

REVISED PUBLICATION LOCAL PLAN REGULATION 19 CONSULTATION RESPONSE BOOKLET

Guidance Note

These notes are intended to assist you in making representations to Basildon Borough Council's Revised Publication Local Plan. At this stage of consultation, the Council is seeking views on whether the Local Plan is legally compliant and meets the tests of 'soundness', as set out in the National Planning Policy Framework (NPPF), and summarised in the boxes below.

Legal Compliance

- The Local Plan should have been prepared in accordance with the Council's latest Local Development Scheme.
- The Local Plan should be accompanied by a Sustainability Appraisal and Habitat Regulations Assessment.
- Consultation on the Local Plan should have been carried out in accordance with the Council's Statement of Community Involvement.
- The Council should have worked collaboratively with neighbouring authorities and prescribed bodies on strategic and cross boundary matters, known as the Duty to Cooperate.
- The Local Plan should comply with all relevant laws including the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012.

Soundness

- **Positively prepared** provides a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.
- **Justified** an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.
- Effective deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.
- **Consistent with national policy** enabling the delivery of sustainable development in accordance with the policies including the National Planning Policy Framework.

General Advice

• This booklet has five parts:

- Part A Contact Details
- Part B Your Representation
- > Part C Sustainability Appraisal and Habitat Regulations Assessment
- Part D Other Monitoring Information
- Part E Future Notifications and Privacy Notice
- You must provide your contact details within Part A of this booklet. We are unable to accept anonymous representations.
- Please do not include any personal information within Parts B or C of this booklet. All comments submitted as part of this consultation will be made publically available in reports and online.

- Comments which are deemed to be unlawful or discriminatory will be inadmissible and will not be accepted. We would ask that you avoid the use of such comments when making your representations. Unlawful comments be passed onto other authorities.
- You will need to fill in a separate Part B for **each representation** that relates to a different part or issue of the Local Plan. This booklet contains five sets of questions in Part B for you to make five separate representations. Should you wish to make more than five separate representations please use additional booklets.
- You should be as concise as possible when making your comments as they will be passed onto the Planning Inspector.
- Where there are members of a group who share a common view on the Local Plan, a single representation will have just as much weight as multiple representations. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- Responses must be received by the Council no later than **5pm** on **Monday 17 December 2018**. Late responses will not be accepted.

Part A – Contact Details

Please tick as appropriate:

- Responding as an individual (complete section 1)
- Agent responding on behalf of a client (complete sections 1 and 2)
- Responding on behalf of an organisation (complete section 2)

1. Individual/Client Details (Please complete in block capitals)	2. Organisation/Agent Details (Please complete in block capitals)			
Title	Title MRS			
First Name	First Name CHRISTINE			
Last Name	Last Name BARLOW			
Address Line 1	Job Title/Dept PARISH COUNCIL CLERK			
Line 2	Organisation BGNB PARISH COUNCIL			
Line 3	Address Line 1 15 HIGHLANDS ROAD			
Line 4	Line 2 BOWERS GIFFORD			
Postcode	Line 3 BASILDON			
Tel. No (Daytime)	Line 4 ESSEX			
Email	Postcode SS13 2HR			
	Tel. No (Daytime) 07758255621			
	Email clerkbgnbparishcouncil@gmail.com			

Official Use Only

Reference:

Date Received:

Part B – Your Representation

Important note: You must complete a separate Part B for **each representation** that relates to a different part or issue of the Local Plan. Part B contains five sets of questions for you to make five separate representations. Should you wish to make more than five separate representations please use additional booklets.

Representation 1

1. To which part of the Revised Publication Local Plan does this representation relate?

Paragraph Number	6.30 - 6.39
Policy Number	SD2:
Table Number	
Figure Number	
Appendix	
Policies Map Reference	
Policies Map Changes Booklet Reference	

2. Do you consider the Revised Publication Local Plan to be:

1.	Legally Compliant?	Yes 🔳	No 🗌	
2.	Sound?	Yes	No 🔳	

2a. If you consider the Revised Publication Local Plan to not be sound, please select which test(s) of soundness this relates to? (See Guidance on Page 1)

- Positively prepared
- Justified

Consistent with national policy

3. Please provide an explanation below.

Achieving Sustainable Development (Chapter 6)

SD2: Settlement Hierarchy and Distribution of Growth

The Parish Council considers Policy SD2 (4) is justified, effective and consistent with the NPPF (notably Paragraph 136) in respect of its provisions for the Bowers Gifford and North Benfleet Neighbourhood Area.

However, in doing so, it assumes that the strategic direction of the policy for the forthcoming Bowers Gifford and North Benfleet Neighbourhood Plan will allow for the Neighbourhood Plan to release any land in the Green Belt to enable the delivery of 1,350 homes in a sustainable way.

The Parish Council and residents support the policy for the housing target being justified , effective and consistant with the NPPF paragraph 136.

Modification Changes:

The policy SD 2 and/or paragraphs 6.37 - 6.39 should be modified to make this spatial principle explicit to enable the release of land in the Green Belt.

- No, I do not wish to participate at the oral examination
- Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The Parish Council considers it necessary to participate at the oral part of the examination as it has become an important partner to Basildon Council in accepting responsibility to plan for the delivery of 1,350 homes in the Parish.

Its representations support some policies, object to some and seek modifications to others, but all are related to this overall objective. For this reason, and taking into account the progress that the Parish Council intends to make with its Neighbourhood Plan prior to the hearings, the Parish Council would wish to submit supplementary statements and provide the Inspector with an updated view on the Local Plan at that time.

Representation 2

1. To which part of the Revised Publication Local Plan does this representation relate?

Paragraph Number	6.61 - 6.63
Policy Number	SD3
Policies Map Reference	
Policies Map Changes Booklet Reference	Page 15
Table Number	
Figure Number	
Appendix	

2. Do you consider the Revised Publication Local Plan to be:

1. Legally Compliant?

Yes No

2. Sound?

Effective

2a. If you consider the Revised Publication Local Plan to not be sound, please select which test(s) of soundness this relates to? (See Guidance on Page 1)

- Positively prepared
- Justified

Consistent with national policy

3. Please provide an explanation below.

SD3: Designated Area:

The Parish Council considers Policy SD3 (3) is justified, effective and consistent with the NPPF (notably Paragraph 136) and it has committed to bringing forward a Neighbourhood Plan to deliver the housing provisions of the policy prior to the first review of the Local Plan. It currently expects to have reached the Pre-Submission (Regulation 14) stage by the time of the examination of the Local Plan. Progress thereafter will be determined by the course of the Local Plan, as the Neighbourhood Plan cannot be examined until the Local Plan has been adopted in order to meet the basic conditions.

The Parish Council objects to other provisions of the Local Plan, which it considers to be unnecessary and unjustified constraints on the spatial options for meeting this housing growth objective, most notably Policy E6 and elements of Policy H11.

The Parish Council also notes that a significant proportion of the supporting text to the policy – paragraphs 6.61 - 6.63 – seek to explain a discarded spatial option of a previous iteration of the Local Plan. This serves no practical purpose and may confuse readers, and should therefore be deleted.

Modification:

A significant proportion of the supporting text to the policy – paragraphs 6.61 - 6.63 should be deleted as they refer to a spatial option since discarded of a previous iteration of the Local Plan and the wording in these paragraphs serve no practical purpose and may confuse readers.

The revision of Policy E6 to be included as mixed development of housing and employment and a revision of elements of Policy H11 in consultation with the Parish Council's evolving Neighbourhood Plan

- No, I do not wish to participate at the oral examination
- Yes, I wish to participate at the oral examination

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Representation 3

1. To which part of the Revised Publication Local Plan does this representation relate?

Paragraph Number	7.37 :- 7.38: 7.40
Policy Number	E6
Policies Map Reference	
Policies Map Changes Booklet Reference	Employment Areas - Page 35
Table Number	
Figure Number	
Appendix	

2. Do you consider the Revised Publication Local Plan to be:

1. Legally Compliant?

Yes No No Yes No No

2. Sound?

2a. If you consider the Revised Publication Local Plan to not be sound, please select which test(s) of soundness this relates to? (See Guidance on Page 1)

- Positively prepared
 Just
- Effective

Justified

Consistent with national policy

3. Please provide an explanation below.

E6 - Land East of Burnt Mills Road

The Revised Publication Local Plan THIA identifies a need for more significant modifications to the local and strategic road network to ensure highways capacity can be achieved to facilitate the sustainable development of this site. The land east of Burnt Mills Road was identified in 1996, as part of the Industrial Corridor but no employment development has taken place on this site since.

Retaining the whole of E6 as employment land will result in an ineffective use of land within this area. Policy E6 contradicts the Local Plan's own stated policy objectives on transport (T1) & the NPPF guide lines by taking a short term approach to a protracted development program which would create unnecessary private vehicle travel.

Even though no development has been constructed in the E6 area since it was reserved in 1996 it is accepted that the increase in housing development will assist in the interests for industrial premises in the future. The obvious problem to this is financing the infrastructure as in 7.37 - 7.40.

Proposals to develop the southern corner of the site (E6) have been put forward and this is an existing housing development area which would tie in with a proposed small scale housing development which is **not** part of the Revised Publication Local Plan. There is also a Grade 2 listed building in the southern corner and the NPPF puts great weight on the protection of Grade 2 listed buildings which on balance would be better protected within a well-designed housing development rather than industrialised development.

The increase in housing development will assist in the interest for industrial premises in the future but the obvious problem is financing the infrastructure as in 7.37 - 7.40. Hence in part a small scale housing development would help provide much needed finances.

It is also stated that no development will take place until the graded junction is effected, thus a considerable delay exists in this respect. Allocation for employment is dependent on willingness of landowner or CPO powers which make the proposal ineffective and allocation dependent on major road upgrades later in plan period. Justification cannot be given for all of the district's future employment needs on one site.

Policy SD3 not only aims to give Bowers Gifford and North Benfleet Neighbourhood Plan the role of overseeing the development 1,350 dwellings within its Parish boundary, it also pledges support for Hovefield and Honiley Neighbourhood Plan for significant develop in Wickford.

Policy E6 as it stands prejudices the planning of 1,350 homes in the Bowers Gifford & North Benfleet Neighbourhood Plan.

Basildon Council's previous Local Plan version did not propose to allocate this quantum nor safeguard land for future.

The enforced over development of Bowers Gifford & North Benfleet is in part to assist in financing the A127 junction but if 2 - 2.5 hectares of land at the junction of Pound Lane and Burnt Mills Road could be **removed** from the over-arching E6 proposal it would: (a) allow the land to be used for partial housing development and the upgrading of existing housing on the site to proceed (b) allow a Grade 2 listed building to be properly protected (c) allow a more balanced approach to development options within Bowers Gifford & North Benfleet d) assist in part the financial cost of the graded junction the intention of which is for the graded junction to open up access to both sides of the A127 allowing development in BG & NB, E6, Hovefields and Honiley and relieve congestion in Wickford.

The reserved industrial land removed could then be re-established into the Hovefeilds & Honiley's development which would still be within any probable required time scale and would meet employment proposals within an accessible distance of the Hovefield & Honiley housing development as per Policy T1 & NPPF guide lines by reducing unnecessary car travel.

We believe that Policy E6 should be amended as a mixed development site to include a small area of housing in the southern corner which would assist in part to provide financial support for the graded junction at the A127.

- No, I do not wish to participate at the oral examination
- Yes, I wish to participate at the oral examination

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Representation 4

1. To which part of the Revised Publication Local Plan does this representation relate?

Paragraph Number	11.47
Policy Number	E3
Policies Map Reference	H4
Policies Map Changes Booklet Reference	Page 56
Table Number	
Figure Number	
Appendix	

2. Do you consider the Revised Publication Local Plan to be:

1. Legally Compliant?

Yes 🗆 No 🗌 Yes 🗌 No

2. Sound?

2a. If you consider the Revised Publication Local Plan to not be sound, please select which test(s) of soundness this relates to? (See Guidance on Page 1)

- Positively prepared
- Justified
- Effective

Consistent with national policy

3. Please provide an explanation below.

The Planning Policy for Traveller, Gypsy and Show People (PPTS) states that local planning authorities should ensure that traveller sites are sustainable. Local Plans should therefore ensure their policies promote peaceful and integrate co-existence between the site and the local community; It goes on to say when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

This area of the North Benfleet plotlands has, for the major part, a fine balance of mixed uses that works where mutual respect and co-operation persists.

The implementation of this policy in this location could not only put the progress made by the Parish Council at risk but cause irrespirable damage. It is only where groups have created selfsegregation that any problems persist so to create another would be an act of gross negligence.

This is a miscalculation taken by the planning group in that: (a) after being informed by the owners of the land they had not agreed for it to be a traveller site the site was not removed as requested. (b) despite representation from the Parish Council on behalf of the land owners it was decided by Panning Officers to keep it identified as a traveller site within the Local Plan.

The site has an approximate area of ,one half of one hectare, which even taking into account the greater area required for a standard traveller pitch could accommodate 12 to 15 pitches, as opposed to the one proposed for this area. This could be judged as forward planning to give future pitch options credit but such action would upset the fine balance that allows this mixed community to function effectively.

To modify and meet soundness would be for the Parish Council, who it has been agreed as part of the Local Plan allocation, to oversee development within the Parish and to find an alternative site, within the existing area and time period as part of their emerging Neighbourhood Plan thus complying with HELLAA Methodology in regard to land interest.

- No, I do not wish to participate at the oral examination
- Yes, I wish to participate at the oral examination

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Representation 5

1. To which part of the Revised Publication Local Plan does this representation relate?

Paragraph Number	E6 – 7.43 : H3 – 11.36
Policy Number	E6 & H3 (overlap of policy)
Policies Map Reference	
Policies Map Changes Booklet Reference	
Table Number	
Figure Number	
Appendix	

2. Do you consider the Revised Publication Local Plan to be:

1. Legally	Compliant?
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Yes 🔳 No

2. Sound?

Yes 🗌 No 🔳

2a. If you consider the Revised Publication Local Plan to not be sound, please select which test(s) of soundness this relates to? (See Guidance on Page 1)

- Positively prepared Justified
- Effective

Consistent with national policy

3. Please provide an explanation below.

Our challenge for the development of the land east of Burnt Mills Road for a Traveller, Gypsy, Traveller Site is that the timescale cannot be met as identified in the Local Plan PPTS

Show People require a site that has good safe access and egress for very Large, heavily laden vehicles. The Local Plan appraisals (Policy T7) have found Burnt Mills Road, "narrow, twisty & unsuitable suitable for standard HGV's and there is no safe access and egress from the A127 for very large, heavily laden vehicles"

The Local Plan states Infrastructure first but the assessment states the money for the graded junction and new road is to come from development and the public purse which has not been secured. Once the design and construction time have been factored in, compliance with the PPTS requirements of 1 site by 2021 & 2 sites by 2026 does not represent a sound assessment.

In consideration of each part of the Revised Publication Local Plan being accepted with just minor suggestions and agreements on financing being reached in an inordinately guick time, this would not solve the problem.

The designs for both the new graded junction and access to Pound Lane will raise significant problems. The utilities, traffic management and construction times then have to be factored in which would far exceed the PPTS time line (Table 11.3:5).

Representation 5 continued:

If one Show People site was to be relocated this would take up to six years to give acceptable access to Pound Lane and also construct a sufficient section of the new road to give access and egress. This may possibly be via a newly constructed section of the southern side of the A127 junction.

The reality is that a dispensation for even the second Show People site will probably have to be obtained to allow for a delay.

This will be necessary to enable the road to reach a point where safe transfers can be achieved in and out of the site as well as a safe occupation.

To reconsider the location and the placing of 3 Traveller Show People sites in the one location.

- No, I do not wish to participate at the oral examination
- Yes, I wish to participate at the oral examination

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Part C – Sustainability Appraisal and Habitat Regulations Assessment

We also welcome your views on the Sustainability Appraisal and Habitat Regulations Assessment which have been prepared alongside the Revised Publication Local Plan.

Please provide your comments below.

The Sustainability Appraisal (SA) is considerably broadly acceptable in terms of meeting the obligations of national policy.

However, there is a significant lack of detail in respect of some of the most important changes made to the Local Plan, both in terms of the new proposals and how they compare with the discarded reasonable alternatives.

This is apparent in relation to Policy E6, which the SA acknowledges has increased the employment land provision from 5 Ha to 48 Ha, and to Policy H11, the essence of which is very different and new elements of which (including the secondary school and bus road) have not been properly assessed.

The SA assessment of policies SD2 and SD3, which together provide the strategic policy justification (under NPPF paragraph 136) for the Bowers Gifford & North Benfleet Neighbourhood Plan, is also unnecessarily weak.

Policy SD3 cannot possibly lead to entirely positive effects simply as a result of directing neighbourhood plans to make provision for development rather than the Local Plan serving that same purpose. However, enough evidence is available from the early drafting of the Neighbourhood Plan to inform a meaningful assessment of both positive and adverse effects.

The Parish Council expects to be able to update and broaden that evidence base with a separate SA of the draft Neighbourhood Plan by the time of the Local Plan examination, to enable these weaknesses to be addressed through amendments to the Local Plan SA.

The Parish Council also notes the provisions and conclusions of the Habitats Regulations Assessment (HRA) in respect of policies SD2, SD3, H11 and E6. It will be able to present a more informed view of the HRA at the examination using the data and analysis of the HRA of the Neighbourhood Plan.

Part D – Other Monitoring Information

We are asking for the following information so that we can ensure that the consultation has been accessible to everyone. We are required to do this by the Equality Act 2010. This information is however an **optional** part of the form. Any personal data provided will not be published alongside your representation.

1.	What best describes your gender?						
	Male	E Female					
	Transgender Prefer not to say						
Pre	Prefer to self-describe:						
2.	What age group do yo	ou belong to?	?				
	Under 16 years	□ 16-24 yea	ars		25-34 years		35-44 years
	45-54 years	55-64 yea			65-74 years		75+ years
3.	Do you consider your	self to be a d	lisahl	ed n	erson?		
	Yes			ou p			
4.	What is your sexual o	rientation?					
	Bi-sexual 🗌 He	terosexual			Gay		Lesbian
	Prefer not to say						
5.	What is your religion?)					
	None 🗌 Ch	ristianity			Judaism		Islam
	Buddhism 🛛 Sik	thism			Hinduism		Other
	Prefer not to say						
lf o	ther, please state:						
6.	What is your ethnicity	?					
	White British			/hite	Irish		
	Gypsy or Traveller		□т	ravel	ling Showperso	n	
	Any other White backgr	ound	□ A	sian	or Asian British:	Ban	gladeshi
	Asian or Asian British: 0	Chinese	🗆 А	sian	or Asian British:	Pak	istani
	Any other Asian or Asian British Black or Black British: African background					an	
	Black or Black British: Caribbean Any other Black or Black British background				ritish background		
	Mixed: White and Black	African	ΠN	lixed	: White and Blac	ck Ca	aribbean
	Mixed: White and Asian	I	□ A	ny ot	her background		
	□ Prefer not to say						
lf o	ther, please state:						

Part E – Future Notifications and Privacy Notice

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box(es):

- Submission of the Local Plan to the Secretary of State for independent examination under Section 20 of the Planning and Compulsory Purchase Act 2004
- Publication of the recommendations of the Planning Inspector appointed by the Secretary of State to carry out the independent examination
- Adoption of the Local Plan by the Council
- Future revisions to the Local Plan, South Essex Joint Strategic Plan, new planning policies and guidance

How we will use your information

We will use your details to contact you regarding your comments on the Local Plan consultation.

In submitting comments to this consultation we are also required, under The Town and Country Planning (Local Planning) (England) Regulations 2012, to notify you of when the independent examination will take place. We will use the contact details you have provided to do this.

Please note: At the end of the consultation period, all comments will be made public and will be submitted to the Secretary of State, who will pass them to a Planning Inspector, along with the Local Plan and other relevant supporting documents. Your comments and name will be published, but other personal information will remain confidential.

Your comments will be reviewed by the independent Planning Inspector appointed by the Secretary of State to carry out the independent examination for the Local Plan. You may be invited to discuss your comments at the oral examination if you have expressed a wish to do so.

If you chose not to provide your data for this purpose, or ask us to erase your data, you will be unable to participate in the Local Plan process.

If you would like to find out more about how Basildon Borough Council use your personal data please go to <u>http://www.basildon.gov.uk/privacy-strategic-planning</u>.

Signature:		Date:	
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Please return this form to Basildon Borough Council no later than **5pm** on **Monday 17 December 2018**:

By Email: planningpolicy@basildon.gov.uk

By Post: Local Plan Consultation, Basildon Borough Council, The Basildon Centre, St Martin's Square, Basildon, Essex, SS14 1DL