paragraph 2, page 67 – reference should be made to cycle parking facilities

#### **Policy CP17: Provision of Infrastructure and Community Facilities**

The policy needs some wording to clarify that contributions from proposed development can be in the form of land as well as a financial contribution. This is particularly significant under a CIL regime where s106 contributions will still be used to secure school and pre-school sites.

Paragraph 2 - Essex County Council would seek specific reference to 'education/early years and childcare provision' rather than a general reference to 'other community infrastructure'

Essex County Council would seek developer contributions in order that existing library services can be maintained and enhanced in relation to the impact of the growth in Brentwood Urban area (1800 dwgs) and West Horndon (1500 dwgs) at both Brentwood and Shenfield libraries

ECC would also seek the provision of shared community space in appropriate locations. Such shared space is an important community facility not just as places where local people can meet but also as potential hubs for delivering services in the community, as locations for leisure activities and as bases for community and voluntary groups. This is particularly important with regards the West Horndon Opportunity Area (Policy CP4), and its future masterplanning.

### **Chapter 4 – Development Management Policies**

#### **Policy DM1: General Development Criteria**

Essex County Council welcomes Criteria c in that new development will need to demonstrate that the traffic generated by developments will not give rise to adverse highway conditions or safety concerns. Essex County Council will seek to consider these impacts, in line with policies contained in the Development Management Policies, February 2011. Essex County Council would seek to ensure that the forthcoming highway modelling will assist in meeting

this criteria and issues outlined in paragraph 4.5 concerning highway capacity and safety. Reference should also be made to construction traffic.

Essex County Council seek an additional criteria should be included whereby:

*'All new development must mitigate its impact on local services and community infrastructure'*.

#### **Policy DM5 – Employment Development Criteria**

Reference should also be made to the need to provide a Travel Plan with employment development proposals.

#### **Policy DM6 – Areas Allocated for General Employment and Office Development**

Essex County Council is supportive of the intention to seek to retain B uses, including general industry, on identified employment sites/estates. However, the same protection should also be provided to `sympathetic' sui generis uses such as waste management facilities. ECC would seek to amend the policy to read:

*'Planning permission will be refused for the redevelopment or change of use of business, offices, general industry (and sympathetic sui generis uses) and distribution sites.....'*

#### **Policy DM7 – Land at Mountnessing Roundabout (Former Scrapyard), Roman Road**

Reference should also be made to the need to provide a Travel Plan with the development proposal.

#### **Policy DM8 – Supporting the Rural Economy**

Essex County Council welcomes Criteria e in that new development will need to demonstrate that the traffic generated by developments will not give rise to adverse highway conditions or safety concerns. Essex County Council will seek to consider these impacts, in line with policies contained in the Development Management Policies, February 2011.

#### **Policy DM9 – New Retail and Commercial Leisure Development**

Criteria k, page 92 – add `with appropriate mitigation'

#### **Policy DM11 – New Development in the Green Belt**

Criteria c – refers to the effect of proposals on Public Rights of Way. Such effects should be considered with regards all development.

The Policy makes no reference to any impact on the local road network

#### **Policy DM13 – Extensions to Dwellings in the Green Belt**

Reference should be made to any development not having a detrimental effect on access to the highway network

#### **Policy DM14 – Replacement Dwellings in the Green Belt**

Any development should provide satisfactory access to the local road network and satisfactory parking

### **Policy DM15 – Agricultural Workers Dwellings**

Any development should provide satisfactory access to the local road network and satisfactory parking

### **Policy DM16- Re-use and Residential Conversions of Rural Buildings**

It is recommended that additional text be added to the paragraph relating to 'traditional rural buildings', and read:

*'A historic building assessment of the structures may be required as part of the planning application with the potential for a full historic building record to be completed as a condition of the application prior to conversion'*

Any development should provide satisfactory access to the local road network and satisfactory parking

### **Policy DM17 – Wildlife and Nature Conservation**

Essex County Council would seek the policy wording be amended to more accurately reflect current national biodiversity conservation policy as expressed in the Governments Natural Environment White Paper and Biodiversity Strategy for England ('Biodiversity 2020: A strategy for England's wildlife and ecosystem services'), and in turn the National Planning Policy Framework.

Essex Place Services, in association with Natural England, has produced a paper setting out recommended policy wording in relation to requirements under paragraphs 9, 113, 114, 117 and 118 of the NPPF. These include proposed policies regarding Legally Protected Sites and Irreplaceable Species; Local Sites; Priority Habitats and Hedgerows; Legally Protected Species; Biodiversity Offsetting; Green Infrastructure and Ecological Network; Living Landscapes, and where appropriate Nature Improvement Areas (see attached).

The interrelationship between Priority Habitats and Species; the Natural Environmental Rural Communities Act 2006 and the UK & Local Biodiversity Action Plans could be made clearer in the proposed local plan supporting text. The Chartered Institute for Ecology and Environmental Management has provided the following guidance to assist policy planners regarding this issue.

#### **Species and habitats of material consideration for planning in England**

In recent years there has been some confusion and uncertainty over the use of the Biodiversity Action Plan (BAP) list as a material planning consideration in England. The uncertainty has arisen as a consequence of the publication of Biodiversity 2020: A strategy for England's wildlife and ecosystem services (2011) to replace the previous England Biodiversity Strategy, coupled with the replacement of the UK BAP itself with the UK Post-2010 Biodiversity Framework (2012). Biodiversity issues are now devolved. These new strategies and framework resulted in changes in the terminology used to describe priority habitats and species in England.

Previous planning policy (and some supporting guidance which is still current, eg ODPM Circular 06/2005, now under revision), refers to UK BAP species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal

Importance for Conservation in England, or simply priority habitats and priority species. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list. So the same species and habitats are of material consideration for planning purposes as previously was the case, they are just referenced using different terminology.

Given the relatively recent nature of these changes you will still see references in local plans and some Government or Government agency documents and circulars to BAP habitats and species. As stated above these same habitats and species remain material considerations in planning albeit they are now referred to either as habitats and species of principal importance or simply **priority habitats and priority species**.

<http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

**Policy DM19 – Thames Chase Trust Community Forest** – this Policy is supported by Essex County Council

### **Policy DM22- Ancient Monuments and Archaeological Remains**

Essex County Council supports this policy and the strong support for archaeological assessment.

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

The National Planning Policy Framework requires Minerals Planning Authorities to define Mineral Safeguarding Areas (MSAs) within their Local Plans so that known locations of specific minerals are not needlessly sterilised by other forms of development, whilst not creating a presumption that the defined resources will ever be worked. The County Council has done this through Policy S8 (Safeguarding mineral resources and mineral reserves) in the Replacement Minerals Plan Pre-Submission Draft January 2013. It is necessary to safeguard existing mineral workings and Preferred Sites to prevent the possibility of new incompatible neighbours being established and ultimately restricting extraction activities. Mineral Consultation Areas (MCAs) apply to the safeguarded site itself and extend for a distance of 250 metres outwards from the site boundary of each of these safeguarded sites.

The following are defined in the Minerals Plan as ‘safeguarded sites’ for the purposes of protecting mineral workings and existing mineral reserves (MCAs):

- mineral extraction sites and their associated facilities with planning permission that are currently in active mineral use,
- mineral extraction sites with unimplemented planning permission for minerals extraction (including ‘dormant’ sites with extant planning permission for mineral extraction that have remained unimplemented for some years)
- Preferred Sites proposed in the Replacement Minerals Local Plan for future mineral extraction

The proposed 22 residential sites (10 or more dwellings) have been checked against the Mineral Safeguarding Areas (mineral deposits) and Consultation Areas (minerals development/facilities), as required by the emerging Minerals Local Plan, Policy S8 – Safeguarding mineral resources and mineral reserves. The Mineral Planning Authority considers there are no impacts arising from the proposed sites. The Mineral Safeguarding Areas should be identified on the Policies Map.

### Additional comments regarding specific housing land allocations

Essex County Council has considered the suitability of the proposed sites in highways terms, and has significant concerns regarding the following sites in terms of access and safety issues to the highway network. These could be significant enough to receive an objection from the highway authority unless these concerns can be addressed. The sites are:

Site 1 (20 dwellings) Land north of Highwood Close, Brentwood – it is considered that vehicle and pedestrian access to the site is likely to be via Highwood Close and a private garage court, probably owned by Brentwood Council. Highwood Close has angled on-street parking bays which narrow the carriageway to a single vehicle width.

Site 4 (11 dwellings) Land adj. Adult Education Centre, Rayleigh Road, Hutton – it is considered that access to the site is considered difficult. Access is likely to be either through the car park of the education centre or via the adjacent private road, Reubens Road, which is considered narrow in places and would require third party land to widen.

Site 6 (19 dwellings) Land rear of 10-20 Orchard Lane, Pilgrims Hatch – it is considered that access to the site is difficult, via a narrow access road to Ongar Road, which has poor visibility onto the northern section of Ongar Road (A128) and a one-way road which emerges at the Ongar Road/Orchard Lane junction.

Site 13 (137 dwellings) - Council Depot, The Drive, Warley - the potential access onto The Drive is not ideal. The sight splays onto The Drive from the site do not comply with current standards.

### **Policy DM26 – Specialist Housing**

Essex County Council welcomes the inclusion of Specialist Housing, outlining the criteria necessary in locational and identified 'need' terms, which align with the strategic requirements of Adult Social Care. The identified need for older persons housing supports the shortfall identified within the ECC Market Position Statement. This Statement also shows Brentwood potentially seeing the greatest projected increase in demand for Working Age Adults housing over the next 20 years. The County Council are cited as evidence for this policy, and should refer to the Brentwood Market Position Statement.

### **Policy DM28 – Gypsy and Traveller Provision**

Criteria c – should be reworded to read:

*'The site is serviced by suitable access, and walking and cycling links'*

### **Policy DM31: Protection and Enhancement of Open Space, Community, Sport and Recreational Facilities**

The policy refers to the Proposals Map, which will include key designations and development sites, but this is not included within the Local Plan.

### **Policy DM36 – Sustainable Drainage**

Under the Flood and Water Management Act (2010) Essex County Council is the Lead Local Flood Authority responsible for managing the risk of flooding from surface water flood risk; groundwater and ordinary watercourses (local flood risk). The Environment Agency remains the lead authority for flood risk from sea and main rivers. The County Council will become the established SuDS Approving Body (SAB), possibly from April 2014, with any development

proposal with a surface water drainage implication requiring approval from the County Council in its role as the Body.

The County Council has recently published its draft SuDS Design and Adoption Guide containing the following principles:

- Protection of water resources – minimising pollution impact on groundwater, watercourses and rivers;
- Reduction of surface water flood risk – provision of sustainable drainage systems including rainwater harvesting, grey water recycling, source control SuDS (eg balancing ponds etc);
- Enhancement of amenity and environment – at surface SuDS solutions that promote habitats for wildlife and biodiversity enrichment

Essex County Council seeks amendments to the proposed standards a – Quality and c - Quality

Standard a – Quality – this should reflect the requirements of Essex County Council, as the SuDS Approving Body, and be amended to read:

*In all cases, including on brownfield sites, runoff should where possible be restricted to the greenfield 1 in 1 year runoff rate during all events up to and including the 1 in 100 year rainfall event with climate change. If it is deemed that this is not achievable, evidence must be provided and developers should still seek to achieve no increase in runoff from greenfield sites and a 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)."*

Standard c – Quality – further elaboration should be provided in relation to the term 'first flush' to read:

*Source control techniques such as green roofs, permeable paving and swales should be used so that rainfall runoff in events up to 10mm does not leave the site.*

### **Supporting Text Amendments**

Paragraph 3.26 - it is recommended that the word historic is included after to have significant natural, historic, and built...

Paragraph. 4.163, final sentence – should be amended to be conditional upon the prevalent site conditions, and read:

*SuDS may, subject to satisfactory site conditions, allow new development in areas where existing drainage systems are close to full capacity, thereby facilitating development within existing urban areas.*

Paragraph. 4.164 – Essex County Council will become the SuDS Approving Body (expected April 2014) and will be strongly promoting the management of rainfall at the surface , using above ground SuDS features (e.g. swales, filter strips, basins. ponds and wetlands etc.) rather than pipes, soakaways and underground storage structures. It is the County Council view that above ground features bring more benefits to the community in terms of amenity and biodiversity value, as well as being more economical to maintain and install.

The paragraph should be strengthened to promote the use of above-ground SuDS techniques as follows:

*Wherever possible, sustainable drainage systems techniques must be utilised to manage surface rainwater so that it is dealt with either on-site or within the immediate area, reducing the existing rate of run-off. Such systems should wherever possible, use above-ground SuDS features such as swales, basins and other infiltration devices to provide appropriate attenuation, water treatment stages and the opportunity to enhance amenity and biodiversity values.*

Paragraph 4.167 – from April 2014 applicants will also need to obtain prior approval from the SuDS Approving Body for the design and construction of any works that have surface water drainage implications.

It is therefore suggested that the paragraph is amended to reflect this, and read:

*The Flood and Water Management Act 2010 designates Essex County Council as the Lead Local Flood Authority and regional SuDS Approving Body. The mechanism for this process will be established between Brentwood Borough Council and the County Council. Applicants will need to prove compliance with the above drainage hierarchy as set out in the policy, together with Essex County Council's requirements under the Flood and Water Management Act to ensure sustainable drainage has been adequately utilised, taking into account potential land contamination issues and protection of existing water quality, in line with the National Planning Policy Framework.*

Paragraph 4.168 – as from April 2014 SuDS proposals will need to comply with Defra's SuDS National Standards (currently in draft form) and the County Council's emerging Sustainable Drainage Design and Adoption Guide in order to secure SuDS approval.

It is therefore suggested that this paragraph is extended to reflect this, and read:

*The applicability of SuDS techniques for use on potential development sites will depend upon proposed and existing land-uses influencing the volume of water required to be attenuated, catchment characteristics and the underlying site geology. Developers are encouraged to refer to Brentwood Strategic Flood Risk Assessment (which maps areas with potential for SuDS) and guidance provided by the Construction Industry Research and Information Association (CIRIA) for design criteria, technical feasibility and to ensure the future sustainability of the Borough's drainage system. These include a SuDS Manual (C697) (2007); Interim Code of Practice for Sustainable Drainage Systems (2004) and the use of SuDS in high density development – Guidance Manual (SR666) by HR Wallingford (2005). The Environment Agency may also provide advice for larger development sites. Furthermore, SuDS proposals will (from April 2014 when Essex County Council is expected to become the SuDS Approving Body) need to comply with Defra's National Standards for SuDS (currently in draft form) and Essex County Council's emerging Sustainable Drainage Design and Adoption Guide in order to secure SuDS approval.*

Paragraph 4.175 – refers to the EPOA Vehicle Parking Standards SPD, March 2011 and its adoption by the Borough Council.

This should be referenced in the 'Evidence' section:

*"Parking Standards – Design and Good Practice Guide (ECC, September 2009)"*