



Representations on behalf of Countryside Properties

Brentwood Borough – Draft Local Plan, 2013 - 2033

January 2016

and

Sustainability Appraisal (SA) of the Brentwood Local Plan –
Interim Report (AECOM)

February 2016

Land to the East of West Horndon

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APPENDICES

- 1 Representations and Appendices to the Brentwood Borough Local Plan – Preferred Options, 2015 – 2030, on behalf of Countryside Properties. October 2013
- 2 Representations and Appendices to the Brentwood Borough Local Plan – Strategic Growth Options and Interim SA, on behalf of Countryside Properties (UK) Limited. January 2015
- 3 Draft Local Plan Representations, including a Review of Peter Brett Associates strategic Development Modelling Report for BBC. Odyssey Markides, March 2016.
- 4 Presentation by Countryside Properties to Brentwood Borough Council, 11 November 2015 – Station Road, West Horndon.



1.0 SUMMARY OF THE REPRESENTATIONS

1.1 Objection is raised to the Draft Local Plan 2013 – 2033 (DLP) on the basis that it is unsound as currently drafted for the following reasons:

- The absence of an appropriate, comprehensive and up-to-date evidence base as national planning guidance requires.

A number of key documents are not yet available or require updating, and therefore have not influenced the Plan:

Documents described as ‘forthcoming’:

- *Green Belt Review.*
- *Infrastructure Delivery Plan.*
- *New economic evidence including the impact of Crossrail.*

Documents requiring an Update/Further Assessment:

- *A Green Infrastructure Study.*
- *Transport Assessment.*
- *Objectively Assessed Housing Needs.*
- *Strategic Housing Market Assessment (SHMA).*
- *Strategic Housing Land Availability Assessment.*

The Plan is therefore supported by a limited evidence base, which by the Council’s own admission is “emerging and ongoing” (DLP, paragraph 1.22). Paragraph 2.16 confirms: “several pieces of evidence are being undertaken alongside Local Plan preparation to inform policies as they are being developed and ensure the Council is able to produce a Plan as quickly as possible”.

We submit that a robust and credible evidence base must inform the content of the emerging Local Plan. Local Plan policies must be justified by evidence in order to be considered sound. Failure to publish these and other technical documents will deprive interested persons of the opportunity to comment upon them and fully comprehend how the preferred spatial strategy for growth has been decided.

- Further work is required to demonstrate whether the Draft Plan will meet its full objectively assessed need (OAN) for housing as required by the National Planning Policy Framework (NPPF, paragraph 182).

To date no account has been taken of the duty to cooperate and the need to consider unmet needs in adjoining authorities. Proper engagement has yet to be had with the Mayor of London and the London Boroughs on the matter of migration. In the light of past long term trends in jobs growth and the likely impact of Crossrail on the economy, there is potentially a need for higher growth in housing than currently proposed.

- The absence of an adequate sustainability assessment (SA). The Draft Local Plan for Brentwood is open to legal challenge on the ground that there has been a failure to comply with the relevant EU Directive and Regulations made to implement it. The Environmental Report does not comply with the Directive and Regulations in terms of its content. The SA



to date has not influenced the Plan and there has been a failure properly to assess both the preferred options for growth and rejected alternative sites.

- 1.2 The matters addressed above are so central to the overall strategy that the emerging plan as it stands cannot be found sound. A substantive revisiting of the plan strategy is required, to include the preparation of a thorough and effective SA that takes into account a proper testing of the alternatives for growth in the context of a full and up to date assessment of OAN for housing.
- 1.3 Support is extended in principle to the key strategic objectives of the Draft Plan that set out how the Council intends to achieve its vision. In particular we support SO1 and SO2 that confirm how growth will be managed in the Borough. These strategic objectives direct development to the Borough's transport corridors and urban areas in locations well served by existing and proposed services and facilities.
- 1.4 However it is not clear how the strategic objectives are then translated into a spatial strategy for growth, including land allocations to meet the Borough's needs. Nor is it possible to understand whether the allocated sites represent the best opportunities for growth. This failing of the plan is rooted in the absence of a complete, up-to-date and robust evidence base and following on from that an SA that has not fully appraised either the preferred options or the reasonable alternatives.
- 1.5 At a very late stage in the preparation of the Plan the Council signed a "Memorandum of Understanding" with the adjoining Borough of Basildon to work together to consider cross boundary strategic planning issues. They consulted on a proposal that investigated whether land to the west of Laindon (in Basildon Borough) and to the east of West Horndon (in Brentwood Borough) had the potential to meet some of the development needs of both Councils through a cross boundary development. This land, known as Dunton Garden Suburb, was proposed to provide some 4,000 to 6,000 homes and other mixed uses. A pamphlet providing only the briefest of information was prepared to introduce the proposals. A negative public response to the consultation process has led to the abandonment of this proposal. The two Councils have subsequently proceeded to promote land in this general area, within their respective local authority boundaries. In Brentwood this has resulted in a strategic proposal to provide 2,500 homes on the south eastern edge of the Borough on an area of land that remains to be determined and in respect of which there is a complete absence of detail about the proposed development. The proposals have been re-named Dunton Hills Garden Village (DHGV).
- 1.6 This land allocation in the DLP represents the only strategic site for housing and is described as "*critical to delivering the plan's key objectives i.e. meeting needs for new homes and new jobs*" (DLP paragraph 6.29). Paragraph 6.30 states that all such strategic sites have their own individual policy within the Plan to "*set out clearly what type of development is expected from each*". This level of detail is not however set out in the Draft Plan. Nor has such a key strategic site that is proposed to meet some 50% of the Borough's housing needs been tested in the context of a sustainability appraisal. There is no evidence to demonstrate feasibility/achievability, site capacity, infrastructure requirements, or timescales for delivery.
- 1.7 Land at West Horndon has been promoted by Countryside Properties for development via the Local Development Framework for Brentwood since 2009. It was first put forward in response to a "Call for Sites" by Brentwood Borough Council (BBC), upon commencement of its Strategic Housing Land Availability Assessment (SHLAA). It was subsequently the subject of representations to an Issues and Options Plan in 2013 and Strategic Growth Options in January 2015. Throughout this time the emerging Plan for Brentwood has consistently advanced a transport-led strategy for growth that



centres upon Brentwood, Shenfield and West Horndon, together with developed sites in the Green Belt and brownfield development in other villages.

- 1.8 As the Local Plan has progressed the settlement of West Horndon - situated in the A127 transport corridor - has been identified by the Council as a location for strategic growth. In addition to good road and rail access, it is served by existing shops, employment and community facilities. It is relatively unconstrained from a landscape perspective. Since the early SHLAA the Council has acknowledged that there is potential to develop land to the east and west of the existing settlement of West Horndon. It has been argued by Countryside Properties in promoting land to the east that this is unconstrained and could be delivered early in the plan period.
- 1.9 Late in the process of preparing the Draft Plan, land at West Horndon has been rejected for strategic growth in favour of an allocation at Dunton. At paragraph 7.10 the Draft Plan confirms *“Land around West Horndon Village remains a reasonable alternative because it can provide for similar development numbers towards local needs.”* The only justification given for rejecting this highly sustainable location for growth is that *“it has not been selected as a preferred site in this Draft Plan owing to impacts on the existing village, which would not be consistent with emerging spatial strategy.”*
- 1.10 The rejection of this alternative site is not supported by sustainability assessment. Indeed the limited assessment that has been undertaken gives more support to West Horndon as a strategic site for growth, based on landscape impact. We would add to this that an extension to an existing village served by a railway station and community services and facilities must be more sustainable than a randomly located site on open green fields that is not contained by defensible boundaries. This conclusion is summed up in the latest SA Interim report of February 2016 that states:
- “The process of the assessment of sites that are suitable, available and deliverable for development within the Borough is on-going.”
 - “The appraisal finds that the Draft Plan is set to result in significant positive effects in terms of housing and economy/employment objectives, but significant negative effects in terms of landscape objectives.”
 - Specifically in respect of Dunton: “at the current time it remains appropriate to ‘flag’ the potential for **significant negative effects** given the uncertainty that remains regarding Dunton Hills Garden Village”. (The key words are highlighted in bold and in red print by the authors of the Interim SA).



2.0 SUSTAINABILITY APPRAISAL AND THE EVIDENCE BASE

The role of a Sustainability Appraisal

- 2.1 Planning Practice Guidance (PPG para 001, ref ID 11-001-20140306) confirms that a sustainability appraisal is a systematic process that must be carried out during the preparation of a Local plan. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against the reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.
- 2.2 Section 19 of the Planning and Compulsory Purchase Act 2004 requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a Local Plan during its preparation. More generally, section 39 of the Act requires that the authority preparing a Local plan must do so “with the objective of contributing to the achievement of sustainable development”.
- 2.3 The Planning Advisory Service (PAS) advise local planning authorities that the carrying out of a sustainability appraisal (SA) of their plans is an essential part of the plan-making process. It is not a one-off exercise but needs to be integrated into the various stages of plan making. As it provides them with evidence, helps to test the evidence and helps with developing options, it cannot just be done as a ‘looking back’ exercise at the end. *It is a legal requirement.*

The SEA Directive and the Regulations

- 2.4 Sustainability appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the ‘Strategic Environmental Regulations’), which implement the requirements of the European Directive 2001/42/EC (the ‘Strategic Environmental Assessment Directive’) on the assessment of the effects of certain plans and programmes on the environment.

The Scope of an Environmental Report

- 2.5 There is much case law regarding SEA and the preparation of Environmental Reports. This frequently focuses on two central issues: the proper content of an environmental report; and the question of whether it has taken into account reasonable alternatives.
- 2.6 For the SA, establishing the scope is the first step. This should identify an initial range of topics for which relevant evidence is required. Suggested topics are:
 - Air quality
 - Biodiversity and green infrastructure
 - Climate change adaptation and flood risk
 - Climate change mitigation and energy
 - Community and well-being
 - Economy and employment
 - Historic environment
 - Housing
 - Land (including agricultural land, brownfield land, and contaminated land)
 - Landscape
 - Rural areas



- Transport
- Waste
- Water

2.7 As a minimum, consultation is required on the scope of the SA and the SA report accompanying the Draft Plan. It is best practice for consultation to take place on SA during the plan preparation process for example through the production of interim SA Report and other means such as workshops and working groups.

Testing the Options and Reasonable Alternatives

2.8 For SA, the effects of the options and the emerging plan policies must be appraised in relation to the baseline situation. The appraisal of emerging and preferred options of the plan document is a critical role of SA. PAS advises that where possible quantitative modelling should be used. For example, the results of transport modelling may be helpful in distinguishing between spatial options in terms of likely impact on air quality, amenity and climate change. Strategic options will raise uncertainties such as ‘what might happen if critical infrastructure doesn’t follow development?’ The appraisal should explore how options, preferred options and policies will be effectively delivered on the ground to help avoid unrealistic assessment.

2.9 The PPG advises on ‘reasonable alternatives.’ (ref ID 11-018-20140306). These are defined as different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each, so that meaningful comparisons can be made. The alternatives must be realistic and deliverable.

2.10 The SA should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in the light of the alternatives. It should provide conclusions on the overall sustainability of the different alternatives.

The evidence base

2.11 The PPG advises on the evidence needed to support the policies in a Local Plan (ID: 12-014-20140306). It states “Appropriate and proportionate evidence is essential for producing a sound Local Plan, and paragraph 158 onwards of the National Planning Policy Framework sets out the types of evidence that may be required. This is not a prescriptive list; the evidence should be focused tightly on supporting and justifying the particular policies in the Local Plan.” This includes such topics as housing, business, infrastructure, environment, historic environment, health and well-being, viability and deliverability.

2.12 The PPG advises “evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively. It should also be kept up-to-date. For example when approaching submission, if key studies are already reliant on data that is a few years old, they should be updated to reflect the most recent information available (and, if necessary, the plan adjusted in the light of this information and the comments received at the publication stage).”

2.13 It continues “Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan. It will also help communities bringing forward neighbourhood plans, who may be able to use this evidence to inform the development of their own plans.”



Soundness and examination of the Local Plan.

- 2.14 The NPPF requires a local plan to be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is sound. In considering soundness the Inspector will seek to ensure that the plan is based on a strategy which meets objectively assessed development and infrastructure requirements, including unmet requirements from adjoining authorities and consistent with achieving sustainable development. The inspector will want to be satisfied that the plan is the most appropriate strategy when considered against the *reasonable alternatives* and based on *proportionate evidence*.
- 2.15 There is considerable case law on local plans where SA has not been carried out prior to submission. Although this can potentially be dealt with via an addendum/correcting addition, that process should not be underestimated. Furthermore, if the reasoning process did not take place at each appropriate stage of plan making, thereby influencing the plan, then this cannot be 'cured'. The only thing that can be cured is the failure to include in the SA the documents showing that the legally adequate reasoning process did in fact occur (*Cogent Land LLP v Rochford DC [2012] EWHC 2542 (Admin)*). In the 2012 High Court case of *Heard v Broadland DC [2012] EWHC 344 (Admin)*, it was suggested that in order to show that they have followed the correct process Councils could do this "by reference to earlier documents" but only "if the earlier documents had contained the required material" (paragraph 62). The case of *Save Historic Newmarket Ltd v Forest Heath DC [2011] EWHC 606 (Admin)*, set out the need to examine fully previous documents in reaching a decision whilst in *Heard* the contents required to be included in an addendum was established. The addendum would also need to be consulted on for it to be legally compliant.
- 2.16 The process of correction of an SA requires the Council to show how it has influenced the final outcome of the plan. It cannot just 'patch up' the short comings. It must be the subject of public consultation and the responses will need to be considered. This raises the issue that in doing so a different conclusion may result. We submit that this work is therefore best undertaken now to avoid the plan being found unsound and because we doubt that a correction to the work undertaken to date in preparing an SA, is in the context of case law referred to above, capable of being 'cured'.

Criticisms of the SA of the DLP for Brentwood.

- 2.17 The SA to date is based on an incomplete and out of date evidence base. This falls considerably short of the guidance in the NPPF and PPG that the evidence cannot be collected or published retrospectively. Fundamental elements of the evidence base needed to test the plan are missing. In a Borough where 89% lies within the Green Belt, and from where land is essentially required to meet growth needs, there has been no attempt to undertake an appropriate review of the Green Belt boundaries, as required by national guidance.
- 2.18 Various versions of the SA including two scoping reports have been prepared during the preparation of a local plan for the borough. These have failed to identify a full scope and crucially have not identified transport as a topic to be examined. There is a complete hole in the evidence base in relation to transport and traffic impact.
- 2.19 During the preparation of the plan and SA work undertaken alongside it, land at West Horndon has been considered as a reasonable alternative for growth. The SA interim report of January 2015 compared West Horndon against the joint proposals for Dunton and three other strategic scale proposals. It undertook an assessment of each option, albeit based on scant information regarding the form and content of proposed development. The options were compared in a single table to highlight 'significant effects' and 'relative merits'. Scores of 1-5 were given to rank the performance of the options against 12 key topics. Score 1 rated the best option with 5 indicating the poorest

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performing. Additionally the use of a colour coded system of red and green indicated likely significant adverse and beneficial effects, respectively.

- 2.20 The option based upon West Horndon, scored the lowest and therefore represented the ‘best’ option for strategic growth, according to the Council’s own SA. West Horndon as an option for growth showed no significant adverse effects. This set it apart from all other five options that showed significant adverse effects against at least two topics. As an aside, we objected to the assessment as being flawed in its judgement of some topics and how individual options scored relative to each other. By way of example in assessing the topics of Air Quality, Climate Change and Community and Well-being, the issue of accessibility and limiting the need for travel was identified as a key consideration. The SA objectives stated that the greatest potential for development to occur is where it is possible to limit the need for additional vehicular travel. Due to a lack of baseline evidence and sufficient detail on the individual development proposals, we found the assessment to be flawed where it placed the greatest development potential at Dunton, compared to West Horndon which has an existing railway station. This criticism relates precisely to the guidance given by PAS and set out in paragraph 2.8 above.
- 2.21 In Brentwood, transport modelling is only now being undertaken and has not to date influenced the DLP. This has resulted in unrealistic assessment as cautioned above. It has not helped to distinguish between spatial options for growth. The Dunton proposals were justified on the basis of joint proposals linking growth to the built up area of Basildon and featuring a proposed new railway station. The potential for uncertainties whereby critical infrastructure does not come forward to support growth (as suggested in paragraph 2.8 above) is exactly the scenario that is seen at Dunton. The now separate promotion of Dunton by Brentwood has resulted in a location that relates poorly to the existing built up area and will not be served by a new railway station. The sustainable argument for growth at this location has fallen away.
- 2.22 It is in assessing landscape capacity to accommodate growth that West Horndon has historically scored well, relative to Dunton. West Horndon has consistently been found to have a medium to high capacity to accommodate growth and likely to make only a ‘moderate’ contribution to Green Belt purposes. Dunton has been assessed as having a ‘low’ capacity to accommodate growth with likely adverse landscape effects.
- 2.23 Since 2013 the Council had been commissioning consultants to assess potential housing and employment sites in the Green Belt. This work was not published until February this year just after consultation began on the DLP. This is contrary to guidance in the PPG that advises local planning authorities to publish documents that form part of the evidence base as they are completed rather than waiting until the options are published or a local plan published for representations (see paragraphs 2.12 and 2.13 above). This report by Crestwood Environmental Limited is clear in stating that it is not a review of detailed Green Belt boundaries nor does it seek to identify sites to be prioritised for development. Its findings contravene the DLP strategy for growth and identification of Dunton as the sole allocation for strategic growth.
- 2.24 The study by Crestwood concludes that Dunton, the Council’s preferred strategic site, is one of 7 sites out of 203 assessed that makes a ‘high’ contribution to the Green Belt. The analysis found that “This expansive agricultural site if wholly developed would significantly reduce the gap between West Horndon and Basildon, as well as presenting large scale development along the A127 leading east from the M25.” The site was found to be “not contained”, to have “significant separation reduction” and a harmful effect on functional countryside. Land at West Horndon is found to make only a ‘moderate’ contribution. Development on land to the east of the settlement would decrease the gap to Basildon but still retain a functional open area with very limited or no visual linkages. There would



be some loss of countryside if developed. Land to the north east would lead to larger encroachment of the countryside but not to the coalescence with other towns.

2.25 Aside from the lack of highway evidence to inform the SA, it suffers from the lack of up-to-date guidance on OAN for housing and jobs. Without a target for growth it is not possible to know how much land will be required for development. We consider in more detail below the issue of OAHN and impact on the emerging plan.

2.26 The latest SA Interim Report is clear in highlighting the uncertainties that exist over the DLP proposed strategy for growth and land allocations chosen to meet this. The SA Non Technical Summary (NTS) confirms considerable doubts over the site identified at Dunton, relative to land at West Horndon:

- “The process of the assessment of sites that are suitable, available and deliverable for development within the Borough is on-going” (page 6)
- “...the Council remains open to considering matters further” (page 6)
- “Brentwood Borough Council acknowledges the complexity and challenges raised by the Sustainability Appraisal and anticipates further investigation of these matters including through the on-going commissioning and publication of evidence. The DLP consultation will enable further comments on the development of the Plan and the identified sites, which will be used to inform the next iteration of the Plan” (page 6).
- “the primary conclusion to draw from the table (Summary of Spatial Strategy Alternatives Appraisal Findings) is that in terms of a majority of objectives, a strategic allocation at one or either of the A127 locations (West Horndon or Dunton Hills Garden Village) is to be supported” (page 5)
- In summarising ‘landscape’ “at the current time it remains appropriate to ‘flag’ the potential for **significant negative effects** (highlighted bold and red in the report) given the uncertainty that remains regarding Dunton Hills Garden Village.” (page 9)
- The appraisal finds that the draft plan is set to result in significant positive effects in terms of ‘housing’ and ‘economy/employment’ objectives, but significant negative effects in terms of ‘landscape’ objectives.” (page 9).



3.0 COMMENTS ON THE DRAFT STRATEGY, PLANNING POLICIES AND PROPOSED LAND ALLOCATIONS IN THE DRAFT LOCAL PLAN

- 3.1 The preparation of a new Local Plan for Brentwood began some six years ago. During this time we have made representations on behalf of Countryside Properties and in relation to land at West Horndon. A response was made to the Preferred Options Plan in October 2013 and to the Strategic Growth Options in January 2015. We have appended our representations and their appendices, because points made then remain relevant (Appendix 1 and 2).
- 3.2 The representations made in 2013 include a sustainability appraisal of land at West Horndon, carried out by consultants on behalf of Countryside Properties to address the absence of such assessment by the Council. This considers the issues of transport and access, landscape and design, and delivery and viability. Appendix 1 to the 2013 representations comprises a report by Rummey Design that explores a landscape-led urban extension to West Horndon.
- 3.3 The representations submitted in 2015 provide further justification for growth at West Horndon and include a critique of other strategic growth options being considered by the Council, such as Dunton. The appendices to the 2015 representations include comprehensive assessment of a number of issues including transport, landscape and Green Belt Assessment, archaeology and ecology, to demonstrate that there are no overriding constraints to strategic growth at West Horndon. These two sets of representations and accompanying appendices will be summarised further in section 4 below.
- 3.4 We have expressed fundamental concerns about the lack of an evidence base and SA and have called for the Council to address these now. This additional work can then be used properly to inform what is in the plan and shape its development. National planning policy guidance makes clear that evidence is needed to inform the plan and that it cannot be prepared retrospectively. After all this time, many evidence base documents are being hastily prepared and published on the Council's website. A number of the key studies are reliant on data that is a few years old. They should be updated to reflect the most recent information available. On 16 March 2016, the Council published on its website the commencement of work towards a revised Strategic Housing Market Assessment and invited comments by 29 March 2016. We submit that, in line with government guidance, the new and revised documents coming forward should be used to adjust the plan. Relevant consultation is also required. The plan prepared to date has not been informed by these documents and it must therefore be looked at again.
- 3.5 In this context, our representations on the DLP are confined to broad topics.

Spatial Strategy

- 3.6 Support is extended in principle to all 13 strategic objectives of the Plan that set out how the Council intends to achieve its vision. In particular we support SO1 and SO2 that confirm how growth will be managed in the Borough. These seek to direct development to the Borough's transport corridors and urban areas, in locations well served by existing and proposed services and facilities.
- 3.7 The government places a strong emphasis on the importance of infrastructure planning. National planning policy formally requires local authorities to demonstrate that sufficient infrastructure exists, or will be provided, to support their strategies for new development, as set out in local plans. It is therefore unacceptable that the Local plan has been prepared in the absence of an Infrastructure



Delivery Plan (IDP). Proposed land allocations for strategic growth have been identified in the absence of a proper understanding of the level and distribution of existing infrastructure and where new provision is required.

- 3.8 Government policy as set out in the NPPF (paragraph 52), and consultation on proposed changes in December 2015, extends support for the supply of new homes through larger scale developments such as urban extensions and new settlements. These should be located where they can meet the sustainable development objectives of national policy. Changes to the NPPF seek to ensure that housing is delivered on land allocated in plans and recognises the significant benefits to encouraging development around new and existing commuter hubs – reducing travel distances by private transport, making effective use of private and public sector land in sustainable locations, and helping to secure the wider regeneration and growth of the local area. In this context the government is keen to see higher density housing development around commuter hubs wherever feasible.
- 3.9 In an assessment by Essex County Council and Southend-on-Sea Borough Council, the A127 corridor has been found to have the greatest capacity for growth in the Borough. It is viewed as a vital artery to economic competitiveness. New Development along the corridor is considered to have advantages in terms of the assistance it will give in the funding and delivery of a number of transport related benefits that have historically been sought. As the Local Plan for Brentwood has progressed the A127 corridor has been identified by the Council as the location for strategic growth.
- 3.10 Policy 5.1 - Spatial Strategy, directs growth to Brentwood and Shenfield in the A12 corridor and confirms that there will be two strategic allocations in the A127 corridor. This strategy is supported by a need to limit the release of Green Belt land and the objective to deliver self - sustaining communities, which avoid sprawl and provide development swiftly. All development sites are to be identified having regard to whether they:
- are accessible to public transport services and facilities;
 - will have no significant impact on the Green Belt, visual amenity, heritage, transport and environmental quality including landscape, wildlife, flood risk, air and water pollution; and
 - are likely to come forward over the Plan period.
- 3.11 The supporting text to this policy identifies a new strategic allocation at Dunton Hills Garden Village to provide a new mixed use community. It also promotes a strategic employment allocation at junction 29 of the M25 and the redevelopment of existing industrial land in West Horndon for a residential-led, mixed-use scheme.
- 3.12 Objection is raised to this policy which although reinforces key spatial objectives for managing growth, in the absence of a robust evidence base or SA has not then moved on to select the most sustainable location in the A127 corridor to deliver large scale development. The plan has distanced itself from the previous proposals for cross boundary development with Basildon, following issues raised in the consultation process for a single Garden Suburb. The consultation resulted in considerable objection (84% of responses) based on potential environmental damage and loss of Green Belt, lack of infrastructure provision, and the feasibility of delivery. Both Councils are now independently promoting growth in this general location. The separate proposals are disjointed and will not individually achieve the benefits to be had from economies of scale and a single comprehensively planned scheme. They are unable to deliver a railway station as previously suggested. Nor do the proposals for each Borough comply with the duty to cooperate, as national policy requires.



- 3.13 There is a complete lack of information regarding the Dunton Hills Garden Village proposals in Brentwood. It stems from a failed attempt at cross boundary development and has resulted in a contrived location that is not sustainable. The DLP Site Allocation Maps show an area of 237.49ha of land from the A128 in the east to the Borough boundary with Basildon in the west. The proposed use is confirmed to be “Housing led mixed use” to include 2,500 dwellings. The plan is annotated “entire land shown, final location to be confirmed”. Thereafter, despite the fact that this site is to provide some 50% of the new housing proposed in the Borough over the plan period, there is a complete absence of any information regarding its likely form or content.
- 3.14 Analysis of this site in the SA cannot be relied upon because there have been no proposals for it to test. As the PPG advises (see paragraph 2.9 above) the options to be tested in the SA must be sufficiently distinct to highlight the different sustainability implications of each, so that meaningful comparisons can be made.
- 3.15 The land is also in multiple ownership and its deliverability is therefore called into question. Due to a number of constraints to development as well as generally slow lead in times for large scale developments, land at Dunton is not likely to come forward early in the plan period. The Local Plan Housing Trajectory (appendix 3 to the DLP) is silent on the proposals for Dunton.
- 3.16 An assessment by transport consultants - Odyssey Markides - on behalf of Countryside Properties, shows that the land cannot be accessed by road (Appendix 3). Previous linkages with Basildon Borough and a new station proposed in the adjoining Borough (now abandoned) will no longer make it accessible via public transport. The site is at high risk of flooding (zone 3). It is questionable, given land required for open space and landscaping, whether there is sufficient capacity to provide 2,500 new homes and other non-residential uses. The recently published study by Crestwood Environmental Limited entitled “Assessment of Potential Housing, Employment and Mixed Use Sites in the Green Belt” (commissioned by BBC), found that out of 203 sites assessed the majority made a ‘moderate’ contribution to the Green Belt. Only 7 sites were found to make a ‘high’ contribution and this included land at Dunton. This assessment gives a damning report of land at Dunton, and as national planning policy advises, the Plan requires adjustment in the light of this new evidence.
- 3.17 There is little to satisfy a local plan inspector that the DLP represents the most appropriate strategy when considered against the reasonable alternatives. Recently emerging evidence contradicts the strategy and choice of its key strategic site for growth.
- 3.18 To date previous versions of the Local Plan for Brentwood and Sustainability Appraisal have found favour in land at West Horndon for strategic growth. Representations on behalf of Countryside Properties have included a justification for land to the east of the settlement and provided supporting evidence in the light of the deficiencies of the Council’s own evidence base and SA. This evidence is reproduced at Appendix 2.



Housing

- 3.19 Policy 5.2 - Housing Growth, makes provision for 7,240 new homes to be built in the Borough over a twenty year period from 2013 -2033 at an average annual rate of 362 dwellings per year. This claims to be an increase in the amount of development proposed when compared to previous versions of the plan. However, in 2013 when the Preferred Options plan was published the plan period selected was from 2015 to 2030. Some 3,500 homes were proposed over the fifteen year period, amounting to the provision of 233 homes per annum. Three years later the plan period proposed to be covered is twenty years, from 2013 – 2033. The 7,240 homes to be built take into consideration some 383 homes completed in the period 2013/2014 and 744 extant permissions and ‘permitted development’. This leaves a requirement of some 339 homes per annum over the remaining 18 years of the Plan.
- 3.20 The target for growth should be questioned on the basis that this relies upon an out of date evidence base. The figure of 362 dwelling per annum is based on a report on Objectively Assessed Housing Needs undertaken by Peter Brett Associates in December 2014. This report confirmed that it required updating to take account of the 2012 based household assumptions and the need to consider potentially much higher outward migration flows from London. Since then the Greater Essex Demographic Forecasts (phase 7) have been published (May 2015) and these include the latest household figures and show that employment forecasts are substantially higher. They also show a step change in out-migration from London from 2018. Additional work to form a final OAN has not been undertaken and the proposed growth of 362 homes per annum in the draft plan cannot be substantiated.
- 3.21 The DLP should include full and realistic targets for the growth of homes and jobs in line with the latest government guidance. The Council should proceed swiftly to ensure a plan is in place by 2017 if it wants to avoid intervention by the government. Research into Local Plans and housing requirements by NLP (“Signal Failure? - A Review of Local Plans and Housing Requirements”, March 2015) shows that those plans found to be ‘sound’ at examination, since the NPPF, have consistently aimed to provide more homes than indicated in the household projections for their areas. In addition they have adopted a ‘larger than local’ approach. The Local Plan for Brentwood should consider full objectively assessed need for market and affordable housing, which now needs to reflect the government’s latest initiative towards building 400,000 affordable homes, of which 50% should be starter homes. To cater for such initiatives and meet new ‘delivery tests’ that are proposed in further reforms, the Plan must look to higher targets than previously considered. It must include an up to date supply of specific deliverable sites to provide a rolling five-years worth of housing plus an additional buffer of 5% to 20%. (Those plans found sound at examination and referred to in the NLP report tended to show an extra 20% provision of new homes above the household projections). In its Autumn Statement the government announced a package of measures to accelerate housebuilding over the next five years. This includes a new ‘delivery’ test to ensure that housing commitments set out in local plans can be delivered in a reasonable timeframe. This will act as a further threat for under-performing authorities, alongside the implications of failing to identify a five-year supply of deliverable land. The new Local Plan needs to bear this in mind and ensure that it concentrates on growth for the area and that it is focused on the delivery and the practicalities of housing the population.
- 3.22 The NPPF (paragraph 159) requires local planning authorities to have a clear understanding of housing in their area through a Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). The SHMA for Brentwood was prepared in 2013 and re-dated 2014. It does not take account of the latest household projections nor consider an appropriate Housing Market Area. The notion that Brentwood is a self-contained district lacks credibility when the OAN report itself attests to the Borough’s strong inter-connectivity with Essex and London. The



Borough is located with the London Arc and the construction of Crossrail will only increase this connectivity. The HBF and others consider that Brentwood should be assessed in a joint SHMA with Basildon, Chelmsford and Epping Forest. It is unclear how the Council has engaged with the Mayor of London and the London Boroughs on the matter of migration. The Inspector appointed to consider the London Plan refers to this in his report dated 18 November 2014. He notes that the Mayor's SHMA "includes assumptions relating to migration...likely to be material to the preparation of local plans outside London" (paragraph 8 of the report). Papers relating to a SHMA – Part two were published on 16/03/2016, on the Council's website. It is not yet known what impact these will have.

- 3.23 The OAHN report by PBA did acknowledge the potential problem of London but stated that it was unable to assess the implications of the Mayor's new plan until it had been adopted. The report implies therefore that the OAN figure of 360 dwellings per annum was very much a provisional one. We submit that there needs to be an increase in supply to compensate for potentially higher numbers of people moving to the Borough as well as fewer people leaving to live in London. Unmet housing need in London is estimated to be at least 7,000 dwellings per annum and rising. This cannot be ignored with the advent of Crossrail and the likely influx of more affluent households expected to move to the area, and acquiring homes at the expense of local people. It is likely that affordable housing need will increase ever more sharply. We call for the Council to adjust its supply of housing to counter issues of affordability in view of observations in the Draft Plan about the problems of affordability in the Borough. The trend - derived figure of 362dpa will not provide the 'significant boost' to supply sought by the government through the NPPF.
- 3.24 Providing jobs in line with the past long-term trends would generate a need for 411 dwellings per annum. This would represent a more appropriate OAN for Brentwood as it would align housing supply in accordance with the long term trends in the economy.
- 3.25 We object to the over reliance upon windfall development (14% of the net homes proposed). Although the NPPF does permit Councils to make an allowance for windfall sites, including in the five year supply, there should be compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. In a local authority area where 89% lies within the Green Belt, such a supply will be a declining source. It is submitted that a key objective of the NPPF is for planning to proactively drive development and make every effort to identify and then meet housing, business and other development needs of the area. This is best achieved by maintaining a supply of genuinely available sites and not relying on windfalls. Where lack of deliverability is a problem the reliance of windfalls will only exacerbate the lack of housing supply, with Councils allocating too little land.
- 3.26 The Draft Plan proposes to meet nearly 50 % of its needs going forward, on a strategic site at Dunton, for which there is are no proposals or justification that this can be achieved or when it could be delivered. This will not solve the problem identified in the Draft Plan of "moving from significantly lower housing delivery up to (what the Council perceives as) full objectively assessed needs in a short space of time". This requires the Council to be realistic about the likelihood of sites coming forward and the Plan states that "more evidence will be required to prove this moving forward to the next stage of the plan making process".
- 3.27 We submit that a complete lack of detail on the proposals for DHGV, that is expected to deliver 2,500 homes, does not equate to a "clear commitment"..... "to bring forward land as quickly as possible to meet housing needs swiftly in line with national policy and guidance" (paragraph 5.46 of the Draft Plan).



- 3.28 Other land is available in the A127 corridor at West Horndon that is sustainable and capable of meeting housing needs early in the plan period, specifically within the first five years.

Job Growth and Employment.

- 3.29 Evidence is awaited on the impact of Crossrail. However the available evidence on jobs and the economy demonstrate strong levels of growth. This calls into question a spatial strategy for growth that seeks to redevelop existing employment land at West Horndon. Strategic growth at this settlement could accommodate both homes and jobs. Furthermore, proposed public transport measures could potentially link the new homes with proposed employment land at the M25 (junction 29).

Managing Growth

- 3.30 Policy 6.1 - Sustainable Development, encourages the approval of planning applications without delay where they accord with policies in the Local Plan, unless material considerations indicate otherwise. Support is extended for the general objective of promoting sustainable development, however objection is raised to the policies of the plan that identify land allocations to meet the Borough's needs, that do not in themselves represent the best opportunities for growth. These will not result in sustainable development and they have not been the subject of robust assessment alongside the alternatives for growth.
- 3.31 Policy 6.2 - Managing Growth, identifies a hierarchy of settlements and locations for growth starting with existing urban areas and the use of brownfield land and buildings. The policy accepts that due to the limited availability of these types of sites, and to maintain a five-year supply of housing, some Green Belt land is to be allocated for development during the plan period. Policy 6.2 is not however supported by an up to date evidence base to guide the identification of new development allocations. This requires information on infrastructure requirements and an appropriate review of the Green Belt. Without this analysis the plan cannot be found sound.
- 3.32 Explanatory text at paragraph 6.13 refers to the importance of phasing and the timing of delivery of development in relation to land assembly and the provision of infrastructure. In this regard further objection is raised to the identification of land at Dunton and the unknown position on required land-take, land ownership, and the requirement for supporting infrastructure. In the absence of this information there must be uncertainty over its deliverability.
- 3.33 Policy 6.3 - General Development Criteria, requires proposals for development to meet all of nine specified criteria. These require a robust evidence base assessment of visual impact and landscape character, access and transport, health, noise impact, biodiversity, heritage, and impact on local services and community infrastructure. It is without question that the plan is not supported by a robust and complete assessment along these lines that would permit the identification of preferred allocations for growth and the rejection of alternatives.
- 3.34 Explanatory text at paragraph 6.18 states that in order for a scheme to be acceptable, development will be required to make satisfactory arrangements for vehicular, cycle and pedestrian access into the site. Transport consultants to Countryside Properties have assessed the location for the DHGV and find that the land proposed as a strategic allocation cannot be accessed (Full report of Odyssey Markides is attached at Appendix 3). Without land in Basildon Borough, there is insufficient land to create a new grade separated junction onto the A127. Furthermore, access from the A128 is constrained by issues of flooding in the western part of the site. Even if issues of flooding could be overcome a scheme of the size proposed would need three to four access points which could not



feasibly be positioned on the same road. They would also have an unacceptable traffic impact on the A128. In terms of visual amenity and landscape character we refer to the report of Crestwood Environmental which finds that development at Dunton would have a harmful impact on this area of open countryside.

- 3.35 Policy 6.6 - Strategic Sites, identifies sites to provide a mix of uses and refers to DHGV as a housing-led scheme. The general soundness of the entire plan must be called into question when sites such as this are identified as 'critical' to delivering the plan's key development objectives including homes and jobs, but where there is a complete lack of assessment to demonstrate that the land in question can be delivered. The explanatory text at paragraph 6.32 refers to the removal of land at West Horndon as a strategic area for growth, in order to protect its village character. We submit that this conclusion cannot be drawn in the absence of an appraisal of the likely significant effects on the environment of implementing the plan and reasonable alternatives. There is simply insufficient information regarding the proposals for DHGV to allow any assessment to be undertaken or meaningful comparisons to be made.
- 3.36 West Horndon is the only settlement along the A127 that benefits from a rail station, together with a grade separated junction, making it the most sustainable in this transport corridor. Most of the village including proposed development land to the east is within walking distance of the station and key local facilities and services. The nearest railway station to DHGV location is also West Horndon. This is not within easy walking distance and if developed the occupiers of the development using the train would be likely to drive or make use of a shuttle bus if one were provided. Overall the proposals at Dunton would have a significant impact on the village character at West Horndon in terms of an increase in traffic and parking.

Sustainable Communities

- 3.37 Policy 7.1 - Dunton Hills Garden Village, proposes a self-sustaining community to include 2,500 new homes, at least 5 hectares of employment land, local shops, community facilities, open green spaces, schools and healthcare services. This is not supported by assessment of the site and potential constraints to ascertain whether there is sufficient land available to achieve the scale of development required. In the context of joint proposals with Basildon it was made clear that a significant wedge of open land would be required to the west of the site to maintain an open gap between Brentwood and Basildon. To achieve the scale of development now proposed, this open gap would have to be considerably eroded. The site is also subject to high flood risk.
- 3.38 Paragraph 7.10 confirms that land around West Horndon village remains a reasonable alternative to DHGV because it can provide for similar development numbers towards local needs. We submit that it represents a more sustainable option for strategic growth. The settlement of West Horndon had been emerging as the preferred location for strategic growth until the conception of the joint proposals for Dunton Garden Suburb a year ago. Although evidence regarding the development proposals for West Horndon has been submitted to previous versions of the Local Plan, to demonstrate its suitability and sustainability, this evidence and details have not been used by the Council and its consultants to inform the SA. Instead DHGV has emerged as the preferred option for growth, without the benefit of a full and comprehensive SA. The rejection of land at West Horndon as an option for growth is based on the single statement: "It has not been selected as a preferred site in this Draft Plan owing to the impacts on the existing village, which would not be consistent with the emerging spatial strategy." The DLP cannot be found to be sound based on the rejection of this option for growth without an SA that complies with the Directive and Regulations. Furthermore, we would argue that based on case law, this lack of assessment could not be 'corrected' at a later stage



by an addendum because that would require evidence to show that a legally adequate reasoning process had occurred and influenced the plan, albeit not clarified or reproduced in a transparent way.

3.39 In the context of our overriding objection to the plan we do not comment further at this stage on detailed policies including housing size, type mix, tenure, and residential density.

Housing Allocations

3.40 Policy 7.4 - Housing Land Allocations, refers to a list of housing allocations set out in table 7.2 to meet growth needs in the plan period. This list has not been assessed in an SA and there is no evidence to demonstrate that the sites represent the most appropriate strategy for growth in the Borough. Some of the sites are very small, proposing only 10 dwellings. We object to the implied encouragement of early applications that accord with the list, which would be premature given that the sites have not been tested under SA, as legally required. The statement in paragraph 7.30 that the sites have been assessed against criteria, including a long list such as suitability for housing, accessibility to public transport infrastructure provision, impact on Green Belt etc, is wholly incorrect. There is no evidence to demonstrate such assessment has been undertaken.

3.41 In terms of phasing, paragraph 7.37 states that the Council has estimated when each allocated site will come forward over the lifetime of the plan. It refers to the Housing Trajectory at Appendix 3 to the DLP. However DHGV - the key strategic site proposed to deliver half the Borough's growth in housing going forward - is not included in the table at Appendix 3.

Draft Allocation – West Horndon Industrial Estate

3.42 Land being promoted on the Industrial Estate at West Horndon is not achievable early in the plan period, and should not be relied upon to meet the Council's five year housing land needs. This draft allocation proposes up to 500 residential units, at a very high density, with little room for public open space or community facilities. Development at such a high density would result in predominantly smaller units which would not meet the needs of the Brentwood housing market. The existing industrial estate has a number of thriving businesses including 11 freehold and some 20 leasehold titles. Many of the leases have long unexpired terms extending to 7, 26, 36 and even 991 years. For this land to be developed in the plan period the owners will need to demonstrate:

- agreement has been reached between various freeholders for the merger of their respective interests and promotion of a comprehensive development scheme;
- agreement has been reached with the leaseholders for the termination of leases;
- that existing tenants do not have rights under the Landlord and Tenant Act 1954, or these cannot be waived; and
- there are no restrictive covenants or other limitations that impinge on delivery.

3.43 The multiple freehold and leasehold titles will act as an impediment to the release of this land for redevelopment within the plan period, and certainly in the early years of the plan.

Affordable Housing

3.44 The evidence base as it relates to affordable housing is out of date. This is being addressed in ongoing work towards an update to the SHMA, published on 15 March 2016. This update needs to address recent government announcements and measures that propose to considerably increase provision. The DLP should consider full objectively assessed need for market and affordable housing,



which now needs to reflect the government's latest initiative towards building 400,000 affordable homes, of which 50% should be starter homes.

Economic Prosperity

- 3.45 We support the Council's objective to promote economic growth. The DLP states in Policy 8.1 the ways in which this will be secured. The first refers to the economic benefits arising from Crossrail. However, background evidence assessing the impact of Crossrail is not available and has not therefore influenced this plan.
- 3.46 The DLP confirms that a high proportion of the Borough's residents commute to work elsewhere and that employment provided by small businesses is growing. Furthermore, the A127 will see significant economic growth based on plans to redevelop land at junction 29 of the M25, some growth at Childerditch Industrial Estate, and as part of DHGV.
- 3.47 We submit that strategic growth including new jobs and homes, is best provided at West Horndon that would be well-placed to meet all these employment objectives. The settlement lies in the A127 corridor and is easily accessible to the main arterial routes (including A127, A12 and M25). It is served by a railway station and public transport links to key urban areas. Economies of scale would allow some local employment provision, specifically aimed at small businesses, which would be accessible by walking and cycling. In addition it lies close to the proposed M25 employment location and public transport measures could be introduced to improve linkages between the two.
- 3.48 There is inconsistency in terms of the proposals for redevelopment of existing employment land for housing at West Horndon, when this serves as an important and much needed employment resource.

Environmental Protection and Enhancement

- 3.49 Given the strategic objectives of the plan that seek to safeguard the Green Belt (SO9) and protect and enhance valuable landscapes (SO10) it is a major failing of the DLP that it has not been guided by background evidence on these issues. This is particularly surprising given the Council's more recent acceptance (Strategic Growth Options consultation in January 2015) that it needs to meet its full needs for market and affordable housing, and that this will require the release of some land in the Green Belt.
- 3.50 The government's position on the protection of the Green Belt is set out in section 9 of the NPPF. This acknowledges that it is for local authorities to define and maintain Green Belt land in their local areas. The government expects LPAs with Green Belts to establish boundaries in their Local Plans, which can be altered as part of the plan review process. At that time authorities should consider Green Belt boundaries having regard to their intended permanence in the long term, so that they are capable of enduring beyond the plan period (NPPF, paragraph 83).
- 3.51 In the DLP there is reference to an evidence base document entitled Green Infrastructure Strategy and published in September 2015. We submit that this report fails to draw any overriding conclusions but defers instead to additional work. A note is attached to this report that states that the GIS will require review and update upon receipt of Open Space and Sport Assessment and Landscape Sensitivity and Landscape Capacity Study, commissioned by the Council and due Spring 2016. The broad findings of the report are at odds with the latest interim SA. The report lends some support to Dunton for strategic growth but the results appear contrived. In dealing with Dunton the report also refers to "or another current new development site".



- 3.52 The DLP does not allude to a Green Belt Review. It deals in Policy 9.12 with “Site allocations in the Green Belt”. This policy states that sites allocated to meet housing needs in Green Belt will be expected to provide significant community benefit, both for surrounding existing communities and those moving into new homes on the site. These sites are proposed to be de-allocated from Green Belt to allow development to take place and provide new defensible boundaries to protect open countryside for future generations. It goes on to add that the extent of development at Dunton Hills Garden Village will be de-allocated from Green Belt. Despite this there is a complete lack of assessment of the Green Belt, and nor is there a landscape character assessment, to advise on the most appropriate land to release for development. The only work that has emerged is the assessment by Crestwood that draws the key conclusion that Dunton makes a high contribution to Green Belt contribution. This evidence base document is in full contravention to the DLP.
- 3.53 There is no evidence base in place to have influenced the selection of the DLP’s proposals, nor rejection of alternatives, from a Green Belt or Landscape perspective.
- 3.54 Countryside Properties, together with the promoter of land to the west of West Horndon, has commissioned a Green Belt Review that considers the relative merits of purposes of the Green Belt in Brentwood Borough. This identifies areas where the purposes of the Green Belt perform relatively less well. Most of these are located adjacent to the built up area of Brentwood town/Shenfield, but three other areas stand out as locations where development would have relatively less harm on Green Belt purposes than other parts of the Borough. These are north of Blackmore, the east and west of West Horndon and at Herongate. The report comments upon the rectangular area of land in the south of the Borough that includes the settlement of West Horndon. This is described in landscape terms as featureless and as having the least sensitivity to change. It is identified in the adopted Local Plan as an area for “landscape improvement”. In terms of sprawl as a Green Belt purpose, the land to the east of West Horndon is contained by the A127, A128 and the railway line. It is not visually connected to Basildon but extending development in the gap between the A128 and Laindon would result in a perception of coalescence.
- 3.55 Countryside Properties also independently commissioned Rummey Design to look at Green Belt and landscape issues in relation to strategic options for growth, including Dunton (written when the joint proposals were being considered) and West Horndon. The report prepared by Rummey Design forms part of Appendix 2. The work of Rummey Design finds that the G1 Horndon Fenland Character Area as defined by the Council in a Landscape Character Assessment (2006) has a disturbed tranquillity, largely as a result of road noise. It has a general sense of enclosure to the north and east formed by low wooded hills, but more open views southwards to power lines and Tilbury. The area is assessed as having moderate sensitivity to change due to its open, flat nature, and the fact that it is overlooked. The combination of a well-established network of hedgerows and hedgerow trees with the low level topography of the land causes significant limitation to views of land to the east of West Horndon. Open views of the land are however possible from the footpaths and publically accessible land associated with Thorndon Country Park South. A mix of both rural and urban elements defines the expansive views experienced from the Country Park. These include industrial elements such as chimneys and factories and infrastructure elements such as bridges and wide roads. Existing vegetation within the site at West Horndon and the Country Park limits visibility.
- 3.56 The work of Rummey Design finds that only three of the five statutory purposes of the Green Belt would be affected by development proposals at this location. It would not bring about harm to the ‘setting or special character of any nearby historic towns’ and would not offset any other ‘recycling of urban land’. There would be some adverse impacts on the remaining three purposes of the Green Belt in the vicinity of the proposed development, but relative to other Strategic Growth locations



being considered these would be low. With regard to ‘unrestricted sprawl of large built-up areas’, land to the east of West Horndon would extend the village to a limit that is logical and contained, occupying a small extent of land between West Horndon and Basildon. It would appear as a balanced and well-planned layout, of aesthetically high quality; this would not constitute sprawl. Development to the east of the village would not effect the extent of conurbations of Brentwood or Basildon, nor give rise to a sense that it contributes to their spread across the landscape. The proposal would be perceived as an integral part of the village of West Horndon, not a new town or extension of an existing one. It would therefore not appear to cause ‘merging of nearby towns into one another’. The development of land east of the village might perhaps appear as an encroachment on the countryside, but because it will not be highly visible, this effect will be to a lesser degree than other growth options sites such as Dunton for example. Development would be screened to views from outside West Horndon. Although it would adversely affect the objectives of the Green Belt by taking land into development, it provides the opportunity to enhance its landscape setting and to resolve access, social and design issues of the existing urban environment. It is inevitable that to meet BBC’s full OAN, Green Belt land will have to be identified for release for housing and employment. In a Borough where 89% of land is within the Green Belt this privately owned land that has been subject to years of intensive farming represents one of the least attractive and lower quality parts of the landscape that could be released to meet growth needs. It could provide benefits that could offset the relatively minor harm it would cause the Green Belt.

- 3.57 In considering the joint proposals for Dunton the report of Rummey Design found that there was insufficient detail to undertake a full landscape and visual impact assessment. This remains the case with regard to the separate proposals for DHGV in Brentwood. It was concluded that there are many potentially adverse outcomes that would result from large-scale development in this location. The ‘fit’ of proposed development in landscape context has not been demonstrated. Adjacent land in Basildon Borough is designated as an Historic Environment Zone and considered to be ‘sensitive to change’. Various landscape studies commissioned by the Council, as well as the SA to date, indicate that Dunton has a ‘low’ landscape capacity to accommodate development without adverse landscape impacts. Development would be exposed to views from the south and west and from higher ground to the north. It would be visible from the extensive transport network surrounding the site.
- 3.58 Due to site capacity considerations relating to the separate proposals there is concern that development would now lie closer to West Horndon than envisaged in terms of the joint proposals. It would contribute to a perception of urban sprawl because the site occupies a significant area of the land between two built up areas. The large scale and spread of the proposed development would appear as encroachment within uncontained countryside.

Quality of Life and Community infrastructure

- 3.54 This section of the DLP covers a range of issues that need to be considered when planning for new infrastructure. It is therefore a major failing of the plan that an Infrastructure Delivery Plan is described as ‘forthcoming’. This is contrary to national planning policy that requires local authorities to demonstrate that sufficient infrastructure exists, or will be provided, to support their strategies for new development, as set out in local plans. In the absence of this we highlight the merits of developing land at West Horndon that can build upon the strengths of an existing settlement and add to/complement existing services and facilities. This land is already accessible to public transport, which can be supplemented and improved.
- 3.55 The DLP (paragraph 10.3) describes transport as a key component of sustainable development yet the progression of the plan to date and associated SA demonstrates a complete absence of evidence



on transport. Indeed it is not even mentioned as a topic in the Interim SA that has informed the Draft Plan. Assessment of the DLP from a transport perspective has been undertaken by Odyssey Markides and is attached at Appendix 3. This also assesses the latest modeling work by PBA, published after the commencement of consultation on the DLP.

- 3.56 The key findings of Odyssey Markides (OM) support the view expressed already in these representations that there has been a lack of consideration of transport as a topic in the evidence base and SA. Transport as a topic should include the assessment of links to public transport and in particular to railway stations. It should consider travel by all modes including walking and cycling, public transport as well as vehicles.
- 3.57 Detailed assessment of the land at Dunton by OM, demonstrates that it would be difficult to deliver a safe and suitable access strategy, and that this would be prohibited by cost and environmental considerations. There is insufficient land to create access from the A127 to the north. Access from the west would have to cross a flood plain, impacting on open space, wildlife and presenting safety issues. Access to the east, via the existing urban area of Basildon Borough, would lead to significant capacity issues on local roads. The majority of train users from DHGV would choose to drive to a railway station at West Horndon, Laindon or Basildon thereby putting additional pressure on the highway network and station car parks.
- 3.58 In contrast a strategic allocation at West Horndon would be based on a transport hub, as national policy requires. There is a suitable access strategy and growth could include much needed improvements to the existing station, including access by bus, to benefit existing residents and rail users. The DLP in policy 6.5-“ Key Gateways”, states that locations around railway stations should contribute to the aims of emphasising important gateways into the Borough, through delivery of higher density development to meet local needs in central sustainable locations. West Horndon is one of the key Gateways into the Borough and it is appropriate for this to act as a focus for strategic growth.
- 3.59 Appendix 1 to the report of OM provides a critique of the modelling work by PBA. This finds fundamental issues with the depth of the work carried out, the data presented and conclusions drawn from that data. Critically the work has not been reviewed by the Highways Authority, Essex County Council and Highways England. The methodology used is not clear and the modelling tool is unreliable. For example it does not appear to take account of existing and proposed major development including infrastructure. It lacks depth and serious technical analysis. No real conclusions on the various strategic options for growth can be drawn from it.

Conclusions

- 3.60 The overwhelming conclusion to draw on the DLP is that in all topic areas it has not been influenced by an appropriate and proportionate evidence base. There is no background assessment to support or justify the policies of the Plan. It is flawed in terms of evidence on housing, business, infrastructure, the environment, and in terms of viability and deliverability to list but a few. There has been a complete lack of evidence to inform what is in the plan and the Council is hastily collating and publishing this retrospectively. Some documents that are only now being published were commissioned three years ago. These are now seen to be contradicting the policies of the plan. Without an evidence base there can be no SA. The effects of the options and the plans policies must have been appraised in relation to the baseline situation. The absence of an evidence base and SA mean that the plan cannot be found sound. It is questionable whether this situation can be corrected in due course and we call for the Council to address the matter now and undertake the work required.



4.0 LAND TO THE EAST OF THORNDON AVENUE, WEST HORNDON – A JUSTIFICATION FOR STRATEGIC GROWTH

- 4.1 Representations to the Preferred Options Plan in July 2013 (Appendix 1) included a sustainability appraisal of land to the east of Thorndon Avenue in the settlement of West Horndon. This land continues to be the focus of these latest representations submitted in respect of the DLP, on behalf of Countryside Properties. Back in 2013 the settlement of West Horndon was being considered by the Council for strategic growth to include 1,500 new homes. In January 2015 further representations were made to the Strategic Growth Options consultation (Appendix 2) which for the first time accepted the need to provide for full objectively assessed needs for housing in the Borough. In this context it examined the case for large-scale growth within 5 options, including West Horndon. Throughout the preparation of the Local Plan we have consistently argued that it is not supported by a robust, up to date evidence base as national planning guidance requires. This situation still remains to be corrected.
- 4.2 In the few months leading up to the publication of the DLP, Countryside Properties were invited to present their proposals to Council members (the presentation is attached at Appendix 4). Members and officers appeared to generally welcome the proposals for strategic growth at West Horndon, that are capable of delivery early in the plan period. It was suggested that Countryside Properties should work with promoters of land to the west of the settlement in terms of comprehensive master planning, and place making and potential improvements to the settlement of West Horndon. Officers confirmed that a Green Belt Review would be issued as a draft document alongside the Draft Local Plan, for consultation in January 2016.
- 4.3 It was therefore surprising when in January 2016 the list of allocated sites appeared in the press and this omitted the settlement of West Horndon for strategic growth. At the meeting of the Ordinary Council on 27 January many members were angry at having found out the list of proposed allocations in this manner and so late in the day. Overriding comments at this meeting were that members had not known about the final choice of sites and that this had been determined by a few within the Local Plan Working Group. Several members expressed concern that the spatial strategy for growth was not supported by work on infrastructure requirements and the general feeling of the meeting was that although not perfect the Council should proceed with consultation to avoid delay and risk matters being taken out of its hands.
- 4.4 We submit that West Horndon as a settlement capable of absorbing significant growth, has been strongly supported in the emerging Local Plan for Brentwood, going as far back as the SHLAA in 2009. A significant amount of growth can be focused on the settlement because it is relatively unconstrained by landscape and visual effects, and offers opportunities to mitigate the impacts of development by integrating them into the existing landscape. Green Belt releases are inevitable in the Borough in order to meet OAHN. In a Borough where 89% lies within the Green Belt, this privately owned land at West Horndon, that has been the subject of years of intensive farming, represents one of the least attractive and lowest amenity parts of the Green Belt that could be released to meet housing and employment needs. This is supported in the findings of the “Green Belt Review” undertaken by Tetlow King, and work by Rummey Design as referred to in section 3 above.

Representations on behalf of
Countryside Properties (UK) Ltd
Land to the East of West Horndon



- 4.5 As the evidence base to the Plan is beginning to emerge it is confirming support for growth in the A127 corridor and land at West Horndon is proving to be the most sustainable option for growth. A landscape-led approach to development at this location, proposed by Countryside Properties, shows that it is possible to create an urban extension rooted in its context, which also offers opportunities for biodiversity enhancement and restructuring of green infrastructure.
- 4.6 When Countryside Properties were asked to present to members in November 2015, it was seen as preferable for a proposal to be developer-led, rather than a land promotion company. It was felt that Countryside Properties has a strong record of delivering high quality, strategic developments and it can demonstrate how it has worked with existing communities and improved existing services and facilities.
- 4.7 The presentation set out proposals for strategic growth including a number of improvements to the existing settlement of West Horndon:
- Contributions towards improving the ‘heart’ of the village
 - New gateway feature
 - Extension to existing school/medical centre, or new facility
 - Affordable housing
 - Improved access and connectivity
 - Greater provision of accessible public open space
 - Improved station parking
 - Disabled access to station platform
 - Pedestrian crossing
 - Improved bus provision and frequency.
- 4.8 With reference to an illustrative masterplan the presentation highlighted the provision of some 40 hectares of public open space and recreation facilities, improvements to biodiversity, and other infrastructure improvements. As the previous representations to the emerging Local Plan on behalf of Countryside Properties demonstrate, it has commissioned consultants to undertake full assessment of the development proposals to ensure that any impact can be fully mitigated.
- 4.9 In considering ways to improve the existing settlement, Countryside Properties referred to the West Horndon Parish Council – Annual Statement. This highlights where contributions are needed towards new and existing facilities. For example, the need to improve pedestrian safety and disabled access to the railway station platform. Improved station car parking is required as well as improved bus provision including frequency and speed of service and contributing towards improving the ‘heart’ of the village.
- 4.10 The settlement lies in the A127 transport corridor, found in a transport assessment by Essex County Council and Southend-on-Sea Borough Council to have the greatest capacity for growth in the Borough. It is viewed as a vital artery to economic competitiveness. Strategic growth in this location will assist in the funding and delivery of a number of transport related benefits that have historically been sought. The above mentioned report remains the only piece of background evidence relating to transport that has been prepared in the context of this Plan. Since the DLP was issued for consultation a hastily prepared report comprising the modelling of various road junctions has been issued retrospectively to support the proposed strategy. Comments on this and its shortcomings have been summarised in paragraph 3.58 above and are attached to the work of Odyssey Markides at Appendix 3.



- 4.11 OM confirm in a report that forms part of Appendix 2, that land to the east of West Horndon is within walking distance of numerous services and facilities within the existing settlement, including a railway station, and that it is suitably located to connect to the good quality existing pedestrian network in the village. The site represents a sustainable location for new housing in terms of its accessibility via non-car modes and is therefore in accordance with the NPPF (paragraph 34). Furthermore the development could help to realise the Parish Council's wish for pedestrian related improvements in the centre of the village. Although there is little in the way of cycle facilities throughout the settlement, proposed development could fund additional cycle parking at the railway station and in the centre of the village. Further cycle routes could be facilitated.
- 4.12 The centre of the site is within a c. 1.4km walk of West Horndon railway station and there is a good existing footway network between the site and the station. Due to the frequency of trains to and from London and Southend there is no option to increase the number of trains. However there is an option to increase the number of train carriages from eight up to twelve. It is understood that the Parish Council would like to see improvements to the footway linking the railway station with that adjacent to station road. It would be possible to provide disabled access that is currently lacking, and additional car/cycle parking at the railway station to cater for increased demand in the future.
- 4.13 West Horndon benefits from a good bus network that future growth could significantly improve via increased revenue from future residents and from developer funding. The key strategic road in the vicinity of the site is the A127 Southern Arterial Road, which connects the M25 (junction 29) to Southend. The A127 is a dual carriageway subject to the national speed limit. There are a number of left-in left-out junctions connecting to the A127 in the vicinity of the site that are substandard, such as Thorndon Avenue and Childerditch Lane. The A127/A128 Halfway House junction is an all movements grade separated junction to the north east of the site. The "A127 – Corridor for Growth: An Economic plan" is a joint strategy between Essex County Council and Southend-on-Sea Borough Council to assess the current issues and potential future improvements to the A127 corridor. The study confirms the corridor's economic importance and suggests improvement works to provide greater journey time reliability to facilitate future growth in the region. The introduction of variable speed limits and realignment of junction entries would assist in improving visibility, reducing collisions and increasing reliability. This may however increase journey times.
- 4.14 It is understood that there is local concern regarding the movement of heavy goods vehicles through the village. There is the potential for a traffic calming scheme to be implemented on Station Road to slow HGV movements.
- 4.15 Suitable access to the site can be achieved for all modes of transport. The site has frontage in excess of 500m onto both sides of Station Road between West Horndon and the A128 Tilbury Road. The highway alignment along the site frontage to Station Road is relatively straight and therefore providing a site access junction with suitable visibility splays onto Station Road is comfortably achievable. There is an existing gap in the hedge/tree line along Station Road that currently provides access to the field. It is this gap in the hedge that could be used to enable a site access to be achieved with Station Road.
- 4.16 There is the potential to develop land to the east and west of the settlement of West Horndon and provide a balanced urban extension that builds upon and strengthens the existing centre, by adding to its services and facilities. Appendix 2 includes a detailed landscape and Green Belt analysis together with a transportation assessment. These assessments are submitted in the absence of such analysis having been undertaken by the Council. Furthermore they demonstrate that West Horndon features most favourably in the comparative assessment of sites for strategic growth, including land at Dunton.

Representations on behalf of
Countryside Properties (UK) Ltd
Land to the East of West Horndon



- 4.17 As the attached analysis demonstrates, land being promoted by Countryside Properties has no overriding environmental, technical or land ownership constraints to prevent development. Its merits are reflected in the Interim SA to the Strategic Growth Options consultation and continued into the Interim Report that accompanies the DLP. The latest SA highlights the fact that although the Council appears to be settled on the A127 as the preferred location for strategic growth it is far from decided on a preferred allocation within the transport corridor. Once again land at West Horndon appears to be favoured in terms of ‘significant negative effects’ anticipated as a result of development at Dunton. For this reason the latest SA states that “uncertainty remains regarding DHGV.”
- 4.18 Another important advantage of the proposed development on land to the east of West Horndon is that it is capable of being delivered in the short term, and can make an early contribution towards the Council’s Five year housing land supply. This is in stark contrast to land at Dunton, which is not even included in the housing trajectory of the DLP.
- 4.19 To conclude this section of the representations that justify growth on land to the east of West Hordon we summarise key benefits that would arise from development:
- Countryside Properties track record of delivering high quality strategic schemes with genuine a sense of place and integration with existing villages
 - Fully deliverable and fully sustainable- within a 5 minute walk of the existing railway station and local facilities and services.
 - Delivery of much needed high quality housing in the Borough.
 - Development early on in the plan period with minimal infrastructure required to access and deliver proposals.
 - Delivery of new open space, recreational facilities, primary school, new connections to wider countryside.
 - Improvements to the existing village.
 - No significant impact on the Green Belt, landscape character and visual amenity
 - Development proposals can fully mitigate its impact.
 - Comprehensive illustrative masterplan.



5.0 CONCLUSIONS – PROPOSED AMENDMENT TO THE EMERGING LOCAL PLAN

- Brentwood Borough Council has spent over six years progressing a Local Development Plan for the Borough. During this time it has described the evidence base that is supposed to inform the contents of the Plan as ‘forthcoming’. Today the evidence base remains substantially incomplete.
- It follows that without an appropriate and proportionate evidence base, the process of Sustainability Appraisal (SA) cannot have been undertaken. The carrying out of an SA is an essential part of the plan-making process. It is a legal requirement.
- The NPPF requires a local plan to be examined by an independent inspector who will assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements and whether it is ‘sound’. The Inspector will want to be satisfied that the plan is the most appropriate strategy when considered against the reasonable alternatives and based on proportionate evidence.
- A substantive revisiting of the plan strategy is now required to include a thorough and effective SA, based on a full and up to date assessment of objectively assessed needs for housing, against which to properly test the alternatives for growth. The absence of an evidence base and SA mean that the plan cannot be found sound. It is questionable whether this situation can be corrected in due course and we call for the Council to address the matter now and undertake the work required.
- As the DLP has progressed the settlement of West Horndon- situated in the A127 transport corridor – has been identified by the Council as a location for strategic growth for new homes and jobs. In addition to good road and rail access it is served by existing shops, employment and community facilities. In a Borough where 89% of land is within the Green Belt this privately owned land that has been subject to years of intensive farming represents one of the least attractive and lower quality parts of the landscape that could be released to meet growth needs.
- At a very late stage in the preparation of the plan DHGV resulted from a failed attempt at cross boundary development with Basildon to create a large Garden Suburb. DHGV is not a realistic option for strategic growth. The site boundaries and details of the development proposed are not sufficiently distinct to identify the sustainability implications or allow meaningful comparison to be made with the alternatives for growth, such as land at West Horndon.
- The SA has failed to outline the reasons for selecting DHGV as a preferred option for growth and the reasons why land at West Horndon should not be progressed.
- The DLP and SA to date both confirm the Council’s uncertainty regarding the draft strategy for growth proposed and selection of land allocations to deliver this. In places these documents state that the Council remains open to considering matters further and that on-going commissioning and publication of evidence will inform a next iteration of the plan. The latest SA highlights the fact that although the Council appears to be settled on the A127 as the preferred location for strategic growth it is far from decided on a preferred allocation within the transport corridor. Land at West Horndon appears to be favoured when compared against the ‘significant negative effects’ anticipated as a result of development at Dunton. For this reason the latest SA states that “uncertainty remains regarding DHGV.”