



# Consultation on Ingatestone & Fryerning Neighbourhood Plan 2020-33

December 2021

## REPRESENTATION FORM

This form should be used to make representations on the Ingatestone a& Fryerning Neighbourhood Plan, Regulation 16 document and accompanied Basic Conditions and Sustainability Environmental Appraisal Scoping Opinion

The Regulation 16 Ingatestone & Fryerning Neighbourhood Plan and all required supporting documents can be accessed via the Council website at [www.brentwood.gov.uk/-/ingatestone-and-fryerning-np](http://www.brentwood.gov.uk/-/ingatestone-and-fryerning-np)

Please note this form has two sections:

- Section A – Personal information
- Section B – Your representation

Please ensure you complete **both** parts of the form.

Where possible, we would prefer responses are provided using our online consultation portal. This is the quickest and easiest way to make representations. To respond in this way, please follow this link: <https://brentwood.oc2.uk/>

Once on the main page of the consultation portal select the Ingatestone & Fryerning Neighbourhood Plan to make comments related to this consultation.

Comments will be considered by the independent Planning Inspectors undertaking the examination.

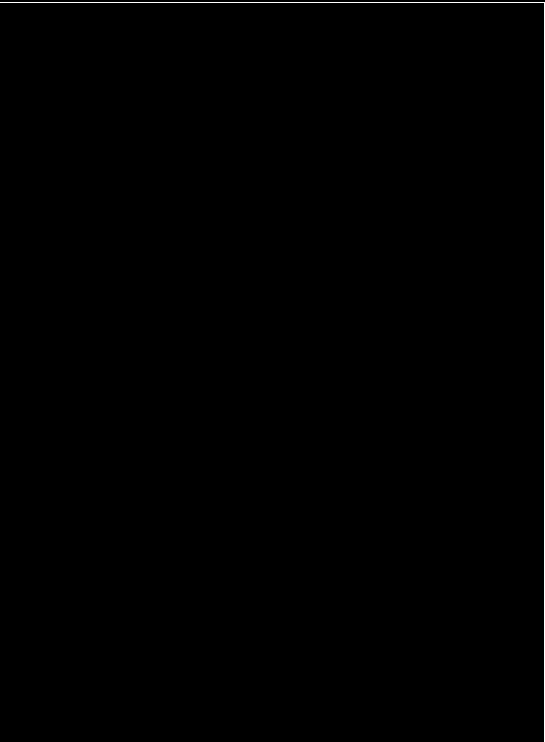
**All responses must be received by 5pm 10<sup>th</sup> February 2022**

If you are providing a response by email or post please return forms either by attaching completed forms by email to [planning.policy@brentwood.gov.uk](mailto:planning.policy@brentwood.gov.uk) or alternatively by post to IFNP 2021, Planning Policy Team, Brentwood Borough Council, Town Hall, Brentwood, Essex CM15 8AY

## Data Protection

All personal information that you provide will be used solely for the purpose of the Neighbourhood Plan consultation. Please note whilst all addresses will be treated as confidential, comments will not be confidential. Each comment and the name of the person who made the comment will be featured on the Council's website.

By submitting this form, you are agreeing to the above conditions.

Section A: Personal Details	
Title	Mr
First Name	James
Last Name	Delafield
Job Title (if applicable)	
Organisation (if applicable)	
Address	
Post Code	

Telephone Number	[Redacted]
Email Address	

Do you wish to be notified when the Ingatestone & Fryerning Neighbourhood Plan 2020-2033 is made?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
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## Section B: Your Representation

Please complete a separate sheet for each representation that you wish to make. You must complete 'Part A – Personal Details' for your representation to be accepted.

Representations cannot be treated as confidential and will be published on our Consultation Portal. Any representations that are considered libelous, racist, abusive or offensive will not be accepted. All representations made will only be attributed to your name. We will not publish any contact details, signatures or other sensitive information.

Full Name	Mr James Delafield
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Question 1: Which part in the plan does your representation relate?

Any representations on a supporting document should clearly state which paragraphs of the document it relates to and the policy or chapter you are making a comment on. You should avoid lengthy comments on the supporting documents themselves.

Paragraph Number		Policy Reference	

Please see attached letter.

Question 2: Do you support, object, or wish to comment on the Neighbourhood Plan?

Support	<input type="checkbox"/>	Object	<input type="checkbox"/>	Comment	<input type="checkbox"/>
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Please see attached letter.

Question 3: Please provide details of your reasons for support, object, or make other comments here:

Please see attached letter.

Please continue on a separate sheet if necessary

Question 4: What improvements or modifications would you suggest?

Please see attached letter.

Please continue on a separate sheet if necessary



**Sent By Email**

IFNP Consultation 2021  
Planning Policy Team  
Brentwood Borough Council Offices  
Town Hall  
Ingrave Road  
Brentwood  
Essex CM15 8AY

[planning.policy@brentwood.gov.uk](mailto:planning.policy@brentwood.gov.uk)

9 February 2022

Dear Sirs

## **INGATESTONE & FRYERNING NEIGHBOURHOOD PLAN (REGULATION 16) CONSULTATION**

Please find representations set out below on behalf of our Client CALA Homes (North Home Counties) Ltd who are the promoters of proposed allocation site R22, land off Roman Road, Ingatestone in the emerging Brentwood Local Plan.

### **Housing allocation in the Local Development Plan (LDP) [p.13] (Comment)**

The text states:

**“The Brentwood LDP seeks to deliver an average of 456 new dwellings per annum in the Borough up to 2033. The LDP has allocated 57 dwellings in the parish on site R21 (Map 2), land adjacent to the A12 bypass on the south-eastern edge of Ingatestone. The LDP also requires the provision of 35% affordable housing, public open space and a landscape buffer adjacent to the A12. The parish council supports this housing allocation within the LDP and therefore includes this site as an allocation within IFNP Policy 1”.**

We would point out that the above reference to the allocation of 57 dwellings relates to Local Plan Site R22 (and not R21, which is the former garden centre to the south of Ingatestone).

### **Policy 1: Housing (Comment)**

We support Policy 1 (Housing), which seeks to allocate our Client’s land adjacent to the A12, Ingatestone site (identified in Map 2). Our Client thanks the Parish Council for its support and the work that it has undertaken in order to progress the Neighbourhood Plan towards submission.

However, we consider that the policy should reflect the wording contained in the emerging Brentwood Local Plan. In respect of proposed allocation R22, the emerging Local Plan policy states that the site “is allocated for **around 57 new homes**” (our emphasis).

The fourth bullet point of Criterion (a) of Policy 1 specifies that Site R22 should 'incorporate noise attenuation measures for dwellings on the west side of the site, adjacent to the A12, 'to meet BS8233:2014 standards'. We believe that this requirement to be overly prescriptive and, therefore, lacks flexibility to respond to changing standards over time. We suggest that it is revised 'to accord with the recognised British Standard'.

Criterion (b) of the policy specifies that in order to address the impacts of the development on the surrounding area, Site R22 should provide contributions to all necessary infrastructure to be secured and delivered including educational facilities, open space and community facilities. Our Client will willingly make proportionate contributions towards appropriate infrastructure where appropriate and justified. However, we think that it is important to recognise that all infrastructure contribution requests will need to demonstrate there is an unmet need that directly needs to be addressed as part of the development, in order to ensure compliance with the CIL regulations. Where no additional needs have been identified by service providers it would be inappropriate to seek such contributions.

The NPPF provides clear guidance in paragraph 57 as to the permitted scope of Planning Obligations. This is expanded upon in the Planning Practice Guidance<sup>1</sup>:

**“When can planning obligations be sought by the local planning authority?**

**Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:**

- **necessary to make the development acceptable in planning terms;**
- **directly related to the development; and**
- **fairly and reasonably related in scale and kind to the development.**

**These tests are set out as statutory tests in [regulation 122](#) (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.”**

Criterion (b) should be amended to reflect this.

Criterion (c) of the policy refers to the need to provide parking in accordance with the adopted Essex County Council Parking Standards, which were produced in 2009. We would point out that these standards are now very dated and no longer reflect best practice in relation to promoting modal shift. The policy needs to be flexible in order that parking solutions reflect the latest guidance and standards required by the Highway Authority. Consequently, Criterion (c) needs to be amended accordingly.

**Policy 2: Housing Design (Object)**

Criterion (A) of Policy 2 again refers to proposals needing to accord with the adopted Essex County Council Parking Standards, and therefore we again consider there is a need for flexibility to be worked into the Policy wording in order that parking solutions reflect the latest guidance and standards required by the Highway Authority

The next bullet refers to the need to comply also with the Borough Council's parking standards – Parking Standards: Design and Good Practice 2009, which was adopted as a Supplementary Planning Document

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<sup>1</sup> Paragraph: 002 Reference ID: 23b-002-20190901, Revision date: 01 09 2019



(SPD) in 2011. These again are now very dated, and no longer reflect best practice in relation to promoting modal shift. The policy needs to be flexible in order that parking solutions reflect the latest guidance and standards required by the Highway Authority. Consequently, the policy wording needs to be amended accordingly.

In relation to criterion (B) of Policy 2, reference is made to Part M4(3) of the Building Regulations with regard to new developments of 20 or more dwellings being required to deliver a minimum of 5% of new homes to this standard. We believe that the intended application of this proposed policy requirement is currently unclear. As the first sentence of criterion (B) refers to older people's housing it could be assumed that the second sentence regarding Part M4(3) also relates only to older people's housing of 20 dwellings or more. If this is the intent, then the wording should be made more explicit to avoid any ambiguity regarding the application of the policy requirement.

However, should the intention be for the M4(3) requirement to apply to all residential developments of 20 or more dwellings, we consider that it is important to take full and proper account of how this requirement would differ from that in the emerging Local Plan (as set out in the Schedule of Potential Main Modifications: September 2021). Policy HP01 of the Local Plan, which has already been examined by the appointed Inspectors, can be summarised as follows:

#### **POLICY HP01: HOUSING MIX**

Criterion A states that all new development should deliver an inclusive, accessible environment throughout. Sub-section (b) goes on to specify that each dwelling to be constructed to meet requirement M4(2) accessible and adaptable dwellings, unless it is built in line with M4(3) wheelchair adaptable dwellings of the Building Regulations 2015, or subsequent government standard.

Sub-section B stipulates that **on developments of 60 or more (net) dwellings** the Council will require all of the above, and **a minimum of 5% of new affordable dwellings should be built to meet requirement M4(3) wheelchair accessible dwellings of the Building Regulations 2015**, or subsequent government standard.

Consequently, should the intention be for the Neighbourhood Plan requirement for the 5% M4(3) requirement to apply to all residential developments of 20 or more dwellings, this would significantly deviate from Policy HP01 of the emerging Brentwood Local Plan, which clearly states that the 5% M4(3) requirement only relates to developments of 60 or more dwellings.

Paragraph 34 of the National Planning Policy Framework (NPPF) stipulates that Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

It is important to recognise that the imposition of different technical requirements can often have significant cost implications. We could not identify any justification in the draft Neighbourhood Plan, or its accompanying evidence base, for a policy requirement that seeks to deviate from the emerging Local Plan which is now very close to adoption. Furthermore, the threshold of 60+ dwellings in the emerging Local Plan will have been properly tested through viability work, and that has been scrutinised and found sound by the Inspectors appointed to examine the Local Plan.

Therefore, should it be intended for the 5% M4(3) requirement to apply to all residential developments, we believe that criterion B) needs to specify that this should apply to proposals where 60 or more dwellings are proposed in order to ensure that it mirrors and properly acknowledges the Borough Council's emerging Local Plan Policy and supporting evidence base.

**Policy 5: Transport (Object)**

The policy sites that new development should provide car and cycle parking in accordance with the Essex County Council Standards.

As we have already highlighted, we are of the opinion that the standards referred to above are now very dated, and no longer reflect best practice in relation to promoting modal shift. Indeed, there is a reference at the end of the policy to 'relevant evidence base documents.' The Brentwood Parking Strategy, Strategic Options Development Report produced by JMP Consultants Ltd in 2016 is listed.

The policy needs to be flexible in order that parking solutions reflect the latest guidance and standards required by the Highway Authority. Consequently, the policy needs to be amended accordingly.

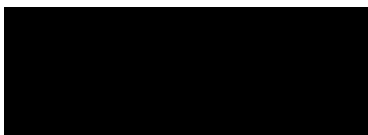
**Policy 6: Environment (Object)**

Reference is made towards the end of the policy to the fact that proposals for new development should not detrimentally impact air quality and public health within the parish as a result of increased traffic flows and congestion. It then goes on to state that all major development proposals will be required to contribute towards the provision of air quality monitoring to demonstrate an understanding of the current air quality surrounding the development site and outline the potential wider air quality implications of the proposed development on the parish.

In relation to Site R22, we would point out that the Air Quality Assessment produced to support the planning application concluded that this would not be an issue. Its findings demonstrate that the development of our Client's site would not result in a level of development that would worsen air quality. Consequently, any such contribution sought would not be justified. Indeed, it would be contrary to the tests of reasonableness set out in the CIL Regulations.

If you require any further clarification regarding our representations, please do not hesitate to contact me.

Yours faithfully



James Delafield MRTPI  
Associate Partner

