



**FINANCE, ASSETS, INVESTMENT & RECOVERY COMMITTEE  
13 SEPTEMBER 2023**

<b>REPORT TITLE:</b>	<b>Local Plan Review Update</b>
<b>REPORT OF:</b>	<b>Phil Drane – Director of Place</b>

**REPORT SUMMARY**

The Brentwood Local Plan 2016-2033 was adopted in March 2022 following Examination in Public overseen by the Planning Inspectorate on behalf of the Secretary of State. The appointed Inspectors in their final report recommended a number of Main Modifications in order to make the plan sound and capable of adoption. One of those included the addition of Policy MG06: Local Plan Review and Update. This Policy sets out that the Council's commitment to bring forward a partial update of the Plan with the objective of meeting the full Objectively Assessed Housing Needs. The review was required to commence immediately with submission of the review for examination within 28 months.

To facilitate the production of the Local Plan Review it is necessary to reconvene the Local Plan Member Working Group.

Reviewing the Local Plan will ensure that the Council continues to have an up-to-date strategic planning framework for the borough that provides 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.

To support the preparation of any Local Plan there is a need to update relevant evidence including undertaking a call for sites.

## **RECOMMENDATIONS**

- R1. Approve that work is continued for the preparation of the Local Plan Review, including a focus on climate change and sustainability matters, with emerging work presented to a reconvened Local Development Plan Member Working Group and key stages brought to committee in due course.**
- R2. Approve that Local Plan supporting evidence is reviewed and updated where appropriate, including commencing a Call for Sites consultation.**

## **SUPPORTING INFORMATION**

### **1.0 REASON FOR RECOMMENDATIONS**

- 1.1 National Policy requires that Local Plans as a minimum are reviewed at least every five years should be updated as necessary. The adopted Brentwood Local Plan requires under Policy MG06: Local Plan Review and Update that an immediate review is undertaken with submission of the review for examination occurring within 28 months of adoption. This was stipulated by the appointed Planning Inspector who oversaw the examination of the Local Plan as there was an identified shortfall in meeting housing needs. Therefore, it is imperative that the Council proceeds with this work to review the adopted Local Plan to ensure housing supply is maintained to meet identified needs.
- 1.2 In addition, there is a need to consider climate change and sustainability matters and reviewing the policies within the adopted Local Plan particularly given that the Council recently declared a Climate Emergency at Ordinary Council in June 2023.
- 1.3 To facilitate the production of the Local Plan Review it is necessary to reconvene the Local Plan Member Working Group which will allow for cross party discussion on the work as it is prepared. Key consultation stages such as Regulation 18 and 19 will be brought to committee for member approval in due course.
- 1.4 A Local Plan needs to be underpinned by appropriate and proportionate evidence; therefore, this will need to be reviewed and updated to support the Local Plan Review. There is an immediate need to undertake a Call for Sites in line with National Planning Practice Guidance so an up-to-date baseline is

established on what development opportunities are available. Findings from any updated and emerging evidence will inform the preparation of the Local Plan which will be brought before the Local Plan Member Working Group.

## **2.0 BACKGROUND INFORMATION**

### **Scope and need for the local plan review**

- 2.1 The Brentwood Local Plan 2016-2033 was adopted in March 2022 following Examination in Public. The appointed Inspectors in their final report recommended a number of Main Modifications in order to make the plan sound and capable of adoption. One of those included the addition of Policy MG06: Local Plan Review and Update. This was necessary due to the Plan not being able to meet the identified housing need and requirement in full during the Plan period. Policy MG06 sets out that the Council's commitment to bring forward a partial update of the Plan with the objective of meeting the full Objectively Assessed Housing Needs. The review was required to commence immediately with submission of the review for examination within 28 months.
- 2.2 Beyond the need for an immediate review as was identified through the Examination in Public of the Brentwood Local Plan the legal requirement for all Local Plans is that they are reviewed at least every 5 years and should then be updated as necessary. It is imperative that any review considers whether policies are up-to-date and in line with National Policy and ultimately allows for a Local Plan to be sound and capable of adoption following an Examination in Public. There will be a need to consider any material changes arising from National Policy and Guidance as well as emerging evidence. These will be kept under review and acted upon accordingly as the Local Plan Review progresses.

### **Climate change and sustainability matters**

- 2.3 The adopted Local Plan seeks to ensure that the development and use of land will contribute to the mitigation of and adaptation to climate change, through the spatial strategy and a combination of Plan policies. Several policies (Policies BE01-BE05) seek carbon reduction and renewable energy, water efficiency and management, low carbon and renewable energy infrastructure network, management of heat risk and sustainable drainage.
- 2.4 At the June 2023 Ordinary Council meeting members agreed under item 46 to declare a climate emergency with a commitment to achieving net-zero carbon status by 2050 for the Brentwood Borough Area. Having an appropriate framework of policies within the Local Plan is one of the key

components in facilitating this. The existing policies within the adopted Local Plan provide a strong basis to move forwards with. However, it is recognised that the Council should explore through the Local Plan Review what more can be done to achieve this net-zero targets as quickly as possible.

### **Government proposed changes to the planning system in regard to plan-making**

- 2.5 There have been a number of announcements made by Government over the past 12 to 18 months regarding proposed reforms to the planning system which would result in changes to how Local Plans are prepared. At this stage none have been enacted and brought into effect through changes to the National Planning Policy Framework (NPPF) or Planning Practice Guidance (PPG). However, it is important to be aware of what could potentially become material at a later date.
- 2.6 In December 2022 the Government published the Levelling-up and Regeneration Bill: reforms to national planning policy. As well seeking views on the government's proposed approach to the NPPF, the consultation sought views on its proposed approach to preparing National Development Management Policies. Alongside it, the government published proposed revisions to the NPPF with consultation running until March 2023. A summary of the main proposed changes at this time are set out below:
- a) Government will review the implications for the standard method of new household projections data based on the 2021 Census, which is due to be published in 2024. No changes to standard method formula were proposed though.
  - b) More explicit indications will be given in planning guidance of the types of local characteristics which may justify the use of an alternative method of assessing housing need. Examples included islands with a high percentage of elderly residents, or university towns with an above-average proportion of students.
  - c) The need to avoid development that would be uncharacteristically dense for the area can outweigh the requirement to meet local housing need. This calculation should be made taking into account the principles in local design guides or codes.
  - d) Authorities would not need to review their green belts, even if meeting housing need would be impossible without such a review.

- e) Councils would be able to take past over-delivery of housing into account when assessing housing need.
- f) Local Plans would no longer be required to be justified, instead, the examination would assess whether local planning authority's proposed target meets need so far as possible, takes into account other policies in the Framework, and will be effective and deliverable.
- g) Duty to co-operate is to be replaced with an as-yet unformulated alignment policy with further consultation to be undertaken.
- h) Authorities with an up-to-date local plan will no longer need to continually show a deliverable five-year housing land supply.
- i) Councils would no longer have to provide five-year housing land supply buffers.
- j) Authorities would be allowed to include historic oversupply in their five-year housing land supply calculations.
- k) The Government is considering suspension or amendment of the usual consequences of failure of the 2022 Housing Delivery Test.
- l) Plan-makers would have until 30 June 2025 to submit a Local Plan using the existing framework. In addition, all examinations would need to be concluded with plans adopted by 31 December 2026.
- m) Requirement to start work on new plans by, at the latest, five years after adoption or their previous plan, and to adopt that new plan within 30 months.
- n) Plans that become more than five years old during the first 30 months of the new system will continue to be considered up-to-date for decision making purposes for 30 months after the new system starts.
- o) Supplementary Planning Documents (SPDs) will no longer be able to be prepared. Instead, Supplementary Plans can be prepared which will be afforded the same weight as a Local Plan. Once the new system comes into effect, existing SPDs are expected to remain in force for a time-bound period.
- p) There is intended to be a consultation on how National Development Management Policies are implemented.

2.7 A further consultation 'Plan-making reforms: consultation on implementation' commenced in July 2023 running until 18 October on proposals to make local plans simpler, faster to prepare and more accessible. The consultation sets out further details on the proposals announced in December 2022 (as outlined above) including the proposed 30-month target for local plan preparation which was first announced in the 2020 Planning for the Future white paper. A summary of the proposed changes outlined in the consultation is set out below:

- a) There would be six stages for local plan preparation that must be completed within the 30-month timescale. The six preparation stages include:
  - Scoping and early participation
  - Plan visioning and strategy development
  - Evidence gathering and drafting the plan
  - Engagement, proposing changes, submission;
  - Examination;
  - Finalisation and adoption of the plan.
- b) Draft plans will have to pass three mandatory gateway checks involving inspectors. The first gateway check will take place following the first scoping stage to ensure the plan sets off in the right direction. The second gateway check will involve ensuring compliance with legal and procedural requirements and supporting early resolution of potential soundness issues and take place between two mandatory consultation windows. The third gateway will take place before submission and is designed to monitor and track progress. The first gateway may involve planning inspectors, while inspectors will be required for the latter two.
- c) Plan examinations should take no longer than six months with examining inspectors appointed earlier to avoid delays.
- d) The two mandatory consultation periods, Regulation 18 and Regulation 19 will be longer and more clearly defined.
- e) New approaches to engagement will replace existing narrow and ineffective practices. The government's proposed changes to the way authorities are required to engage with communities when preparing their local plans is replacing the statement of community involvement.
- f) The new plan-making system will be introduced in autumn 2024 but will be done so via a phased roll out focusing initially on ten front runner authorities. These front runners could start plan-making in 2024 and

should have completed all three gateway assessments by June the following year. All remaining authorities would be ranked chronologically by the date they adopted their local plan, before groups of 25 authorities at a time are allocated a six-month plan making commencement window.

- g) The government will publish a new series of core principles setting out what plans should contain.
- h) New regulations will require that a plan's vision should serve as a golden thread through the strategy.
- i) Authorities will be required to produce annual monitoring reports outlining how their plans have met a series of new nationally prescribed metrics and a fuller analysis four years after adoption.
- j) New digital templates should be used to help authorities prepare their new style plans.
- k) Old style PDF plans should be replaced with digital versions that are shorter and more visual.
- l) Local development schemes would be replaced by new timetable documents.
- m) Digital support for plans will be provided via a new pick and mix toolkit.

2.8 As stated above these are the current proposals put forward by Government and represent potential changes that are yet to be made. There is still a need to progress with the preparation work associated with the Local Plan Review. A watching brief will be kept on these proposals as they advance, and where necessary the Council can adapt work which is at the early stages.

### **Work undertaken since the adoption of the Brentwood local plan**

2.9 Following the adoption of the Local Plan an updated Local Development Scheme timetable was approved at the Policy, Resources and Economic Development Committee in July 2022. This set out the timetable to produce the Local Plan Review, Community Infrastructure Levy (CIL) and Supplementary Planning Documents (SPDs). Since then, there has been a need to focus resources on advancing CIL and the SPDs. Progress on these is set out below.

2.10 Consultation on the CIL Draft Charging Schedule was undertaken in October and November 2022 and submission for Examination in Public taking place in

March 2023. The hearing sessions took place in July 2023 and the Council has now received the Inspectors report confirming that the charging schedule can be approved in its current form without changes. The CIL Charging Schedule will be brought to a future Committee for approval including a recommended date that it can come into effect.

- 2.11 Progress has been made on two SPDs including the Planning Obligations SPD and Dunton Hills Garden Village SPD. Further work was undertaken to make final updates to the Dunton Hills Garden Village SPD with it being adopted at the Policy, Resources and Economic Development Committee in February 2023. A draft version of the Planning Obligations SPD was published for consultation between December 2022 and January 2023. Work on this is set to continue this year taking into consideration comments received.
- 2.12 With these documents nearing completion further resource can be focused on preparing the Local Plan Review. As stated in paragraph 6.3 of the Adopted Local Development Scheme this represents the broad timetables for the preparation of development plan documents. These timetables will be reviewed and refined as the document production progresses.

### **Local Development Plan Member Working Group**

- 2.13 The purpose of the Local Development Plan Working Group is set out within its terms of reference, which is reviewed annually. This sets out that the working group should consider the draft Local Development Plan and associated documents before they are considered by Ordinary Council and/or Planning Committee, as appropriate. The key responsibilities of the working group will be to scrutinise the validity of the plan-making process and evidence base in relation to the following:
- a) Soundness tests (positively prepared; justified; effective and consistent with national policy);
  - b) Duty to cooperate; and
  - c) Themes (such as housing needs & delivery (including specialist needs such as Gypsies and Travellers); employment needs and delivery; environmental and sustainability matters; Green Belt; transport infrastructure; health and wellbeing; natural and built environments; and viability & deliverability.
- 2.14 The working group is cross party and an informal group. Those on the working group are expected to provide feedback to all councillors (where information is



not confidential), providing wider ownership on key stages of the plan-making process (i.e. drafting, consultation, response, adoption).

- 2.15 The outputs of the working group will be reported through the Audit and Scrutiny Committee.
- 2.16 The last working group was held prior to the adoption of the Local Plan in March 2022. It is therefore proposed that the working group is reconvened to facilitate the preparation of the Local Plan Review, evidence and associated documents. The terms of reference for this group will be updated and membership of the group agreed with the Chair and Vice Chair of Planning Committee.

### **Local Plan supporting evidence**

- 2.17 To support the preparation of any Local Plan there is a need to have up-to-date and relevant evidence. The NPPF explains under paragraph 31 that ‘The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals’.
- 2.18 In preparing the Review of the Local Plan there will need to be a review relevant evidence and determine whether updates are required. There is an immediate need to undertake a Call for Sites in line with National Planning Practice Guidance (PPG) so an up-to-date baseline is established on what development opportunities are available in the borough. This information would then feed into a land availability assessment. The PPG describes this further:

*“An assessment of land availability identifies a future supply of land which is suitable, available and achievable for housing and economic development uses over the plan period. The assessment is an important source of evidence to inform plan-making and decision-taking, and the identification of a 5-year supply of housing. It can also inform as well as make use of sites in brownfield registers.*

*However, the assessment does not in itself determine whether a site should be allocated for development. It is the role of the assessment to provide information on the range of sites which are available to meet the local authority’s requirements, but it is for the development plan itself to determine which of those sites are the most suitable to meet those requirements.”*

- 2.19 The PPG explains that the process to identify land should be transparent and identify as many opportunities as possible. The call for sites needs to be aimed at as wide an audience as is practicable so that those not normally involved in property development have the opportunity to contribute. This can include notifying parish councils and neighbourhood forums, landowners, developers, businesses and relevant local interest groups, as well as local publicity.
- 2.20 In addition to these requirements of the PPG it is intended that the call for sites will also request land to be submitted which could be used for potential Biodiversity Net-Gain offsetting. The requirements of a minimum 10% biodiversity net-gain for new developments is due to come into effect in November this year.
- 2.21 There are several other evidence documents that will need to be reviewed to determine if they require updating. As a minimum to deliver the requirements of Policy MG06 it is expected the following evidence will need to be reviewed and updated:
- a) Strategic Housing Market Assessment (SHMA)
  - b) Gypsy and Traveller Accommodation Assessment (GTAA)
  - c) Housing and Economic Land Availability Assessment (HELAA)
  - d) Green Belt Assessment
  - e) Transport Assessment
  - f) Viability Assessment
- 2.22 Findings from any updated and emerging evidence will inform the preparation of the Local Plan which will be brought before the Local Plan Member Working Group.

### **3.0 OTHER OPTIONS CONSIDERED**

- 3.1 The Council could decide not to proceed with reviewing the Local Plan but this would increase the risk of it becoming progressively out of date as time progresses. If plan-making was paused this would mean that the momentum gained in getting an up-to-date plan in place would be lost as it increases the chances of having to start from scratch rather than building upon existing work already done. It is considered the most appropriate route is to proceed with the review whilst being cognisant of the emerging changes to the planning system proposed by Government.

#### **4.0 RELEVANT RISKS**

- 4.1 There are a number of risks in not reviewing the Local Plan and ensuring it is kept up to date, including relevant evidence. This includes the potential for intervention by the Secretary of State and the increased possibility of planning by appeal. The Council continues to maintain the risk of not having an up-to-date plan on the strategic risk register.

#### **5.0 ENGAGEMENT/CONSULTATION**

- 5.1 Public consultation will be undertaken on the Local Plan Review at key stages (e.g. Regulation 18 and Regulation 19) in line with the relevant legislation. Evidence documents such as the Call for Sites will be subject to focussed consultation.

#### **6.0 FINANCIAL IMPLICATIONS**

**Name & Title: Tim Willis, Director – Resources (Section 151 Officer)**

**Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk**

- 6.1 The delivery of the Local Plan Review and associated evidence are considered to be deliverable within existing agreed budgets. Human Resource requirements will continue to be monitored to ensure that appropriate required support can be secured when needed to avoid slippage.

#### **7.0 LEGAL/GOVERNANCE IMPLICATIONS**

**Name & Title: Claire Mayhew, Acting Joint Director – People & Governance (Monitoring Officer)**

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- 7.1 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.

#### **8.0 EQUALITY & HEALTH IMPLICATIONS**

**Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health**

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- 8.1 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 ground of 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).

8.2 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. The Local Plan Review will be subject to an Equality Impact Assessment at key stages of preparation. This assessment is a process designed to ensure that a policy, project or scheme does not discriminate against any disadvantaged or vulnerable people.

## **9.0 ECONOMIC IMPLICATIONS**

**Name & Title: Phil Drane, Director - Place**

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9.1 The Local Plan Review will identify future development in the borough and how this is managed, which will contribute towards economic growth. It is important that an up-to-date plan is maintained to drive economic growth consistent with the Corporate Strategy 2020-2025 and Economic Development Strategy 2021-2025.

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**APPENDICES**

None

**BACKGROUND PAPERS**

None

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Policy, Resources & Economic Development Committee: Item 83, Brentwood Local Plan Timetable (Local Development Scheme 2022-2025)	13 July 2022
Extraordinary Council: Item 373, Brentwood Local Plan 2016-2033 Adoption	23 March 2022