

11 December 2018

Planning and Licensing Committee

**Response to Basildon Borough Revised Publication
Local Plan 2014-2034 and Community Infrastructure Levy
(Preliminary Draft Charging Schedule), October 2018**

Report of: *Phil Drane, Director of Strategic Planning*

Wards Affected: *All*

This report is: *Public*

1. Executive Summary

- 1.1 Basildon Borough Council is preparing a new Local Plan for their area as required by the National Planning Policy Framework (NPPF). Brentwood Borough Council is duty bound to undergo the duty to cooperate with neighbouring authorities on preparation of their local plans.
- 1.2 The Basildon Borough Revised Publication Local Plan (October 2018) is now at the pre-submission stage of the plan-making process (Regulation 19), which is the final opportunity to make representations before it is submitted for examination in public. Alongside the plan, Basildon Council has published its first stage of Community Infrastructure Levy (CIL) consultation; the Preliminary Draft Charging Schedule.
- 1.3 Several cross-boundary issues are identified as a result of unmet housing needs being identified in Basildon Borough, including provision for Gypsies and Travellers. It is proposed that the Brentwood Borough Council response set out cross-boundary issues and remaining concerns, with the need to resolve these through the Duty to Cooperate and specifically a Statement of Common Ground. Both Brentwood and Basildon Councils are partners in the Association of South Essex Local Authorities (ASELA). Both authorities have approved the ASELA Statement of Common Ground, which includes a commitment to joint working through the preparation of a Joint Strategic Plan for South Essex.

2. Recommendation

- 2.1 To approve the response to the Basildon Borough Revised Publication Local Plan 2013-2034 consultation set out in Appendix A.**

3. Introduction and Background

- 3.1 Basildon Borough Council is preparing a new Local Plan for their area, in line with the requirement set in the National Planning Policy Framework (NPPF) (Chapter 3 “plan-making”). Basildon Council has undertaken various stages of public consultation as part of the plan-making process, which Brentwood Borough Council (the Council) has made representations to in response.
- 3.2 The Basildon Borough Draft Local Plan (Regulation 18) was available for public consultation from January to March 2016. The Council responded by supporting the plan’s aspirations and strategic objectives. However, the Council expressed concern that the plan did not identify how the full development needs of Basildon Borough would be met. As such, the Council objected to the failure to identify suitable and available locations for both housing and Gypsy, Traveller and Showpeople need within Basildon Borough (Item 427, Planning and Licensing Committee, 12 April 2016).
- 3.3 Further consultation took place on “New Sites and Alternative Sites” (Regulation 18) in September 2016, before publishing the “Publication Draft Local Plan” (Regulation 19) in March 2018. This decision was later rescinded by Basildon Council and a commitment taken to review specific components of the plan so to provide a “Revised Publication Local Plan”.
- 3.4 The Basildon Borough Revised Publication Local Plan (October 2018) is now at the pre-submission stage of the plan-making process (Regulation 19), which is the final opportunity to make representations on the plan before it is submitted to the Secretary of State for the Planning Inspectorate to consider whether the proposals are "sound" for adoption. If adopted this will replace the Basildon District Local Plan (1998) and Alterations (1999).
- 3.5 Brentwood Borough Council is duty bound to undergo the duty to cooperate with neighbouring authorities on preparation of their local plans. Since the Council submitted representations to the Basildon Local Plan in March 2016, both Councils' have embraced opportunities to work together in the preparation of our respective local plans in line with the duty to cooperate. Both Brentwood and Basildon Councils are now partners in the Association of South Essex Local Authorities (ASELA). Both authorities have approved the ASELA Statement of Common Ground, which includes a commitment to joint working through the preparation of a Joint Strategic Plan for South Essex.

4. Issue, Options and Analysis of Options

4.1 The NPPF requires each local planning authority to produce a local plan. This should set out strategic priorities for the area and plan positively for development and infrastructure needs, in line with national policy and guidance. Plans should include strategic policies to deliver:

- a) Homes and employment needed in the area;
- b) Provision of retail, leisure, and other commercial development;
- c) Provision of infrastructure for transport, telecommunications, water supply, waste water, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- d) Provision of health, security, community and cultural infrastructure and other local facilities; and
- e) Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

4.2 Responses to a Regulation 19 pre-submission stage of the plan-making process are limited to identifying whether the proposed local plan has adhered to the duty to co-operate, is sound, and legally compliant. These are defined in national policy as:

- a) **Duty to Cooperate:** Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities as set out in para 156 of the NPPF.
- b) **Soundness:** Defined in NPPF paragraph 182 as a local plan which is:
 - i. **Positively prepared:** the plan should be prepared on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - ii. **Justified:** the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - iii. **Effective:** the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

iv. **Consistent with national policy:** the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

c) **Legally Compliant:** A plan is legal when it complies with the legal requirements under section 20(5)(a) of the Planning and Compulsory Purchase Act 2004

4.3 Having regard to these matters, this report focuses on the issues that the Council raised in response to the Basildon Draft Local Plan (Regulation 18) consultation in March 2016 and subsequent proposed development that may have cross-boundary implications in Brentwood Borough.

Housing Provision

4.4 The Revised Publication Local Plan identifies an objectively assessed housing need range of between 19,491 and 19,771 homes to be delivered within Basildon Borough over the 20-year plan period from 2014 to 2034. This figure broadly aligns to the figure for Basildon Borough from the Government's Standard Method for calculating housing need.

4.5 The provision of housing need in the plan considers projected requirements for additional pitches and plots for Basildon Borough's ethnic Gypsy and Traveller households that have ceased to travel permanently. This issue is discussed separately in paragraphs 4.13 – 4.19 of this report.

4.6 Land provision for at least 17,791 homes has been identified within the plan. The scale of unmet need is identified to be around 10% of the housing requirement, equating to a shortfall of 1,980 homes if the upper housing needs figure is used.

4.7 In terms of delivery, it is expected that during the plan period to 2034, only around 15,465 homes will be delivered, with the annualised rate of delivery varying over the plan period to reflect both infrastructure and environmental constraints, which will slow delivery in some locations, and push delivery on some large-scale strategic sites beyond the plan period. Therefore, the plan identifies a minimum housing target of 15,465 over a 20-year period from 2014 to 2034, with staged delivery rates as shown below in Extract 1.

Time Period	Up to 2023	2023 – 2028	2028 – 2034
Homes per Annum	622pa	688pa	1,111pa

Extract 1: *Staggered housing target table, from Basildon Borough Revised Publication Local Plan 2014-2034 (October 2018)*

- 4.8 It should be noted that the minimum housing target of 15,465 homes (the figure that Basildon Council consider ‘deliverable’ over the plan period), falls short of the of the upper identified housing need figure by 4,306 homes and the rate of expected delivery in the plan period falls short of that considered necessary to support economic growth.
- 4.9 Brentwood Borough Council raised concerns in response to the Basildon Draft Local Plan consultation (March 2016), in that Policy SD1 did not confirm that all identified development need would be met within Basildon Borough. Policy SD1 has since been amended as set out below in Extract 2.
1. *“The Council will work with neighbouring authorities in south Essex to bring forward a Joint Strategic Plan for sustainable growth in South Essex which seeks to deliver at least 90,000 homes and 58,000 jobs.*
 2. *In contributing to this South Essex target, the Local Plan makes land provision for 17,791 homes and 92 ha of employment land, with the target of delivering at least 15,465 homes and 20,000 jobs by 2034...”*

Extract 2: *Text from Policy SD1, A Strategic Approach to Sustainable Development in Basildon Borough, from Basildon Borough Revised Publication Local Plan 2014-2034 (October 2018)*

- 4.10 It is noted that Policy SD1 refers to the Joint Strategic Plan for South Essex in meeting unmet need. The Policy states the *“Local Plan will be reviewed, at least in part, following the adoption of the Joint Strategic Plan for South Essex, if opportunities for future growth and infrastructure provision in Basildon borough are identified.”*
- 4.11 Work on the Joint Strategic Plan is at an early stage, and it is not expected to be adopted until 2020. Brentwood Borough Council's Pre-Submission Local Plan (Regulation 19) was approved for publication and consultation (Item 181, Extraordinary Council, 8 November 2018), with no provision to meet the unmet development needs of adjoining boroughs over the life of the plan to 2033. Therefore, concern should be raised regarding the ability of the Joint Strategic Plan to identify sufficient

suitable locations to meet Basildon Borough's unmet need within the lifetime of the Basildon Borough Local Plan to 2034.

- 4.12 It is noted that two broad locations are identified in the plan that could unlock capacity in the longer term within Basildon Borough and through the Joint Strategic Plan (Policy SD2, Settlement Hierarchy and the Distribution of Growth). This proposal would contribute towards meeting local needs within Basildon Borough during the plan period, although this would still not meet needs in full. In addition, the sites require infrastructure investment that would be dependent on the Joint Strategic Plan, details of which are unconfirmed as the Joint Strategic Plan is at an early stage.

Gypsy, Traveller and Travelling Showpeople Accommodation

- 4.13 In accordance with national guidance, Basildon Borough Council has carried out a Gypsy, Traveller and Travelling Showpeople Local Needs Accommodation Assessment (BBLNAA), published in January 2018. In addition, through the Duty to Cooperate, Basildon Council participated in the collation of the wider Essex Gypsy, Traveller and Travelling Showpeople Local Needs Accommodation Assessment, also published in January 2018, which concludes local needs for all Greater Essex authorities (including Brentwood Borough). Both studies followed the same methodology and collectively represent a local and strategic picture of needs until 2034.
- 4.14 The BBLNAA identified a specific need of 47 additional nomadic pitches for Gypsies and Travellers. A further six pitches represent 10% of the unknown population's projected growth needs as judged to be reasonable by the BBLNAA. In addition, a need for three nomadic plots for Travelling Showpeople has been identified to be delivered within Basildon Borough by 2034.
- 4.15 Site suitability was assessed as part of the Basildon Borough Gypsy, Traveller and Travelling Showpeople Site Provision Study (BBSPS), published in March 2018. A review of existing unauthorised Gypsy and Traveller sites, as categorised within the BBSPS, provides for a minimum of 44 additional Gypsy and Travelling pitches across the plan period. It is anticipated within the Revised Publication Local Plan that through new site provision and by working with the travelling community to regularise appropriate unauthorised sites occupied by Gypsies and Travellers, 34 of these pitches would be deliverable within the first five years of the plan, which means that Basildon Borough's nomadic Gypsy and Traveller needs (arising within the first five years of the plan) would be met.

However, it is noted there will remain a shortfall of nine Gypsy and Traveller pitches to meet the identified need, which will arise towards the end of the plan period.

- 4.16 Furthermore, whilst the plan makes provision for meeting the Travelling Showpeople need in full, the required yard is unlikely to come forward within the first five years of the plan period when the need for one plot arises owing to the strategic nature of development to be delivered on land allocated by Policy E6 and the need for a masterplanned approach.
- 4.17 In addressing this unmet need Policy H3 states that Basildon Council will *“continue to work collaboratively with neighbouring authorities through the Joint Strategic Plan to develop a strategic approach to traveller provision that meets the needs of Gypsies, Travellers and Travelling Showpeople over the wider area for the longer term, consistent with the requirements of the national policy for traveller site provision”*.
- 4.18 The Revised Publication Local Plan does not meet Basildon Borough’s Gypsy and Traveller needs. The plan proposes to meet unmet need through the Duty to Cooperate and partnership working in the Joint Strategic Plan. Brentwood Borough Council’s response to the Basildon Borough Draft Local Plan (March 2016) expressed concern that the identified need for Gypsy and Travellers over the plan period was not being met. To maintain a consistent approach, it is proposed that concern is again expressed.
- 4.19 The plan does identify the mechanism for dealing with unmet need; the Joint Strategic Plan. Brentwood Borough Council is a partner in ASELA along with Basildon Borough Council. Joint working is ongoing to identify solutions to the issues creating unmet need. However, specific mechanisms are not identified for how unmet need can be met within Basildon Borough, or instead elsewhere in South Essex, and so it is considered appropriate to identify this as an issue to be resolved through the Duty to Cooperate, specifically a Statement of Common Ground.

Economic Growth

- 4.20 Given the linkages between employment sites in both Brentwood and Basildon Boroughs that host the Ford Motor Company, it is considered appropriate to comment on Policy E3, Existing Employment Area for Research and Development Uses. This policy safeguards the Ford site at Dunton for employment purposes.

- 4.21 Ford recently announced a consultation to move from its Warley offices, in Brentwood Borough, moving jobs to Dunton (4.5 miles away and within South Essex). This is consistent with the redevelopment potential of the wider Warley site, allocated in the Brentwood Borough Pre-Submission Local Plan (Regulation 19), October 2018. It is proposed that support is expressed for the safeguarding of employment land at Dunton for automotive research and development purposes. Retaining Ford employment in the area is important for the Brentwood Borough and South Essex economies. Commitment by Ford to the Dunton site retains employment in the area and encourages future investment. Partnership working between Brentwood and Basildon Councils, as well as ASELA, should be aimed at encouraging future commitment and investment from Ford to the area for the longer term.
- 4.22 In addition, support is proposed for the aim to achieve economic growth in the A127 Corridor. This should be in combination with other schemes for economic growth in the wider area, such as that through Dunton Hills Garden Village and Brentwood Enterprise Park.

Community Infrastructure Levy Preliminary Draft Charging Schedule

- 4.23 Local planning authorities can introduce a Community Infrastructure Levy (CIL) for their area. This is a set charge on types of development to help bring forward local infrastructure and services needed to support new homes and businesses, such as roads; schools; healthcare facilities; and green spaces. The first stage is to produce a Preliminary Draft Charging Schedule, which Basildon Council is consulting on alongside the Revised Publication Local Plan. The Basildon Borough CIL is at an early stage and proposals are specific to the Basildon area. Therefore, no comments are proposed to be made at this stage in response to CIL.
- 4.24 More information on the Basildon Borough CIL can be at www.basildon.gov.uk/CIL.

Duty to Cooperate and the South Essex Joint Strategic Plan

- 4.25 A number of cross-boundary issues are identified in the response, including concerns about the delivery of new homes and Gypsy & Traveller pitches to meet the needs of Basildon Borough. It is proposed that a Statement of Common Ground(s) be prepared by Brentwood and Basildon Councils, relating to the plan-making process of both authorities. The Statement should identify the cross-boundary issues and an agreed process to resolve identified concerns. This will be an important part of displaying an effective mechanism for cooperation.

- 4.26 Working in partnership through ASELA will also enable both Brentwood and Basildon Councils to resolve identified strategic issues as part of the South Essex Joint Strategic Plan.

5. Reasons for Recommendation

- 5.1 Brentwood Borough Council is duty bound to undergo the duty to cooperate with neighbouring authorities on preparation of their local plans. The proposed response to the Basildon Borough Revised Publication Local Plan 2014-2034 is set out in Appendix A.
- 5.2 Both Brentwood and Basildon Councils' have embraced opportunities to work together in the preparation of our respective local plans in line with the duty to cooperate. Both authorities are partners in ASELA, committed to joint working through the preparation of a Joint Strategic Plan for South Essex.
- 5.3 The response set out in Appendix A aims to outline key issues and remaining concerns within the context of ongoing partnership and joint working.

6. Consultation

- 6.1 The Basildon Borough Revised Publication Local Plan 2013-2034 consultation period runs for six weeks and four days, between 1 November and 17 December 2018. The content of the response set out in Appendix A, if approved, will be separated into the relevant Local Plan chapters and submitted online to Basildon Borough Council by the deadline.
- 6.2 Previous consultation has taken place on the Basildon Local Plan, the most recent closing in April 2016. The Council responded to this consultation (Item 427, Planning and Licensing Committee, 12 April 2016). The response proposed in Appendix A takes into account previous representations made by the Council on the Basildon Local Plan.

7. References to Corporate Plan

- 7.1 The Basildon local plan is relevant to the Thames Gateway South Essex housing market area, and the South Essex Joint Strategic Plan. Both have a relationship with the emerging Brentwood Local Development Plan, the production which is a key priority in the Council's Vision for Brentwood 2016-2019. Joint aims to deliver South Essex 2050 ambitions

regarding growth and infrastructure investment also relate to priorities within the Vision for Brentwood 2016-2019.

8. Implications

Financial Implications

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- 8.1 None directly arising from this report. References to partnership working through the South Essex Joint Strategic Plan are considered through the budget setting process for plan-making in future years, including contribution to the work of ASELA which is currently managed through earmarked reserves.

Legal Implications

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- 8.2 The Localism Act 2011 places a legal duty on local planning authorities and other defined local bodies to engage constructively, actively and on an on-going basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but local planning authorities must make every effort to secure the necessary cooperation before they submit their Local Plan for examination. The cooperation should produce effective and deliverable policies on strategic cross boundary issues.

Other Implications

- 8.3 Joint working will continue between Brentwood and Basildon Councils, with the goal of identifying cross-boundary issues in a Statement of Common Ground(s) for the plan-making processes of both authorities. In addition, joint work will continue in the context of partnership in ASELA.

9. Background Papers

- 9.1 Basildon Borough Revised Publication Local Plan 2014-2034 (Regulation 19), October 2018. The consultation document and supporting information can be viewed on Basildon Borough Council's website at <http://www.basildon.gov.uk/localplan>.
- 9.2 Brentwood Borough Council response to the Basildon Draft Local Plan Consultation, March 2016 (Item 427, Planning and Licensing Committee, 12 April 2016)

[\[https://brentwood.moderngov.co.uk/ieListDocuments.aspx?CId=363&MId=1813\]](https://brentwood.moderngov.co.uk/ieListDocuments.aspx?CId=363&MId=1813)

10. Appendices to this report

- Appendix A: Brentwood Borough Council Response to the Basildon Borough Revised Publication Local Plan 2014-2034 (Regulation 19), December 2018

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