

Committee: Policy, Resources and Economic Development Committee	Date: 13 July 2022
Subject: Ingatestone and Fryerning Neighbourhood Plan (2020-2033) Update	Wards Affected: Ingatestone and Fryerning
Report of: Phil Drane, Corporate Director (Planning and Economy)	Public
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Summary

This report provides an update on the Ingatestone and Fryerning Neighbourhood Plan. Brentwood Borough Council has taken responsibility for the neighbourhood plan through the examination process and beyond, as required by regulations.

The council approved the designation of Ingatestone and Fryerning Parish as a Neighbourhood Plan Area in October 2017. The parish council neighbourhood planning group subsequently prepared a draft neighbourhood plan and consulted on the document before formally submitting the draft plan to Brentwood Borough Council in November 2021. The neighbourhood plan was brought to Policy, Resources and Economic Development Committee on 24 November 2021, where the committee formally accepted the draft plan, agreed to undertake required consultation, approved delegated powers to make any modifications as determined through the examination process, and proceed to referendum.

The neighbourhood plan has since been consulted on. An independent examination of the plan was undertaken by a Planning Inspector who has concluded that the plan can proceed to referendum provided the required modifications are made (Appendix A). The required modifications have been made to the plan and the referendum process commenced on 30 June 2022 (Appendix C). The referendum will run for 28 working days and the vote held on Thursday 4 August 2022. Residents within the parish area who are eligible to vote will be able to vote on whether the plan should be approved (or 'made'). A majority vote is required for the plan to be made. If the plan is made it will then form part of the council's planning development framework and need to be considered for any planning application in the area.

Main Report

Introduction and Background

1. The 2011 Localism Act introduced new powers for local communities to produce neighbourhood plans, which can be used to guide and shape future development in an area. Once adopted a neighbourhood plan forms part of a statutory Development Plan for the area and it is used in the determination of planning applications alongside the Brentwood Local Plan and other material planning considerations, including the National Planning Policy Framework.
2. Brentwood Borough Council approved the designation of the Ingatestone & Fryerning parish as a Neighbourhood Plan Area on 11 October 2017 (Planning & Licensing Committee, Item 136). The neighbourhood plan was subsequently drafted by the parish council and published for public consultation as required under Regulation 14 for six weeks between September and October 2020. Brentwood Borough Council responded to the Regulation 14 consultation, expressing general support for the plan but highlighting the need for a screening opinion report in relation to the potential need for a Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA). The SEA / HRA screening opinion is the responsibility of the local planning authority. This work was completed in July 2021 and the neighbourhood planning group undertook a focussed consultation with the required environmental bodies at this time, as required by the Neighbourhood Planning Regulations.
3. National planning practice guidance states that a neighbourhood plan must meet basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. The submission of the Ingatestone & Fryerning Neighbourhood Plan under Regulation 15 included a statement that set out how the plan met the basic conditions, as set out below:
 - a) The neighbourhood plan has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - b) How the neighbourhood plan contributes to the achievement of sustainable development;
 - c) The neighbourhood plan conforms with the strategic policies of the Brentwood Local Plan;
 - d) The neighbourhood plan must be in conformity with the EU obligations; and

- e) Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with proposals within the neighbourhood plan.
4. The final draft version of the neighbourhood plan was brought to Policy, Resources and Economic Development Committee on 24 November 2021 (Item 185). The committee formally accepted the draft plan, agreed to undertake the required consultation (Regulation 16), approved delegated powers to make any modifications as determined through the examination process, and proceed to referendum.

Update since November 2021

5. The council undertook the Regulation 16 consultation between December 2021 and March 2022. The plan was then submitted for examination on 7 April 2022 following the appointment of an independent planning inspector, Mr. Derek Stebbing BA (Hons) DipEP MRTPI (Regulation 17) via Intelligent Plans Examinations (IPE).
6. The inspector sent five questions to the council and Qualifying Body (the neighbourhood planning group), most of which were points of clarification that the council responded to on 4 May 2022 (Appendix B).
7. The inspector's final report was received and published on 16 June 2022. It concluded that the plan could proceed to referendum provided the required modifications were made.
8. The neighbourhood plan has now reached Regulation 19 stage: Referendum. The referendum period will run between 30 June to 4 August 2022, in line with requirements. Voting on whether the neighbourhood plan should be adopted (referred to in the neighbourhood planning regulations as being 'made'), will take place on 4 August 2022. Local residents who live within the parish boundary and are registered to vote will be sent a polling card asking the following "yes" or "no" question:
- "Do you want Brentwood Borough Council to use the Neighbourhood Plan for Ingatestone & Fryerning to help it decide planning applications in the neighbourhood area?"*
9. The neighbourhood plan will be adopted at Regulation 20 provided at least 50% of residents vote to do so through the referendum process.

Issue, Options and Analysis of Options

10. Neighbourhood plans give local communities direct power to develop a shared vision and shape the development and growth of their area. The neighbourhood plan has undergone the necessary examination process and has been permitted to proceed to referendum, provided the required modifications were made. The required modifications are summarised below. These modifications have been made prior to the commencement of the referendum, as required.

Policy 1: Housing

11. Policy 1 consists of three core parts:
 - a) Addresses the allocation of site R22 in the adopted Brentwood local plan, and the specific planning requirements for the development of the site;
 - b) Sets out the requirement for planning contributions to be sought for the provision of the necessary infrastructure improvements, in terms of education facilities, open space and community facilities, arising from the development of site R22 and its impacts on the surrounding area; and
 - c) States that other proposals for new residential development in the plan area will be supported where they meet and achieve twelve planning criteria set out as part of the Policy, that reflect the Plan's vision and objectives for securing high-quality residential developments.
12. The inspector felt that this policy was justified and generally well written. However, some minor amendments were needed to address representations received from Essex County Council, generally for improved clarity for future users of the plan.

Policy 2: Housing Design (newly titled: Design of New Development)

13. Policy 2 consists of three core parts:
 - a) Sets out 17 planning criteria which development proposals in the plan area should seek to achieve in the design of new housing, covering matters such as sustainable drainage systems, energy efficiency, off-street car parking, on-site waste storage facilities, the preservation of local landmarks, open space and green infrastructure and tree planting;
 - b) New proposals for older people's housing should demonstrate how the principles of the 'Housing our Ageing Population: Panel for Innovation'

(HAPPI) reports have been incorporated into the design of the development; and

- c) Non-residential development should achieve a minimum of Building Research Establishment Assessment Method (BREEAM) 'very good' rating in terms of a buildings environmental performance.

14. The inspector was satisfied that the policy was justified and seeks to achieve high standards of housing design. Modifications were proposed for the purpose of improving clarity for future users of the plan. Specifically, the policy did not include design criteria for non-residential development and included a modification to change the title of the policy to make it clear that it relates to the design of all new development in the plan area, rather than just residential development.

Policy 3: Heritage

15. Policy 3 has two core parts:

- a) States that development within Conservation Areas should demonstrate how the proposals will protect and where possible enhance the character, appearance, setting and historic interest of the Conservation Area; and
- b) States that development proposals should seek to protect and where appropriate enhance heritage assets within the parish. Proposals which affect a designated or non-designated heritage asset should also outline the historical significance of the asset to the character and appearance of Ingatestone and Fryerning and should clearly outline the impacts of the proposed development on the significance and local importance of such assets.

16. Through the course of the examination, the inspector requested maps for the three Conservation Areas identified within Policy 3. The recommended amendments for this policy include the requirement to provide a copy of these Conservation Area maps in an appendix of the plan and make appropriate reference to the appendix in the supporting text for this chapter.

Policy 4: Economy

17. Policy 4 consists of four key parts:

- a) Identifies and supports the employment land allocation (reference: Site E08) contained in the adopted Brentwood local plan for the development

of land totalling 2.08 hectares adjacent to the A12 road and its slip road at Ingatestone for employment uses;

- b) States that the parish council will be supportive of proposals that increase employment opportunities in the local area and support the local economy. It sets out eight criteria for the assessment of employment generating development proposals, in order to ensure that such proposals enhance the local economy in an appropriate and sustainable manner;
 - c) States that parts of Ingatestone High Street are designated as primary retail frontage areas in the adopted Brentwood local plan and that development proposals which support retail and ancillary uses on ground floors in this area will be supported; and
 - d) States that the design of shopfronts in the primary retail frontage areas should seek to maintain and enhance the character of Ingatestone High Street
18. The inspector noted that since the draft version of the neighbourhood plan had been consulted on, the national Use Classes Order had been updated in 2021 and therefore modifications were required to ensure the use classes listed aligned with those listed in the adopted Brentwood local plan and the updated Use Classes Order.

Policy 5: Transport

19. Policy 5 consists of two core parts:
- a) Proposals that provide or contribute towards new or improved car parking provision in Ingatestone will be supported. In addition, proposals for new or improved bridleways, pedestrian and cycle routes linking Ingatestone and Fryerning, and within the settlements of Ingatestone, Fryerning and Mill Green, will be supported; and
 - b) The Policy sets out a series of 12 criteria for the assessment of transport-related considerations in proposals for new development in the plan area, and that major development proposals should assess the impact of the scheme on local highway capacity and public transport services.
20. The inspector noted that within the justified text reference was made to 'Safe Routes' in relation to pedestrian and cycle paths. However, there was no mention of safe routes within the policy itself. This was raised through the examination process and the borough and parish councils jointly prepared a response to the inspector. This was considered alongside the representations

received from Essex County Council as local highways authority. The inspector recommended some minor amendments to assist with the clarity of the policy and remove reference to safe routes, instead replacing this with more descriptive language to read “Ingatestone pedestrian and cyclist safety improvements”.

Policy 6: Environment

21. Policy 6 consisted of four key objectives:
 - a) To maintain and protect the natural environment and green space within the parish;
 - b) To enhance the biodiversity of the parish;
 - c) To reduce carbon emissions within the parish in order to combat climate change; and
 - d) To ensure all residents living within the parish breathe clean air.
22. The inspector was satisfied that this policy was justified and reflected the objectives of the plan. However, he stated that the length of the policy could make it difficult for some users. Therefore, modifications were suggested to restructure the policy to make it more effective and easier to use.

Policy 7: Wellbeing, Leisure, and Community Facilities

23. Policy 7 requires development proposals to contribute proportionately towards the provision of leisure and community facilities to meet the needs for future residents.
24. The inspector noted that Table 4: Potential improvements to community facilities, set out within the supporting text of the plan, was not suitably cross referenced in the policy. Therefore, amendments were suggested to address this.

Monitoring and Review

25. The inspector noted that there was not a Monitoring and Review section within the submitted plan. It was his view that the plan would likely need to be reviewed during the plan period, particularly following the anticipated Brentwood local plan early review. The following text was added to the plan as a modification under the new Monitoring and Review heading:

“The Parish Council will monitor the effectiveness of the policies in this Plan to ensure that they contribute to achieving the Plan’s objectives. However, there is likely to be a necessity to formally review the Plan in due course, particularly following future reviews of the BLP and any relevant changes in national policy.

It will be the role of the Parish Council, working with Brentwood Borough Council, to review the Neighbourhood Plan at the appropriate time to ensure that its policies take into account national and local policy, are responsive to climate and other environmental changes and are meeting the vision for the future of Ingatestone and Fryerning.”

Other Matters

26. The inspector listed additional minor plan modifications under ‘PM9’, consisting of changes / additions such as:
 - a) Ensure all maps have a title;
 - b) Removing the word ‘emerging’ in reference to the Brentwood local plan;
 - c) Ensure correct titles to Essex County Council evidence / document referred to in the plan;
 - d) Ensure page numbering is present on all pages; and
 - e) Remove reference to The Code for Sustainable Homes as this is no longer in force.
27. These amendments have been made to the neighbourhood plan (Appendix C) and the referendum period commenced on 30 June 2022.
28. The referendum vote is scheduled to take place on Thursday 4 August 2022, and provided a majority vote in favour of the plan, the Ingatestone & Fryerning Neighbourhood Plan will then form part of the development plan for the council as local planning authority to take into account when making decisions on planning applications within the parish.

Consultation

29. The neighbourhood plan has been through various stages of public consultation in line with regulatory requirements and will be subject to a referendum vote to determine whether it is ‘made’ (adopted).

References to Corporate Plan

30. Subject to the upcoming referendum, this neighbourhood plan will form part of the development plan for planning decision making, alongside the council's local plan and other planning documents. Delivery of a local plan is a corporate priority. It provides a blueprint for the delivery of several other corporate objectives. Therefore, it is important that there is consistency between neighbourhood plans and the borough local plan.

Implications

Financial Implications

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31. Government grants and technical support is available directly to neighbourhood planning groups immediately following area designation.
32. Neighbourhood Planning Regulations require that the local planning authority (the council) bear the cost of examination and referendum for neighbourhood plans or orders. Current arrangements from the Department for Levelling Up, Housing and Communities enable local planning authorities to claim some financial support towards neighbourhood planning. Currently, this is £20,000 for each neighbourhood plan once a date has been set for referendum (limited to five neighbourhood plans in the borough). So far, the Council has received £5,000 of grant monies following designation of the Ingatestone & Fryerning Neighbourhood Plan Area. The remaining £15,000 can be claimed upon completion of the referendum.
33. It is estimated that the level of grant that can be claimed in relation to the preparation of the Ingatestone & Fryerning Neighbourhood Plan, will broadly cover expenditure incurred to meet the council's prescribed responsibilities. Any surplus will remain within a ringfenced budget to be spent on the support of neighbourhood planning across the borough.

Legal Implications

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34. It is a statutory requirement to support the preparation of neighbourhood plans and for the council to adopt (or 'make') them, if supported by the referendum. Relevant legislation includes the Neighbourhood Planning (General) Regulation

2012 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended).

35. The neighbourhood plan is currently at referendum stage as part of Regulation 19 stage. The council's Elections team is responsible for running the referendum process and is supported by the Planning Policy team.

Economic Implications

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36. The Ingatestone and Fryerning Neighbourhood Plan includes a range of policies that can assist efforts to achieve economic growth, including a specific policy regarding economy (Policy 4). The plan is consistent with the borough local plan, of which an integral part of the strategy is to achieve economic growth. Therefore, subject to the referendum outcome, the development framework for the parish area would be enhanced with an adopted neighbourhood plan and benefit the local economy.

Equality and Diversity Implications

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37. The Public Sector Equality Duty applies to the council when it makes decisions. The duty requires that the council has 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; and
 - c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
38. 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).

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

None

Background Papers

- Item 185, Policy, Resources, and Economic Development Committee, 24 November 2021, Ingatestone & Fryerning Neighbourhood Plan (2020-2033), Regulation 15
- Item 571, Planning & Licensing Committee, 11 November 2020, Response to Ingatestone & Fryerning Draft Neighbourhood Plan Regulation 14 Consultation
- Item 136, Planning & Licensing Committee, 11 October 2017, Ingatestone & Fryerning Parish Neighbourhood Plan Area Designation

Appendices to this report

- Appendix A: Inspectors Report on the Ingatestone & Fryerning Neighbourhood Development Plan (2020-2033), June 2022
- Appendix B: Brentwood Borough Council and Ingatestone & Fryerning Parish Council (Qualifying Body) Response to the Planning Inspector's Questions, May 2022
- Appendix C: Ingatestone & Fryerning Neighbourhood Plan (Referendum version), June 2022