

17 January 2018

Ordinary Council

**Brentwood Local Development Plan: Further Regulation
18 Consultation**

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

Wards Affected: *All Wards*

This report is: *Public*

1. Executive Summary

- 1.1 The Council is required to produce a new Local Plan for the Borough. In November 2017 the Council approved preparation of work to commence further Regulation 18 Local Plan consultation. The proposed document is set out in Appendix A. It is required to be subject to a six-week period of public consultation.
- 1.2 A revised Local Plan timetable has been prepared considering this further Regulation 18 consultation and the need to move ahead swiftly with future stages of the plan-making process.
- 1.3 Progress on joint working across South Essex boundaries has been made with the agreement to establish the Association of South Essex Local Authorities (ASELA) and the signing of a memorandum of understanding.

2. Recommendations

- 2.1 Approve the Draft Local Plan document set out in Appendix A, to commence further Regulation 18 consultation for a six-week period, subject to any non-material change approved by the Leader of the Council in consultation with the LDP Member Working Group.**
- 2.2 Approve that a letter be sent to all households in the borough to notify local residents about the consultation.**
- 2.3 Approve the revised Local Plan timetable as set out in Appendix B, to be added to the Local Development Scheme (LDS) and published on the Council's website.**

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 producing a new Local Development Plan (or 'Local Plan') and has undertaken various stages of public consultation as part of the plan-making process. The plan will set out a long-term vision for how and where the Borough will develop over the next 15 years to meet local needs in line with our unique local character, our "Borough of Villages".
- 3.2 As part of the plan-making process the Council is required to consider a wide range of issues, including national policy and guidance and market factors, in addition to local constraints and issues. As several considerations have changed since the last round of Local Plan consultation in early 2016, and following full consideration of representations received in response to that consultation, the Council needs to undertake further Regulation 18 consultation. This is in support of preparing a plan as swiftly as possible whilst considering all the issues amongst a changing planning environment.
- 3.3 This further Regulation 18 stage consultation document is set out in Appendix A. The document sets out preferred housing, specialist accommodation and employment sites for public consultation.
- 3.4 On 16 November 2017 the Council received a letter from the Secretary of State for Communities and Local Government regarding the threat of Government intervention in the Brentwood plan-making process. The Council has responded with details of the exceptional circumstances for why plan-making is particularly difficult in Brentwood – mainly relating to substantially increased (and changing) housing needs; 89% of the borough being within London's Metropolitan Green Belt; and infrastructure capacity issues.
- 3.5 To avoid intervention, the Council needs to demonstrate swift progress towards publication and submission of a Local Plan, along with a commitment to joint working in line with emerging Government requirements. The introduction of the Neighbourhood Planning Act 2017 and expected revisions to the National Planning Policy Framework (NPPF) show a shift towards strategic planning over wider areas. Joint working is critical to ensuring the Brentwood Local Plan achieves wider aims for housing delivery and infrastructure investment in the context of maintaining the borough's unique character.

4. Issue, Options and Analysis of Options

Local Plan Regulation 18 Consultation (Appendix A)

- 4.1 In November 2017 Members approved preparation of work to commence further Regulation 18 Local Plan consultation (Item 162, Extraordinary Council, 15 November 2017). The proposed Preferred Site Allocations Regulation 18 document is set out in Appendix A. This document is informed by national planning policy and guidance; the accompanying sustainability appraisal; a wide range of technical evidence and the previous consultations on the Strategic Growth Options (2015) and Draft Local Plan (2016).
- 4.2 This stage of public consultation known as ‘preparation’ or ‘regulation 18’ consultation is an important stage in preparing the Local Plan. While the preferred land allocations are being published they remain draft. A number of Regulation 18 consultations have been undertaken in the past, but this will be the final one before the Council moves forward to finalising its Local Plan (Regulation 19).
- 4.3 This ‘focused consultation’ does not provide any further information on detailed planning policies, which will be included in the Pre-submission Regulation 19 publication stage later this year. The policies consulted upon in the Draft Local Plan (2016) are being reviewed and updated in light of the various representations made to date. While this document is primarily a consultation on sites, updates have been made to the vision, strategic objectives and spatial strategy to reflect progress made on technical evidence and following the review of representations.
- 4.4 Local authorities can consult in ways that they deem appropriate subject to statutory requirements set out in the Town and Country Planning (Local Development) (England) Regulations 2012 (Regulation 18), and the Council’s Statement of Community Involvement. In addition to utilising database contacts for residents and businesses so that people are notified of the consultation, this report recommends that a letter is sent to each household in the borough so that local residents are fully aware of the proposals and can have their say.
- 4.5 The document is the draft unformatted version. In time for public consultation a more accessible version will be published with improved layouts and graphics.

Local Development Scheme (Appendix B)

- 4.6 The Local Development Scheme provides information on the preparation of key documents that will comprise the Borough's development plan. Most importantly it provides a timetable for anticipated stages of the plan-making process.
- 4.7 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires local planning authorities to prepare and maintain a Local Development Scheme. Planning Practice Guidance sets out that Local Development Schemes must be made available publicly and kept up-to-date so that local communities and interested parties can keep track of progress.
- 4.8 The proposed timetable set out in Appendix B provides timescales and key milestones for preparation of the Brentwood Local Plan. This proposes pre-submission consultation (Regulation 19) take place in the third quarter of 2018 and submission in the fourth quarter. Examination will then take place during early 2019. Depending on the outcome it is anticipated that the Plan could be adopted would be summer 2019.
- 4.9 Timescales for related work are also shown. This includes key projects such as the introduction of Community Infrastructure Levy (CIL); masterplan work for the A127 Corridor and Dunton Hills Garden Village; and the Brentwood Town Centre Design Guide. The completion of technical studies as part of the evidence base sit behind these timescales.
- 4.10 In addition, timescales are shown for a piece of work relating to a Recreational disturbance Avoidance Migration Strategy (RdAMS). This is an essential piece of work that the Council are undertaking in partnership with other Essex boroughs and Natural England to provide an evidence-based, co-ordinated and consistent approach to assess and address recreational impact of new development on internationally important coastal biodiversity areas. This will lead to a Supplementary Planning Document to provide measures to avoid and mitigate the impacts of increased recreation on these areas where they are identified. This is to ensure that the Plan is compliant with the requirements of the Habitats Regulations 2010. Work such as this indicates the complexity of ensuring supporting documents and evidence inform the plan-making process and how various work needs to run concurrently.
- 4.11 An accompanying Local Plan work programme is being prepared to provide further detail to the timetable and indicate ways in which growth can be accelerated over the plan period. This will be submitted to the

Department of Communities and Local Government in response to the Secretary of State's threat of Local Plan intervention.

South Essex 2050 (Appendix F)

- 4.12 In November 2017 Members approved the formal designation of the Deputy Leader of the Council as Chair of the LDP Member Working Group, to assist the Leader of the Council to carry out tasks relating to strategic leadership and Duty to Cooperate representation (Item 162, Extraordinary Council, 15 November 2017). An important part of cooperation and agreement over wider areas than just borough boundaries include joint working with neighbouring authorities. One such project has been Brentwood Borough Council's involvement in the "South Essex 2050" initiative.
- 4.13 South Essex 2050 is made up of Councils from Basildon, Brentwood, Castle Point, Essex County, Rochford, Southend and Thurrock. The group is working together to explore opportunities to deliver infrastructure and develop new communities across local authority boundaries. Work will complement the Brentwood Local Plan and drive economic growth across the wider area by prioritising common goals. In addition, this commitment to joint working will help support the response made to the Secretary of State regarding the threat of Local Plan intervention.
- 4.14 A memorandum of understanding has been signed to commit the Council to this collaborative work, which is set out in Appendix F. Extensive work has been undertaken by the authorities during summer and autumn 2017, which has resulted in an emerging vision and identification of strategic growth opportunities that will need testing and strengthening. It was agreed that an Association of South Essex Local Authorities (ASELA) should be established to continue this collaborative work.

5. Reasons for Recommendation

- 5.1 It is necessary to undertake further public consultation as part of the plan-making process to thoroughly consider the views of stakeholders and members of the public. Consultation and consideration of comments will enable the Council to move forward and submit the Plan for examination in public by an independent planning inspector, in line with the revised Local Development Scheme timetable.

6. Consultation

- 6.1 The Local Plan has undergone a series of public consultations in past years. Further Regulation 18 consultation (Appendix A) is proposed to take place for a period of six weeks in line with statutory requirements, from Monday 29 January to Monday 12 March 2018.
- 6.2 In addition to the usual methods of informing people about the consultation, in line with the adopted Statement of Community Involvement (SCI), a letter/leaflet will be sent to each household in the borough. Those who have previously responded to Local Plan consultations will be notified through use of the Local Plan consultation database. In addition, use of the Council's business contact database built by the Economic Development Team will also ensure local businesses are notified of the consultation.
- 6.3 Future stages of public participation in the plan-making process are set out in the revised timetable as part of Appendix B.

7. References to Corporate Plan

- 7.1 The Local Development Plan is a key priority in the Council's 'Vision for Brentwood' Corporate Plan 2016-2019. The Plan also provides a vehicle to assist delivery of several other corporate priorities.

8. Implications

Financial Implications

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- 8.1 The cost of carrying out further Local Plan consultation has been accounted for within the planning policy budget. In addition to this there are earmarked reserves to aid with ensuring the LDP is delivered within the specified timeframes.

Legal Implications

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- 8.2 This is a necessary consultation within the statutory requirements and the Council's adopted Statement of Community Involvement.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

- 8.3 The proposed allocation of land for development could have implications for asset management work particularly in relation to Brentwood Town Centre planning and the Council's corporate assets project. This work is being undertaken in parallel and with communication between the teams involved.

9. Background Papers

- a) Brentwood Draft Local Plan, Brentwood Borough Council (January 2016)
- b) Local Development Plan Update, Brentwood Borough Council, Item 162 Extraordinary Council (15 November 2017)
- c) Local Development Plan Update, Brentwood Borough Council, Item 221 Extraordinary Council (13 December 2017)

10. Appendices to this report

- a) Appendix A: Brentwood Draft Local Plan Preferred Site Allocations, Regulation 18 Consultation Document (January 2018)
- b) Appendix B: Revised Local Development Scheme (January 2018)
- c) Appendix C: Sustainability Appraisal Executive Summary, AECOM (January 2018)
- d) Appendix D: Consultation Statement (January 2018)
- e) Appendix E: Evidence Base Update (January 2018)
- f) Appendix F: Association of South Essex Local Authorities Memorandum of Understanding (January 2018)

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