

31 January 2017

Policy, Finance and Resources Committee

Brentwood Local Development Plan Update

Report of: *Phil Drane – Planning Policy Team Leader*

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 Brentwood Borough Council is committed to producing a new Local Development Plan for the Borough. A number of external factors on both a national and local scale have implications for the plan-making process and ensuring a 'sound' Plan can be adopted as swiftly as possible.
- 1.2 The Council's Local Development Plan Members Working Group steers the plan-making process and considers issues before they are taken to the relevant committee. The group is well placed to consider external factors and advise on potential implications.

2. Recommendations

- 2.1 To note the external factors discussed in this report.**
- 2.2 That the Local Development Plan Members Working Group considers the external factors and reports back with proposals to Planning & Licensing Committee at a future date.**

3. Introduction and Background

- 3.1 The National Planning Policy Framework (NPPF) requires local planning authorities to produce a Local Plan for their area (Paragraph 153). Brentwood Borough Council is committed to producing a Local Development Plan and has undertaken various stages as part of the plan-making process to achieve this.

- 3.2 A number of external factors have recently come to light which require consideration. Key issues are listed below and summarised in this report:
- a) Dunton Hills Garden Village
 - b) Housing White Paper
 - c) Plan-making progress elsewhere
 - d) Due process
 - e) Other considerations

4. Issue, Options and Analysis of Options

Dunton Hills Garden Village

- 4.1 In summer 2016 the Council submitted an expression of interest in response to the Government's Locally-Led Garden Villages, Towns and Cities prospectus. Following proposed development allocations as part of the Draft Local Plan (January 2016), the expression of interest set out the vision for how Dunton Hills Garden Village could deliver a new garden community in keeping with local character; the "borough of villages".
- 4.2 A total of 51 bids were submitted to Government from across the country. After a period of time waiting for news of selection (following an assessment process undertaken in partnership between the Homes and Communities Agency and Department for Communities and Local Government), the announcement was made on 2 January 2017. Dunton Hills was selected as one of 14 garden village schemes, with an additional three larger garden towns.
- 4.3 The selection provides the Council support; in terms of status for ongoing discussion with stakeholders; access to expertise through the Homes and Communities Agency; and delivery enabling funding. At the moment the value of funding has not been confirmed, but the Homes and Communities Agency has advised that it is "in the region of £200,000".
- 4.4 Formal allocation of land to meet development needs remains part of the plan-making process, and so whilst the selection assists moving the process forward it will still be necessary to progress the site through the Local Development Plan.
- 4.5 Engagement with the Homes and Communities Agency is currently being discussed. At this stage the process is unclear, but additional funding is intended to be used to identify key requirements relating to infrastructure and place making to help provide a thorough evidence base alongside the Infrastructure Delivery Plan (IDP).

Housing White Paper

- 4.6 The Government will soon publish a Housing White Paper, which is expected to set out radical plans to boost housing supply. This had been expected to be published alongside the Autumn Statement, but was delayed. At the time of writing the paper has yet to be published.
- 4.7 It is likely that the new legislation could change how housing need numbers are calculated. In light of this some councils across the country have paused their plan-making process to allow a proper assessment of the new information. It will be important for local planning authorities to make sure the latest Government thinking is reflected in any future consultation document. Until the paper is published, it is not possible to know the impact on Brentwood’s housing need and as such, whilst work continues, full progression of the Local Development Plan is limited.

Plan-Making Progress Elsewhere

- 4.8 The experience of other local planning authorities at different stages of the plan-making process is relevant to learn from. Progress in the wider area around Brentwood Borough provides a useful summary of some of the issues to benchmark against, as set out in Figure 1.



FIGURE 1: PLAN PROGRESS IN THE WIDER AREA, JANUARY 2017

- 4.9 To provide a summary of the context behind timings shown in Figure 1:
- a) Basildon Borough Council has recently consulted on an additional stage of consultation, specifically focusing on additional sites suggested to the Council. Publication of their Draft Local Plan and public consultation (Regulation 19) is awaited.
 - b) Earlier this month Chelmsford City Council agreed to 'pause' its Local Plan timetable in order to study any implications of the Government's Housing White Paper (see paragraphs 4.6 & 4.7).
 - c) Epping Forest District Council has recently consulted on a Draft Local Plan (Regulation 18). Discussion between the Council's that make up the local housing market area (East Herts, Epping Forest, Harlow and Uttlesford) continues, particularly in regard to objectively assessed housing needs for the area and how this can be met between districts.
 - d) Thurrock Council is currently gathering information to begin the consultation process on a review of their Local Plan, but details are dependent on an announcement of the chosen route for the Lower Thames Crossing.
 - e) Uttlesford District Council made a decision to pause its timetable in late 2016 in order to gather more information on emerging evidence, reflecting the importance of ensuring their plan stands the best possible chance of being found sound.
 - f) Castle Point Borough Council submitted their plan for examination in August 2016. The plan did not propose to fully meet objectively assessed housing needs, and earlier this month the Council were informed by the appointed Planning Inspector that the duty to cooperate had not been complied with. As a result the Inspector recommended non adoption of the new plan and the most likely course of action is that the Council will withdraw it.
- 4.10 The experience of other authorities puts into focus the importance of ensuring that a correct plan-making process results in a sound plan and reflects an accurate objectively assessed housing need number.

Due process

- 4.11 Legal advice has continued to be sought through the plan-making process. The Council has focused on issues relating to strategy and evidence in terms of whether an adequate body of work is in place to move to publication and pre-submission consultation (Regulation 19). In addition to the announcement on Dunton Hills Garden Village and the delay in publishing the Housing White Paper, a number of other potential changes have become apparent since the Draft Local Plan was published

in January 2016, specifically housing supply, strategic options for housing growth, and to a more limited extent employment provision. Underlying the strategic options and the spatial decisions for the location of major housing growth in a borough highly constrained by Green Belt (and where, to realise the objectively assessed housing need, Green Belt releases will be required), the Green Belt assessment evidence being carried out to inform the alternative spatial options will be an important new element to process. Inevitably this will also require revisions to the Sustainability Appraisal process to take into account the Green Belt implications as disclosed by the assessment and any new options that present themselves.

- 4.12 Having regard to the way in which the Court's have treated compliance with due process over past years, legal advice is that it would be prudent to undertake an additional round of consultation, which focuses on the above matters along with publication of the Green Belt assessment evidence and an updated Sustainability Appraisal. Although this could lengthen the plan-making process the legal view is that this will be valuable in two ways:
- a) It will be a means of providing a sound basis of public consultation in the public interest and an opportunity to raise concerns, thus alerting the Council to potential reasons for challenge; and
 - b) It will assist in ensuring that consultation adequately considers a full assessment of Green Belt and a Sustainability Appraisal that addresses the full range of reasonable alternatives and their implications following representations raised as part of previous consultation. The legal view is that the change of circumstances alone is sufficient to warrant this approach in any event.
- 4.13 The exercise will also be an important element in the discharge of the Council's duty to cooperate, particularly given the spatial and Green Belt issues.
- 4.14 Adding an additional stage of consultation may have implications for how quickly a Local Development Plan can be published. However, it is clearly more important to ensure that the risk of challenge to the plan-making process is minimised and that the numbers included match the borough's objectively assessed needs.

Other Considerations

- 4.15 The Council is currently preparing a number of strategies that will inform and guide future decisions, such as the Brentwood Town Centre Design Plan; Leisure Strategy; and Parking Strategy. It is critical that work to

gather evidence, set out options and recommend courses of action informs the Local Development Plan wherever possible.

- 4.16 As mentioned above, an announcement on the chosen route for the Lower Thames Crossing will be an important consideration as part of the Brentwood plan-making process. It is also necessary in order to progress discussions regarding cross-boundary implications with Thurrock Council as part of the duty to cooperate.

5. Reasons for Recommendation

- 5.1 The Local Development Plan will set out the Council's vision, objectives, strategy and planning policies for the Borough. It is necessary to undertake further public consultation as part of the plan-making process in order to thoroughly test proposals and consider the views of all stakeholders. Together with these aims the national context needs to be considered, which is constantly changing and which is expected to have an impact on the numbers to be delivered. Given the importance of adopting a new Local Development Plan, and the need for the Plan to be considered 'sound' before it can be adopted, it is necessary to minimise risk wherever possible.
- 5.2 Dialogue with the Department for Communities and Local Government is taking place regarding issues highlighted in this report. The Council is now in a position to more clearly understand implications for the plan-making process, but also await clarification on other things as set out in the report, particularly the process to be followed for Dunton Hills Garden Village and the publication of the Housing White Paper. Now is an optimum time to reflect on how these issues can be considered to ensure a thorough Plan is submitted to Government.
- 5.3 The Council's Local Development Plan Members Working Group is an informal cross-party group that helps to steer the plan-making process and meets regularly. The Group is in place to consider issues before they are taken to the relevant committee. Given the variety of external factors impacting on the plan-making process it would be helpful for the Group to review the issues and propose a way forward.

6. Consultation

- 6.1 The Local Development Plan has been subject to various stages of public consultation and will have further stages in future. Internal consultation on the key issues will be fulfilled by the Members Working Group.

7. References to Vision for Brentwood 2016-19

- 7.1 Preparation and adoption of a Local Development Plan is a key priority in the Council's 'Vision for Brentwood' Corporate Plan 2016-2019. It is important to maintain the timetable for how and when the Plan is to be produced in order to measure progress as part of project management, and that this is published to ensure transparency.

8. Implications

Financial Implications

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- 8.1 Costs associated with the plan-making process and anticipated tasks that make up a revised timetable have been accounted for within the planning policy budget.

Legal Implications

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- 8.2 It is a statutory requirement to maintain and update a timetable for preparing a Local Plan. External issues and lessons learned from other local planning authorities in relation to the plan-making process should inform this timetable.

9. Background Papers

- Local Development Scheme, Brentwood Borough Council (July 2015)
- Draft Local Plan, Brentwood Borough Council (January 2016)

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