

Committee(s): Extraordinary Council	Date: 23 March 2022
Subject: Brentwood Local Plan 2016-2033: Adoption	Wards Affected: All
Report of: Phil Drane, Corporate Director (Planning & Economy)	Public
Report Author/s: Name: Jonathan Quilter, Corporate Manager (Strategic Planning) Telephone: 01277 312735 E-mail: jonathan.quilter@brentwood.gov.uk	For Decision

Summary

The Brentwood Local Plan 2016-2033 is a vitally important document that provides a framework to guide future development in the borough to 2033. The plan sets out an overarching vision and strategic objectives underpinned by policies to manage growth consistent with our “borough of villages” character. It is the blueprint to help physically deliver the council’s corporate priorities and objectives.

The National Planning Policy Framework requires local planning authorities to produce a local plan for their area. The Council has prepared a new plan having undertaken various stages of public consultation through the plan-making process.

The preparation stage of the plan-making process took place between 2009 and 2019, with several Regulation 18 consultations and publication of the plan at Regulation 19 in 2018 followed by further consultation in 2019. The examination stage began in February 2020 when the plan was submitted to the Planning Inspectorate. The examination included hearing sessions held in December 2020, February, March and July 2021. This was followed by a consultation on Potential Main Modifications. The appointed planning inspectors have completed the examination stage by concluding that the plan and modifications recommended in their final report satisfies the requirements of legal compliance and is sound. This means that the council is now able to progress to the final stage of the plan-making process: adoption.

This report recommends that the council adopt the local plan with the main modifications recommended by the inspectors and additional modifications. In addition, there are several other recommendations related to the need to endorse accompanying material as part of the adoption process. One of the required modifications is that the council needs to immediately begin a partial review and update of the plan to account for longer-term growth needs. The timeframes for undertaking this review need to be considered alongside supporting planning policy documents as part of the council’s Local Development Scheme.

Recommendations

Members are asked to:

- R1. Adopt the Brentwood Local Plan 2016-2033 (Appendix A), which incorporates the Main Modifications recommended by the Planning Inspectors (Appendix C) and Additional Modifications (Appendix D). In doing so, this will replace the Brentwood Replacement Local Plan (2005).**
- R2. Subject to recommendation 1, that the council endorses the updated Policies Map (Appendix G) in line with the proposed changes (Appendices E and F), which are necessary to give effect to the policies of the adopted Local Plan as modified, and that the Policies Map be published alongside the Brentwood Local Plan 2016-2033.**
- R3. Subject to recommendation 1, delegate authority to the Corporate Director of Planning and Economy, in consultation with the Leader of the Council and Chief Executive, to make any minor non-material corrections as additional modifications to the adopted Brentwood Local Plan 2016-2033 as considered necessary ahead of publication and publicity in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).**
- R4. Subject to recommendation 1, endorse that work begin on a Partial Review and Update of the Brentwood Local Plan 2016-2033, as required in the Main Modifications, and that the council's Local Development Scheme is revised and presented to a future meeting of the Policy, Resources and Economic Development Committee.**

Main Report

Introduction and Background

1. The National Planning Policy Framework (NPPF) requires local planning authorities to produce a Local Plan for their area (Chapter 3 “plan-making”). Brentwood Borough Council has prepared a new Local Development Plan (Brentwood Local Plan 2016-2033 – “local plan” or “the plan”), having undertaken various stages of public consultation as part of the plan-making process. The plan sets out the long-term vision for how and where the borough will grow over the next 15-years, meeting local needs consistent with its unique character (the “borough of villages” and transport/transit corridor-led growth).
2. The Local Plan is a vitally important document that provides a framework to guide future development in the borough to 2033. It sets out a spatial strategy and policies for managing development and supporting infrastructure to meet

the environmental, social and economic opportunities and challenges facing the area. The plan helps to shape the place.

3. The local plan seeks to deliver at least 7,752 new homes and 5,000 jobs through the provision of 46.64 hectares of new employment land as well as retail and other uses. Its strategy and underpinning policies balance the need for growth in a constrained, high-quality environment with the essential requirement to protect and enhance the borough's highly valued assets, character and identity.

Plan-making process (preparation, examination and adoption stages)

4. There are three distinct and sequential stages in the statutory plan-making process under Part 2 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act"). These are:
 - a) Preparation stage, which ends when the local planning authority submits the Local Plan to the Secretary of State for independent examination.
 - b) Examination stage, where a planning inspector determines whether the submitted plan is sound and legally compliant. This ends when the inspector delivers their final report to the local planning authority.
 - c) Adoption stage, when the local planning authority decides whether to accept the recommendation made by the inspector in their final report.
5. Work on the local plan commenced in 2009, informed by other stages prior to this and after the adoption of the current Brentwood Replacement Local Plan in 2005. The plan has been subject to nine public consultations: Issues and Options (2009); Neighbourhood Consultation (2011); Preferred Options (2013); Strategic Growth Options (2015); Draft Local Plan (2016); Preferred Site Allocations (2018); Pre-Submission and subsequent Addendum of Focussed Changes (2019); and Main Modifications (2021). Following submission, the plan has been independently examined and is supported by an extensive evidence base.
6. Preparation stage of the plan-making process took place with consultation required under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012. The Pre-Submission Local Plan (Regulation 19) was approved by Extraordinary Council on 8 November 2018 (Item No. 181) and published for consultation in February 2019. An Addendum of Focussed Changes to the plan was published for consultation in October 2019 and subsequently approved to be submitted with the pre-submission plan by Ordinary Council on 22 January 2020 (Item No. 333).

7. Examination stage of the plan-making process began on 14 February 2020 when the local plan was submitted to the Planning Inspectorate. The now Secretary of State for Levelling Up, Housing and Communities appointed planning inspectors Yvonne Wright BSc (Hons) Dip TP DMS MSc MRTPI and Mike Worden BA (Hons) Dip TP MRTPI, to conduct an independent examination into the legal compliance and soundness of the plan. Examination hearings were held in December 2020, February, March and July 2021. An overview of examination timeframes and key figures is set out in Appendix N.
8. In response to issues raised by the inspectors' during the examination period, the council consulted on the potential modifications to the plan, necessary in order for it to be sound. Consultation on the Potential Main Modifications took place between 30 September and 11 November 2021.
9. Several further additional modifications to the plan were also prepared and made available for information purposes during the consultation. The inspectors' did not require these to be subject to public consultation as they do not alter the soundness of any policies or allocations. An updated schedule of additional modifications has been prepared since the consultation and is set out in Appendix D.
10. Approximately 1,362 duly made representations were received from 352 respondents to the modifications consultation. These included statutory bodies such as Essex County Council, National Highways, Natural England and Sport England, local organisations, and site promoters/developers. Further details of the consultation and matters raised in representations are contained within the 'Schedule of Potential Main Modifications Consultation Feedback Report' (Appendix K).
11. The representations to the modifications consultation have been published and shared with the inspectors' in full. The inspectors' considered the representations alongside the key issues they identified during the examination period. This helped them reach their conclusion, shared with us in their final report.
12. The inspectors' final report was received on 23 February 2022 (Appendix B). The 'Overall Conclusion and Recommendation' (paragraphs 363-364 of the report) was that:
 - a) "363. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

- b) 364. The Council has requested that we recommend MMs to make the Plan sound and legally compliant and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix, the Brentwood Local Plan Pre-Submission Document and the Addendum of Focussed Changes to the Pre-Submission Local Plan, satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.”
13. The main modifications all concern matters that were discussed during the examination hearing sessions. The inspectors’ have recommended the inclusion of these modifications to the plan after considering all the representations made in response to consultation on them. The main modifications are appended to the inspectors’ final report (Appendix C) and summarised below. In some cases, the inspectors’ have amended their detailed wording and/or added consequential modifications where necessary.
14. The main modifications can be summarised as follows:
- a) Clarifying which existing development plan policies are superseded;
 - b) Clarifying which policies are strategic;
 - c) Merging policies to clearly set out the spatial strategy;
 - d) Inserting new policies on the settlement hierarchy and the need for an immediate plan update;
 - e) Amending the stepped housing requirement;
 - f) Deleting, merging and amending development management policies including on Green Belt, heritage, transport and design;
 - g) Amending the site allocation policies to remove ambiguity and clarify development requirements;
 - h) Updating the housing supply figures and housing trajectory to reflect the evidence;
 - i) Deleting housing allocations that have gained planning permission;
 - j) Amending the Gypsy and Traveller policies;
 - k) Replacing the monitoring framework; and

- l) Several other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.
15. The further modifications made by the inspectors' since the consultation on the Schedule of Potential Main Modifications included:
- a) MM10: Policy MG06 Local Plan Review and Update - amended wording of the policy to add 'Update' to accord with national policy and ensure it is justified, as it is clear an update is necessary. A consequential change was also made to MM116: List of strategic and non-strategic policies;
 - b) MM51: Policy BE16 Conservation and Enhancement of Historic Environment - revised in relation to non-designated heritage assets to ensure consistency with national policy;
 - c) MM57: Policy MG01 Spatial Strategy - employment requirement range adjusted from "33.76 to 45.96ha" to "38.41 to 50.61ha" to reflect revised evidence presented during the examination;
 - d) MM74: Policy NE01 Protecting and Enhancing the Natural Environment - revised so that it effectively reflects the Essex coast recreational disturbance avoidance and mitigation strategy (RAMS) requirements, clarifies that a small part of the borough is within the Epping Forest Special Area of Conservation Zone of Influence, and removed reference to the Habitats Directive;
 - e) MM85: Policy R01(II) Spatial Design of Dunton Hills Garden Village - revised to clarify that reference to public rights of way is to the network, which should be retained and enhanced. Also removed criterion 3 relating to the timing of education provision to make this effective and justified, as confirmed by Essex County Council; and
 - f) MM119: New main modification inserting appendix to local plan which lists plans and policies to be superseded. This was made public prior to the first hearing session and discussed during the examination. Necessary to add as appendix to the plan as this is a legal requirement. The addition does not undermine the participatory process.
16. The adoption stage of the plan-making process can now be achieved because the local plan is deemed to be sound with modifications. The proposed adoption version of the plan incorporating main modifications (Appendix C) and additional modifications (Appendix D) has been produced (Appendix A). 'Additional Modifications' are changes to the plan that (when taken together) do

not materially affect the policies that would be set out in the plan if it was adopted with the main modifications.

17. As such, additional modifications are not subject to the formal examination process and are limited to minor clarifications, updating references, and the corrections of factual, grammatical, and typographical errors.

Policies map

18. The council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. At submission the council was required to provide a submission policies map showing the changes to the then adopted and current policies map (2005) that would result from the proposals in the submitted local plan. The submission policies map comprised the set of plans identified as 'Proposed Changes to Policies Map' (Appendix E).
19. The policies map is not part of the local plan to be adopted, nor was it formally examined by the inspectors'. As such, it is not within the inspectors' remit to recommend main modifications to the policies map. However, some of the main modifications require consequential changes to the policies map. If the local plan is adopted, in order to comply with the legislation and give effect to the plan's policies, the council will need to update the adopted policies map to include all the changes proposed in the 'Proposed Changes to Policies Map' (Appendix E) and the further changes published alongside the main modifications in the 'Proposed Changes to the Submitted Policies Map' (Appendix F).

Partial review and update of the local plan

20. Main modification 10 (MM10) sets out that the Council needs to immediately begin a partial review and update of the local plan to account for longer-term growth needs towards the end of the plan period and beyond (inserting new Policy MG06). To define what partial means, a scope will need to be set to define what parts of the plan are to be updated. This has been partly confirmed by the agreed wording of the new policy in terms of identifying sites to meet housing needs and identifying necessary highways and transport infrastructure to support this growth. However, it could also include an update to fast-changing subjects such as environmental and sustainability ambitions, as some other local planning authorities have included in their reviews.
21. The timeframes for undertaking this update are specified in the agreed new policy wording to commence immediately upon the adoption of the plan with submission of the update for examination within 28-months. If the plan is

adopted this would mean that submission of the update should take place by 31 July 2024. This will need to be confirmed and considered alongside supporting planning policy documents, such as progressing the adoption of a Community Infrastructure Levy (CIL) for the borough. Therefore, the council's Local Development Scheme (LDS) should be updated and brought to members for approval in due course. The local development scheme sets out the planning policy framework for the borough, highlighting planning policy related documents to be prepared alongside the local plan and their timeframes for completion. It is proposed to report a revised local development scheme to members in summer 2022.

Preparation of new Supplementary Planning Documents

22. The council is currently preparing a new Supplementary Planning Document (SPD) for the detailed design guidance at Dunton Hills Garden Village, which will provide further detail on the interpretation and implementation of related policies in the local plan. SPDs cannot introduce new planning policies into the plan but are a 'material consideration' for planning decision-making. The Dunton Hills Garden Village Design Guidance SPD has been subject to public consultation and subject to the adoption of the local plan, will be brought to members for approval in summer 2022.
23. The need for any additional SPDs to support the local plan will be considered and reflected in an updated local development scheme. As above, it is proposed that a revised LDS will be brought to members in summer 2022 also.

Issue, Options and Analysis of Options

24. The examination stage of the plan-making process concluded when the inspectors' sent their final report to the council. The inspectors' conclusion that the plan with modifications is sound means that the local plan is capable of adoption. The council has now reached adoption stage and has a binary choice: either (option 1) resolve to adopt the plan with the main modifications recommended by the inspectors' and additional modifications; or (option 2) decide not to adopt the plan.
25. The Council cannot adopt the plan unless it does so in accordance with the inspectors' recommendation. The inspectors' have concluded that all the recommended main modifications are necessary to make the plan legally sound. As such, the council is not permitted to adopt the plan without some or all the main modifications, or with alternative modifications. The council is not empowered to amend or materially change the plan and in effect the main modifications in the inspectors' final report are 'binding' on the council.

26. At this stage of the process, Government guidance on plan-making is clear on the expectation of the council, stating *“While the local planning authority is not legally required to adopt its local plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound.”*¹

27. A summary of the two options is set out below:

Option 1 (this is the recommended option)

28. Adopt the local plan (and agree to make the necessary alterations to the adopted policies map) with the main modifications recommended by the inspectors’ and additional modifications that (taken together) do not materially affect the policies in the local plan with the main modifications.

29. Adopting the local plan will ensure that the council has an up-to-date strategic planning framework for the borough that provides more control and certainty at the planning application stage and protects communities from speculative applications. It will also assist in the delivery of the council’s corporate objectives, including climate change and placemaking ambitions, and support job creation and regeneration.

30. Having an up-to-date local plan also provides many other benefits, such as:

- a) Long-term strategy that will ensure local needs for new homes, employment, shops, open space and supporting infrastructure, are met in a sustainable and appropriate manner (i.e. consistent with local character and directed towards sustainable locations);
- b) Certainty for local communities, service providers, businesses and investors as to where and when development will be provided and where development will be restricted;
- c) Clear strategic policy framework in which Neighbourhood Plans can be prepared;
- d) Sufficient housing land supply on deliverable sites to demonstrate at least five years of supply and identify further sites for the remainder of the plan period to 2033, reducing the likelihood of development that is

¹ Planning Practice Guidance Paragraph: 058, Reference ID: 61-058-20190315

contrary to up-to-date planning policies being overturned on appeal, with consequent financial benefits;

- e) Strengthens the council's position in bidding for external resources from Government and other agencies;
 - f) Increased housing completions and commercial development will enable the council and partners to benefit from developer contributions towards new infrastructure and growth through Section 106 agreements, council tax and business rates; and
 - g) Minimises the need for separate viability assessments to be considered at the planning application stage, as planning applications that fully comply with the local plan should be assumed to be viable.
31. Once the plan is adopted, it will become part of the statutory Development Plan for the council's administrative area alongside the:
- a) Essex Minerals Local Plan (2014);
 - b) Essex and Southend-on-Sea Waste Local Plan (2017); and
 - c) Any 'made' (adopted) Neighbourhood Plans.
32. As per section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
33. Once adopted, the plan will replace in their entirety the policies and Proposals (Policies) Map of the Brentwood Replacement Local Plan (August 2005).

Option 2

34. Not adopt the local plan (and associated Policies Map) as modified in accordance with the Inspectors' Report.
35. The local plan can only be adopted with all the Main Modifications recommended by the Inspectors'. Not adopting the plan would mean that the existing out of date local plan policies would remain. The council would not have robust and up to date policies to implement placemaking and climate change ambitions and would likely face an increasing number of speculative planning applications and appeals, and this would incur significant costs. The resources incurred to prepare this plan would have been largely wasted.

36. A decision not to adopt the plan would cause concern and likely intervention by the Secretary of State, as well as legal challenges by site promoters. In November 2017 the council received a letter from the Secretary of State for the then Ministry of Housing, Communities and Local Government regarding the threat of Government intervention in the Brentwood plan-making process. The council responded in January 2018 with details of the exceptional circumstances for why plan-making is particularly difficult in the borough, such as substantially increased (and changing) housing needs; 89% of the borough being within London's Metropolitan Green Belt; and infrastructure capacity issues. In addition, progress made on strategic planning across South Essex displayed the council's commitment to joint working so that wider aims for housing delivery and infrastructure investment could be achieved. In March 2018 the Secretary of State confirmed that the council's plan-making process would not be intervened, but that the Government would be monitoring progress. Officers have remained in regular contact with officials from the now Department for Levelling Up, Housing and Communities. Discussions have indicated that departures from the council's Local Development Scheme (local plan timetable) would not be viewed favourably and increase the likelihood of intervention. A decision not to adopt a plan that has been examined and deemed to be sound would almost certainly provoke an intervention by the Secretary of State.

Reasons for Recommendation

37. Adopting the local plan will ensure that the council has an up-to-date strategic planning framework for the borough. This will provide more control and certainty through planning decision-making and protect communities from speculative applications. The plan will provide a blueprint for the borough's future and be a key delivery vehicle for the council's corporate objectives, helping to grow the economy, protect the environment, develop communities, improve housing, and deliver an effective and efficient council.
38. Adopting the plan will require endorsement of the accompanying policies map. To comply with the legislation and give effect to the plan's policies, the council will need to update the adopted policies map to include all the changes proposed and the further changes published alongside the main modifications.
39. If the plan is adopted, a glossier final version will be required for practical use, both online and hard copy. Therefore, delegation of authority is sought for any minor typo and/or graphic design amendments before the document is published.
40. Work to progress an update and review of the local plan should start immediately in line with required modifications to Policy MG06. Timeframes for

necessary stages of the update and review process will need to be considered alongside other priorities, such as introducing a Community Infrastructure Levy for the borough, and brought to a future meeting of the Policy, Resources and Economic Development Committee to approve an updated programme of works in a revised Local Development Scheme.

Consultation

41. The local plan has been subject to extensive public consultation over several years. This has been undertaken in accordance with regulations (for example Regulations 18 and 19 consultation and through the examination), and the council's adopted Statement of Community Involvement (SCI).
42. Following adoption of the plan, the council will notify those who have made representations (along with other persons and organisations on the local plan consultation portal database) that the plan has been adopted and make the adoption documents available in accordance with Regulations 26 and 25.
43. As soon as reasonably practicable after adoption of the local plan, other regulations in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and The Planning and Compulsory Purchase Act 2004 (as amended) require the council to make available:
 - a) The Local Plan;
 - b) An Adoption Statement;
 - c) The Sustainability Report; and
 - d) Details of where the Local Plan is available for inspection and the places and times at which the document can be inspected.
44. The council is also required to send the Adoption Statement (Appendix H) to anyone who requested to be kept notified of the local plan adoption, and the Secretary of State for Levelling Up, Housing and Communities.

References to Corporate Plan

45. The local plan is a key delivery vehicle for the council's objectives set out within the Corporate Strategy 2020-2025. The plan's policies contribute towards key priorities to grow the economy, protect the environment, develop communities, improve housing and delivering an effective and efficient council.

46. Linked to these key priorities are the council's underpinning strategies across service areas. Many of these have or are being prepared alongside the local plan, such as the Economic Development Strategy, Environment Strategy, Corporate Asset Strategy, Leisure Strategy, Housing Strategy, and Parking Strategy. New strategies or future reviews will need to consider the local plan's strategic objectives and policies.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources) and Section 151 Officer

Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

47. The adoption process itself does not carry significant costs and will be met within existing budgets.
48. A decision not to adopt the local plan would mean the resources used to prepare this plan would have been largely wasted. The Council must exercise its plan-making powers lawfully with regard to its general duty to act in the public interest, its fiduciary duties and in a manner which accords with the statutory purpose of the powers. It is also a statutory requirement to maintain an up-to-date development plan, and not adopting the plan would have other indirect financial implications, including defending an increasing number of planning appeals and potential losses of relevant developer contributions.
49. If the council was faced with one or more legal challenges to the local plan after its adoption, defending these would need to be funded and may impact on the resources available for other service delivery.
50. The increased housing completions and commercial development set out in the local plan will enable the council to benefit from developer contributions towards new infrastructure and growth through for example Section 106 agreements, council tax and business rates.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer

Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk

51. The Planning and Compulsory Purchase Act 2004, as amended ("the 2004 Act") requires local planning authorities to prepare local plans, which must be kept under review and revised as necessary. The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended ("the 2012

Regulations”) set out the procedures to be followed in the preparation of such plans.

52. Pursuant to section 23 of the 2004 Act, the local planning authority may only adopt a submitted Development Plan Document (such as the local plan) in accordance with the inspectors’ recommendations, as recorded in the final report on the examination delivered to the local planning authority in accordance with section 20 of the Act. The decision to adopt under section 23(3)(b) must be taken by Full Council.
53. However, it should be noted that the powers conferred on the local planning authority by section 23(3) are discretionary in nature. The council must exercise its discretionary plan-making powers under Part 2 of the 2004 Act lawfully, in accordance with its general duty to act in the public interest, its fiduciary duties, and in a manner that gives effect to and does not defeat the statutory purpose of its power.
54. Any decision not to adopt the local plan in accordance with the inspectors’ recommendation will be amenable to judicial review. Leaving aside intervention by the Secretary of State (which is addressed below), if the council decides not to adopt the local plan it is very likely that the promoters of sites allocated for development in the plan will seek to challenge the lawfulness of the council’s decision by way of an application for judicial review.
55. The Secretary of State has the power to intervene in plan-making, this includes the plan be submitted to the Secretary of State for approval (sections 21 to 21A of the 2004 Act). Recent experience elsewhere, including South Oxfordshire District Council, indicates that a decision not to adopt the Local Plan under section 23 will almost certainly provoke an intervention by the Secretary of State. Section 27(5) empowers the Secretary of State to (a) approve the Local Plan with main modifications recommended by the inspectors’, or (b) direct the council to consider adopting the local plan by resolution of the authority.
56. Following adoption, the council will need to comply with the requirements of the 2012 Regulations to make adoption documents available and to notify persons who asked to be notified (and other consultees) as soon as reasonably practicable. On adoption of the local plan, any person aggrieved may, under Section 113 of the 2004 Act, make an application to the High Court to legally challenge the plan. This application must be made during the six-week period starting with the date of adoption. The High Court may quash the plan wholly, or in part.
57. The inspectors’ final report confirms their conclusion that the plan satisfies the legal requirements within section 20(5)(a) of the 2004 Act. The examination

was conducted in an extremely thorough and considered manner by the appointed planning inspectors'. If a legal challenge is made, the council would robustly defend the plan and its validity. Officers consider that the risk of a successful challenge is low.

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning and Economy)

Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk

58. The plan sets out a spatial strategy for how economic growth needs will be met over the next 15-years, including the delivery of new jobs and homes. It is important that the plan is in place to drive economic growth consistent with the Corporate Strategy 2020-2025 and Economic Development Strategy 2021-2025.
59. The plan proposes new employment land allocations, in most cases to be released from the Green Belt in line with the overall strategy for growth, and alongside new housing allocations. The allocation of this land is critical if the council is to meet local development needs and fulfil the corporate priority to grow the economy. Specifically, adoption of the plan will confirm allocation of strategic development sites at Brentwood Enterprise Park (second largest new employment site in Essex) and Dunton Hills Garden Village (first garden settlement in South Essex with new homes and employment), among other development. If the plan is not adopted this land will not be allocated, remaining within Green Belt and resulting in policy non-compliance for related planning applications.

Equality and Diversity Implications

Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure & Health)

Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk

60. The Public Sector Equality Duty applies to the council when it makes decisions. The duty requires us to have regard to the need to:
 - a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- d) The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for b. or c., although it is relevant for a.

61. The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts on particular groups, including those within the workforce and customer/public groups, have been considered. An Equality Impact Assessment (EqIA) has been undertaken at previous stages of plan preparation. This assessment is a process designed to ensure that a policy, project or scheme does not discriminate against any disadvantaged or vulnerable people. The plan's policies have been assessed accordingly. An updated version of the EqIA has been prepared considering more recent changes to the plan (Appendix L).

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

Climate change and sustainability

62. A Sustainability Appraisal (SA) must be undertaken at each key stage of plan preparation. An SA Addendum for the Potential Main Modifications was produced and made available for consultation. That concluded that, having accounted for the potential modifications, the conclusions of the SA Report (October 2019), in respect of the effects of the local plan as a whole, broadly hold true for ten of the twelve SA topics. There were two instances of needing to adjust the conclusion:
- a) Housing: The effect of potential modifications was to worsen the performance of the local plan, relative to its performance at the time of submission. Specifically, whilst the SA Report concluded significant positive effects (i.e. at submission a housing supply was identified across the whole plan period), this changed to uncertain negative effects (i.e. the inspectors' concluded that the housing supply would not cover the whole plan period, and so a review was needed); and
 - b) Landscape: The effect of potential modifications was to improve the performance of the local plan, relative to its performance at the time of submission. Specifically, whilst the SA Report concluded significant negative effects, this changed to moderate negative effects.

63. An SA Adoption Statement has also been produced in accordance with the Environment Assessment of Plans and Programmes Regulations 2004 (Appendix I). The purpose of this Adoption Statement is to outline how the Strategic Environmental Assessment (SEA) process has informed and influenced the local plan development process, and to demonstrate how consultation on the SEA has been taken into account.

Environment

64. A Habitats Regulations Assessment (HRA) has been undertaken at all key stages, including main modifications and this concluded that these will not result in Likely Significant Effects on the Epping Forest Special Area of Conservation and Essex coastal European sites. An HRA adoption statement (Appendix J) has been produced, which provides an overview of how the preparation of the local plan has been informed by HRAs throughout each stage.

Health

65. The local plan is accompanied by a Health Impact Assessment (HIA) (Appendix M). An HIA is undertaken to identify the potential health consequences of a proposal on a specific population and/or community; maximise the positive health benefits; and minimise potential adverse effects on health and inequalities. The HIA demonstrates at a local level the impacts that development can have on health and wellbeing, and where there are opportunities to enhance health gains and mitigate against negative impacts. The HIA has informed the preparation of the plan up to this stage and led to recommendation that the process be further embedded into the planning decision-making process.

Risk management

66. The risk of not having an up-to-date local plan is an identified risk on the council's Strategic Risk Register. The risk or uncertain event is the failure to adopt a plan in line with national policy. The cause of the risk is the lack of local planning policies to plan and manage development. Implications and updates from this strategic risk are reported to Audit & Scrutiny Committee regularly as part of corporate risk management.
67. The main identified consequences for which the risk score is based are planning applications being judged solely against national policy "in favour of sustainable development" and/or unplanned development. This is to set out the corporate position that planning decisions should be made locally and consistent with up-to-date local policy.

68. The current risk score as of January 2022 (before the inspectors' final report had been received) is 15 or "very high", made up of likelihood 3 and impact 5. This score has remained the same for several years. The score would likely decrease now because of the inspectors' final report and conclusion that the plan is sound subject to modifications. If the plan is adopted the risk score will reduce to 5 or "medium", made up of likelihood reducing to 1 and impact remaining at 5. This would be in line with the target score reported in the strategic risk register, i.e. the score following completion of all further actions, such as adoption of the plan. If the plan were not adopted the risk would remain at very high and be likely to increase given the threat of unplanned development and Government intervention.

Asset management

69. The council is landowner of some of the site allocations in the local plan. Future redevelopment or change of use proposals for these sites (or other land) will need to consider the plan's policies. This would be relevant for the council, Brentwood Development Partnership, Seven Arches Investments Limited (SAIL), or other relevant bodies/partners. To date emerging planning policies have been considered from the outset through the development of options.

Background Papers

- Item 333, Ordinary Council, 22 January 2020, Brentwood Local Development Plan: Addendum of Focussed Changes to the Pre-Submission Local Plan (Regulation 19)
- Item 181, Extraordinary Council, 8 November 2018, Brentwood Local Development Plan: Publication (Regulation 19)
- Local Plan Examination webpages (including document library): <https://www.brentwood.gov.uk/local-plan-examination>

Appendices to this report

- Appendix A: Brentwood Local Plan 2016-2033 (adoption version)
- Appendix B: Inspectors' Final Report on the Examination (February 2022)
- Appendix C: Appendix to the Inspectors' Final Report
- Appendix D: Schedule of Additional Modifications
- Appendix E: Proposed Changes to the Policies Map (February 2020)
- Appendix F: Proposed Changes to the Submitted Policies Map (September 2021)
- Appendix G: Updated Policies Map
- Appendix H: Local Plan Adoption Statement
- Appendix I: Sustainability Appraisal Adoption Statement (March 2022)

- Appendix J: Habitat Regulations Assessment Adoption Statement (February 2022)
- Appendix K: Schedule of Potential Main Modifications Consultation Feedback Report
- Appendix L: Equalities Impact Assessment (February 2022)
- Appendix M: Health Impact Assessment (March 2022)
- Appendix N: Local Development Plan Examination by Numbers (February 2022)