

DUNTON COMMUNITY ASSOCIATION

Chairman: Edward Cowen

Planning Policy Team
Brentwood Borough Council
Town Hall
Brentwood
Essex
CM15 8AY

21st March 2016

Dear Sirs,

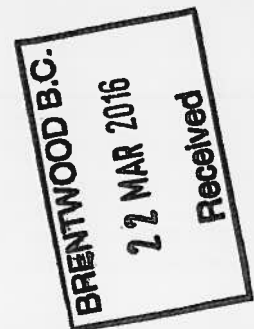
RE: Public Consultation on Draft Local Plan

Enclosed is the response, from Dunton Community Association, in relation to the Draft Local Plan of Brentwood Borough Council

I trust that you find all to be in order. Could you, in due course, please acknowledge receipt of this document?

Yours faithfully,


Mr. E. P. Cowen



PUBLIC CONSULTATION ON
BRENTWOOD BOROUGH COUNCIL'S DRAFT LOCAL PLAN

RESPONSE

submitted by

DUNTON COMMUNITY ASSOCIATION

Dunton Community Association

The Association was founded in 1977. Its purpose is to "promote the benefit of the inhabitants of Dunton ... by associating the local authorities, voluntary organisations and inhabitants in a common effort ... with the object of improving the conditions of life for the said inhabitants ..."

The Association is open to all residents of the village.

SECTION ONE: INTRODUCTION

1.1 Definitions

“Association” means Dunton Community Association.

“Authority” means Brentwood Borough Council. (Other councils are referred to by name.)

“BEP” means Brentwood Enterprise Park (Policy 8.2 of the Plan).

“Borough” means the Borough of Brentwood.

“Defra” means the Department for Environment, Food and Rural Affairs.

“DHGV” means Dunton Hills Garden Village (Policy 7.1 of the Plan).

“Green Belt Study” means *Basildon Borough Council Green Belt Study and its potential to accommodate development - October 2013*.

“Local Government Association Guidance” means Local Government Association Planning Advisory Service *Planning on the Doorstep: The Big Issues - Green Belt*.

“NPPF” means the National Planning Policy Framework.

“OAN” means Objectively Assessed Need for housing and economic development.

“Plan” means the Authority’s draft Local Plan published for public consultation on 10th February 2016.

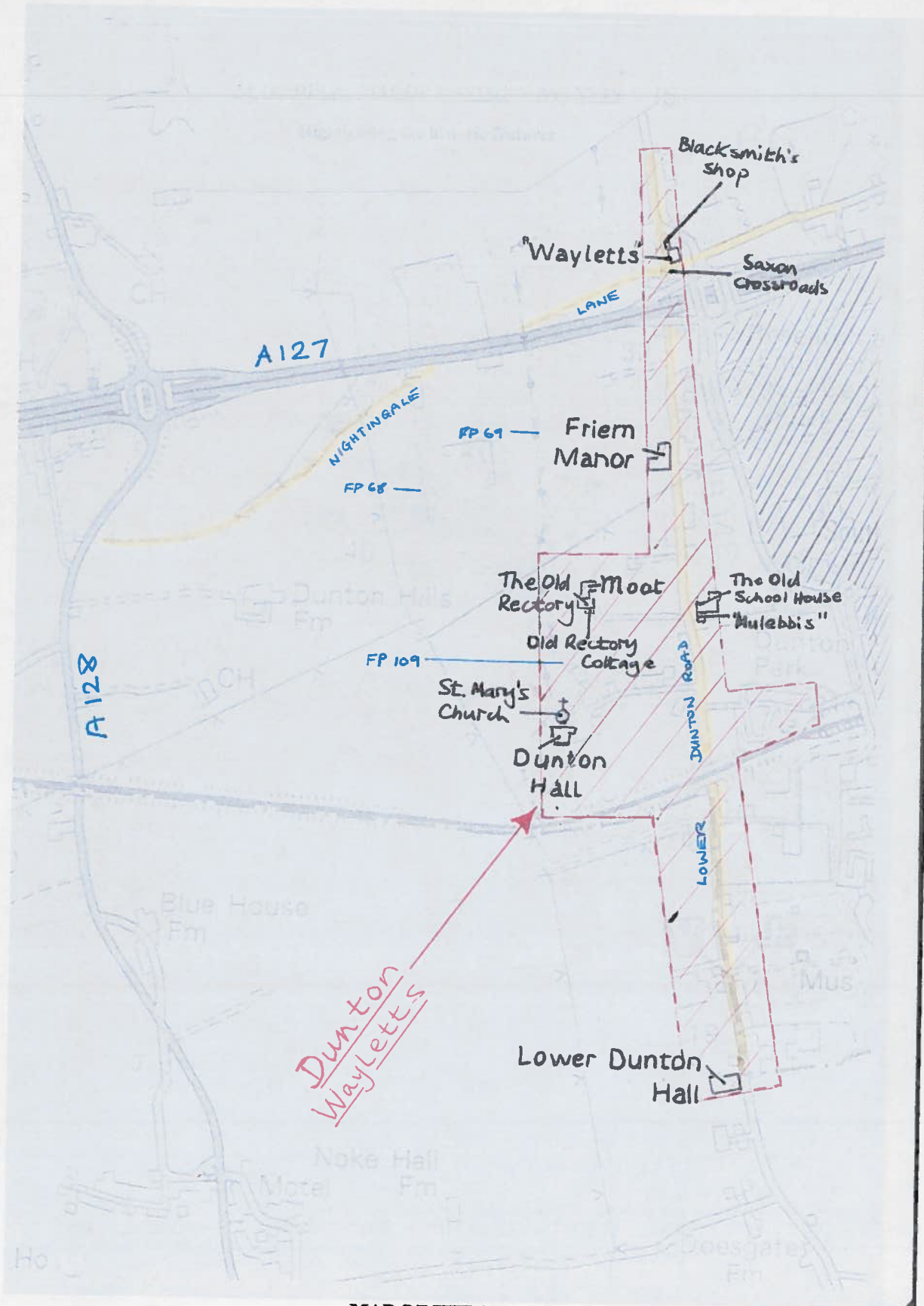
“Policy E7” means the possible employment area at Dunton identified as E7 in Basildon Council’s draft Local Plan.

“Policy H10” means the possible housing area at Dunton identified as H10 in Basildon Council’s draft Local Plan.

“SSSI” means a Site of Special Scientific Interest.

1.2 Background to Dunton Wayletts

Dunton Wayletts, or Dunton as it is often referred to, is a thin linear settlement running from a point a little north of the A127 to its southern extremity at Lower Dunton Hall.



MAP OF THE VILLAGE

Its recorded history goes back to the Domesday Book, where its name is recorded as Dantona. "Wayletts" is derived from the Saxon "waylete", meaning a meeting of roads, and refers to the ancient crossroads where the road running eastwards from West Horndon (Nightingale Lane) met the road running northwards from Horndon-on-the-Hill (Lower Dunton Road). Because the relatively modern Southend Arterial Road was built a little to the south of the crossroads this historic spot has remained undisturbed by traffic, and its charm has been preserved.



THE CROSSROADS AND "WAYLETTS" FARMHOUSE

The village consists of 253 properties, most of which are residential, although the village is home to several businesses which are in the main engaged in farming, rural activities or services dependent on a rural setting.

Visually the settlement's coherence is established by a North-South spine of historic buildings, two of which (Friern Manor and Dunton Hall) represent the two manors that made up the parish from the 11th Century onwards.



FRIERN MANOR

The Langdon Nature Reserve lies in the southern portion of the village.

In spite of its proximity to Laindon, Dunton Wayletts retains a strong rural character and a distinct identity.

Since Saxon times Dunton Wayletts has enjoyed a successful rural economy, and the traditional predominance of sheep farming is still evident. The village's economy has, however, adapted to modern society. In particular there is now greater emphasis on recreation, and nowadays the panoramic views that characterise the area support a golf course and two wedding venues. Nevertheless farming and horse stabling and grazing continue to contribute to its thriving rural economy.

The village's most eminent inhabitant of modern times was journalist and local politician Lord Leatherland of Dunton OBE DL DU. A bench presented by him stands at the longitudinal centre of the village. In associating his name with the village he followed in the footsteps of another inhabitant who did so 700 years earlier: a Gundreda atte Welete¹.

1.3 The name of the village

The village is known as either Dunton or Dunton Wayletts. The two names are interchangeable, both having a very long history.

The village is not called Dunton Village. Signs erected recently in Lower Dunton Road were to have displayed "Dunton Wayletts" but were mistakenly inscribed with "Dunton Village." The error is in the course of being corrected.

The impression has been created that there are two villages at this point, one north of the A127 called Dunton Wayletts and the other south of the A127 called Dunton Village. This impression is wrong and causes confusion, especially for delivery drivers and visitors.

¹ A record dated 1280 records Gundreda and her family living at a dwelling at the Dunton crossroads and states that her surname is a manorial name derived from the place-name.

SECTION TWO: COMMENTS RELATING TO DHGV AND BEP

- 2.1 First comment: DHGV would overwhelm the adjacent village of Dunton Wayletts; if Policy H10 were implemented as well the combined development would obliterate the village. DHGV would extend to the boundary with Basildon Council and would lie only about 200 metres away from the westernmost properties in Dunton Wayletts. A development on the scale proposed would dominate this rural area and overwhelm the adjacent village.**

The proposed DHGV site abuts the site proposed by Basildon Council for Policy H10. Policy H10 is an urban extension of Basildon town. The two developments would amalgamate to form a large-scale development that would place a disproportionate number of homes in an inappropriate rural area. The ancient village of Dunton Wayletts, in the middle of the development, would be obliterated as a distinct rural settlement.

- 2.2 Second comment: Dunton is an unsuitable location for large-scale development because:**
- the development would further reduce the narrowest and most critical section of the Metropolitan Green Belt;
 - the Green Belt is fulfilling its classic functions at Dunton Wayletts;
 - a development at that point would promote the coalescence of Southend with London;
 - the development would constitute ribbon development;
 - moving the edges of the Green Belt as proposed would replace a strong Green Belt boundary with a weak one;
 - the area lacks the landscape capacity for large-scale development;
 - the area does not exhibit any of the four characteristics that indicate potential suitability for Green Belt boundary adjustment;
 - the development would be adjacent to a Major Accident Hazard Pipeline;
 - the development would be in an area of exceptionally poor air quality;
 - the development would cause Dunton Wayletts to merge with the surrounding built-up area and lose its identity as a rural settlement;
 - the development would harm the character and setting of the historic village of Dunton Wayletts;
 - the development would ruin the setting of All Saints' Church, East Horndon;
 - the development would severely harm the setting of several other listed buildings;
 - the local infrastructure could not absorb the increase in population and vehicle movements;

- the development would reduce much-needed public access to open space;
- the development would reduce opportunities for open-air pursuits;
- the development would bisect an important wildlife connectivity corridor;
- the development would intrude into the Mardyke Valley, a valued landscape;
- the development would frustrate the objectives of the Thames Chase Community Forest;
- the development would be unacceptably close to an SSSI;
- the development would threaten ancient woodlands;
- the development would lie in a high-risk flood zone;
- the land is in good productive agricultural use;
- the Dunton area is required to be left undeveloped for aviation purposes.

These issues are examined in more detail in paragraphs 2.2.1 to 2.2.24 below.

2.2.1 The development would further reduce the narrowest and most critical section of the Metropolitan Green Belt

It would cause severe damage to the Green Belt

The Metropolitan Green Belt has an irregular shape but is in broad terms about 20 miles wide. At the point between Basildon and Upminster it measures only 5 miles.

This is the narrowest and most vulnerable point of the Metropolitan Green Belt. To make an incursion into the Green Belt at this point would cause severe damage to the Green Belt.

Precisely this view is held at national level. The following is an extract from the Secretary of State's letter of decision² against "Tillingham Hall", a proposed large-scale development on a site slightly further west than DHGV but in the same narrow part of the Green Belt:

The Green Belt in this area forms a relatively narrow gap of some five miles which, the Inspector concludes, undoubtedly prevents the coalescence of the built-up areas. Furthermore, it represents the only major break in development between London and Southend. The secretary of State agrees with the Inspector's view that the loss of the appeal site would fragment this gap and hence severely damage the MGB.

In terms of the basic geography, nothing has changed since the Tillingham Hall development was rejected.

² Paragraph 5 of the letter dated 17th February 1987 from the Departments of the Environment and Transport to the law firm acting for Consortium Developments Limited. The letter conveys the Secretary of State's decision to accept the Inspector's recommendation to dismiss an appeal by Consortium Developments against Thurrock Council's refusal of planning permission for the development.

It would breach the 5-mile minimum

DHGV combined with Policy H10 would bring the urban edge of Basildon to the A128, effectively bridging the gap between Laindon and West Horndon. BEP would effectively bridge the gap between West Horndon and the M25. The overall effect would be to reduce the separation distance between the urban edge of Basildon and the eastern edge of greater London at Cranham from five miles to zero. That is unacceptable. 5 miles is the accepted *nec plus infra*.

In paragraph 12.4 of his report the "Tillingham Hall" Inquiry Inspector wrote:

Nor is it reasonable to view the 5-mile gap as unreasonably wide; this was seen as the minimum dimension when Sir Patrick Abercrombie produced his Greater London Plan with this particular tract of open countryside included in the green belt around the metropolis. ... As applied to London in more recent years the width accepted by successive Secretaries of State as normally acceptable for the MGB has been 12-15 miles. In this context, a mere 5 miles is seen to be much less than the desirable width.

The Tillingham Hall planning application was a test case brought by a group of developers to challenge the maintenance of the Metropolitan Green Belt by, in effect, closing the inter-urban gap at a particular point. In 1986 the Inspector endorsed what had been decided 43 years previously: Green Belt gaps must not be reduced below 5 miles. That was intended as the final word, and it has been accepted as the final word for the succeeding 30 years. The Authority should respect that determination and refrain from promoting the reduction of a gap that is irreducible.

Professor Abercrombie was a man of vision, remembered today for devising an enduring system for balancing the need for housing in London against the need to preserve the surrounding countryside. The Authority by contrast is short-sightedly focusing on finding a large site on which to offload a significant proportion of its OAN and will, if it proceeds with DHGV/BEP, be remembered for having dealt the fatal blow to Abercrombie's visionary system.

2.2.2 The Green Belt is fulfilling its classic functions at Dunton Wayletts

Dunton Wayletts is a historic village with a rural character. The Green Belt surrounding the village is fulfilling all its stated purposes at this location:-

It is checking the unrestricted sprawl of Basildon, a large built-up area (Purpose 1)

Over many years the built-up area around Basildon has expanded westwards, creating a contiguous urban development that includes Laindon and in more recent years the industrial area at Southfields. The Green Belt has prevented the commercial edge of the conurbation at Southfields and the urban edge at south-west Laindon from sprawling out into the countryside.

Similarly it has prevented the urban edge of Greater London from sprawling into the countryside.

It is preventing Basildon from merging with neighbouring settlements (Purpose 2)

At the major conurbation level the Green Belt at Dunton is successfully resisting the coalescence of the Basildon/Southend urban mass with Greater London.

At the local settlement level³ the Green Belt at Dunton is preventing the coalescence of Laindon with Dunton Wayletts and of Dunton Wayletts with West Horndon.

³ The NPPF refers to towns, but Purpose 2 can be interpreted to include the maintenance of separation between small settlements near towns (Local Government Association Guidance).

It is assisting in safeguarding the countryside surrounding Dunton from encroachment (Purpose 3)
The recommended way to compare areas of Green Belt to assess their relative value in serving Purpose 3 is to determine whether they constitute land under the influence of the urban fringe or form open countryside.⁴

The area of Green Belt in which Dunton Wayletts lies constitutes one of the most open areas of countryside in the Basildon/Brentwood area. This is for two reasons. Firstly it affords notably long-distance views. From the mid-point of the village the view to the West is to the horizon because of the ridge that broadly coincides with the Borough boundary.



VIEW TO THE WEST

The view to the North-West is to the wooded landscape rising into the Brentwood hills about 4 miles away. The A127 is camouflaged, and the only conspicuous building is the imposing All Saints' Church at East Horndon.⁵



VIEW TO THE NORTH-WEST

⁴ Local Government Association Guidance.

⁵ Though the Ford office at Warley is visible on the horizon.

The view to the South-West is uninterrupted by the railway line, which is on lower ground, and extends for about 10 miles into Kent.



VIEW TO THE SOUTH-WEST

Secondly, it is one of the few areas of Green Belt in the area where (apart, obviously, from the urban area at Basildon, the encroachment of which it is preventing) virtually no sign of built environment is visible.

It is preserving the setting and special character of a historic settlement, Dunton Wayletts (Purpose 4)

The NPPF refers to historic towns, but it is acknowledged practice⁶ to take settlements with historic elements into account when assessing areas against Purpose 4.

In the Dunton area the Green Belt is preserving both the setting and the character of a historic settlement, Dunton Wayletts. Dunton Wayletts is the last remaining example in South-West Essex of a linear village that has remained practically unaltered in shape and size since Saxon times. (More details are given in paragraph 2.2.11 below.) The Green Belt has been highly successful in preserving the agricultural surroundings that drove the village's rise to economic importance in the Norman period and in preventing the links in the spine of symbolic historic buildings being broken by modern development.

It is assisting in urban regeneration, by encouraging the recycling of derelict and other urban land (Purpose 5).

The point is made in the Local Government Association Guidance that:

If Green Belt achieves this purpose, all Green Belt does to the same extent and hence the value of various land parcels is unlikely to be distinguished by the application of this purpose.

That the Green Belt surrounding Dunton Wayletts meets Purpose 5 is, therefore, not in dispute.

Conclusion

To remove the Green Belt at Dunton Wayletts would be inept and unjustifiable in the light of the indispensable rôle it plays when judged against s80 of the NPPF.

⁶ See for example paragraph 5.6.13 of Basildon Council's Green Belt Study.

2.2.3 A development at that point would promote the coalescence of Southend with London.

Southend-on-Sea, the seventh most densely populated area of the Kingdom outside London, lies to the east of Basildon. It is separated to a degree from Basildon by farmland at North Benfleet and Bowers Gifford⁷, but the only truly open expanse of countryside between Southend and Greater London is the (already relatively narrow) gap between Basildon and Upminster.

The bridging of that gap by DHGV and BEP, combined with Policies H10 and E7, would create a sense of one vast conurbation stretching from the coast at Southend to London with no "green lung" to sustain the quality of life of those living in the area. The fact that the gaps would not be completely closed is not the point: it is the perception of merging that matters.⁸

The Inspector for the "Tillingham Hall" Inquiry observed:

It is also relevant that, to the east, Basildon is closely followed by other areas of urban development leading to Southend. The gap in which Tillingham Hall lies is all the more valuable as being the only major break in development between London and Southend on this east-west axis⁹.

The Secretary of State, in accepting the Inspector's recommendation to dismiss the developers' appeal, agreed with that finding.¹⁰

To interfere with that gap would, in planning terms, be a disaster for the A127 corridor.

2.2.4 The development would constitute ribbon development

The opening words of the section "Green Belt Debate: the Positive Case" in the Local Government Association Guidance are:

The use of Green Belt has prevented 'ribbon' or 'strip' development whereby a continuous but shallow band of development forms along the main roads between towns.

DHGV and BEP, combined with Policies H10 and E7, would create a continuous shallow band of development along the A127 from Laindon to the M25. The Authority is therefore promoting ribbon development, one of the most objectionable forms of urban expansion.

2.2.5 Moving the edges of the Green Belt as proposed would replace a strong Green Belt boundary with a weak one

The requirements of s85

Green Belts should have boundaries that are defined clearly using physical features that are readily recognisable and are likely to be permanent (s85 of the NPPF).

The strong existing boundary at Basildon

The existing western urban boundary is defined, from North to South, by the B148 (West Mayne), followed by the B1036, followed by the brow of the Dunton Hills.

⁷ A gap which itself is at risk of being reduced to negligible width by Basildon's Policy H13.

⁸ Paragraph 5.6.2 of the Green Belt Study.

⁹ Paragraph 12.6 of the Inspector's report dated 6th November 1986 of his findings following the inquiry relating to the appeal by Consortium Developments Limited against the failure by Thurrock Council to decide an application to construct a new country town on a site between West Horndon and Bulphan.

¹⁰ Paragraph 5 of the Secretary of State's above-mentioned letter of decision.

The B148 and B1036 provide a strong and recognisable urban edge at Laindon because they are wide, modern B roads. The brow of the Dunton Hills at the western edge of the Great Berry development provides a strong and recognisable natural edge on account of the dramatic landscape change from 50 metres above sea level to 20 metres in the Mardyke Valley below. The three together form a more or less straight line from North to South¹¹. The line is recognisable visually and it is also logical, which means that it is both clear and likely to be permanent.

The strong existing boundary at Cranham

The M25, being a motorway, forms a very strong, recognisable and visible eastern boundary.

The weak proposed boundary

DHGV and BEP, connected with Policy H10 and Policy E7, would effectively create continuous development between Basildon and Cranham. The longitudinal boundary would form the weakest boundary that it is possible to create: no boundary at all.

Conclusion

The Authority's proposals for the Dunton area fail, and fail absolutely, to meet the requirements of s85 of the NPPF.

2.2.6 The Dunton area lacks the landscape capacity for large-scale development

In its Green Belt Study Basildon Council assessed all three sub-areas forming the Dunton Settled Claylands¹² as having low landscape capacity, i.e. low capacity to accommodate development. The open land that lies on the Brentwood side of the borough boundary forms part of the same landscape.

It follows that the location at which the Authority proposes to site DHGV is unsuitable for what is by any standards a very large development.

2.2.7 The area does not exhibit any of the four characteristics that indicate potential suitability for Green Belt boundary adjustment.

Referring to the five purposes of the Green Belt the Local Government Association Guidance states:

On this basis the types of areas of land that might seem to make a relatively limited contribution to the overall Green Belt, or which might be considered for development through a review of the Green Belt according to the five Green Belt purposes, would be where:

- it would effectively be 'infill', with the land partially enclosed by development
- the development would be well contained by the landscape e.g. with rising land
- there would be little harm to the qualities that contributed to the distinct identity of separate settlements in reality
- a strong boundary could be created with a clear distinction between 'town' and 'country'.

The DHGV/BEP site fails to exhibit any of these characteristics:

It would not be infill.

On the contrary, the site would represent a 6 km eastward projection from the current North-South line that forms the London edge of the Green Belt.

¹¹ With a slight north-west to south-east tilt.

¹² Essentially the area between Lower Dunton Road and the borough boundary, the area between Lower Dunton Road and West Mayne and the area of the village north of the A127.

It would not be well contained by the landscape.

The land is flat, and the development would be conspicuous, especially when viewed from the South.

It would cause very great harm to the distinctness of Dunton Waylets.

See paragraph 2.2.10 below.

It would create a weak boundary.

See paragraph 2.2.5 above.

2.2.8 The development would be adjacent to a Major Accident Hazard Pipeline

The eastern edge of the proposed DHGV site coincides with the Bacton to Horndon-on-the-Hill gas transmission line. This pipeline is classified as a Major Accident Hazard Pipeline.

When the national gas grid was built the pipelines were routed away from built-up areas because of the potential for accidents involving great loss of life. The risk is not a theoretical one. In 2004 a major gas transmission line exploded in Ghislenghien, Belgium, killing 24 and injuring 122.¹³ In 2014 alone North America saw five major gas pipeline explosions.¹⁴

This line is a 36" conduit transmitting a flammable substance at a pressure of 70 bar. Any rupture could have disastrous consequences for occupied premises in its vicinity.

An escape with immediate detonation is one scenario. But the topography of the area lends itself to the possibility of a vapour cloud explosion, the mechanism believed to lie behind the explosion at Bunsfield in December 2005. Explosions of this type have the potential for damage over a much wider area. In the case of Bunsfield damage was frequent in buildings up to 2km away and occasional in buildings up to 4km away.

It would be irresponsible to site a major housing development in the area proposed.

2.2.9 The development would lie in an area of exceptionally poor air quality

The Thurrock basin

Dunton lies in a basin whose air quality is affected by industry and heavy traffic in Thurrock. Thurrock Council recognises¹⁵ that Thurrock has a serious air pollution problem. Thurrock is, for example, the fourth worst area in the country outside London for PM2.5s.¹⁶ Air quality is so poor at times of adverse climatic conditions that the blanket of pollution occupying the basin is clearly visible to drivers overlooking the area from the vantage point of the M25.

Proximity to the A127

The DHGV area adjoins the A127, a heavily used and congested highway carrying a disproportionate number of heavy goods vehicles, such vehicles being almost exclusively diesel-powered. The contribution made by heavy traffic, and diesel engines in particular, to poor air quality is well documented, as is the link between compromised air quality and numerous medical conditions.

¹³ Health and Safety Executive website.

¹⁴ Otterburne (Jan.), Knifely (Feb.), Tioga (Feb.), Fremont (Mar.) and Warren (May).

¹⁵ Essex Air Quality Consortium website.

¹⁶ Data compiled by Defra and reported in May 2014.

Carbon monoxide

Annual CO levels in the Dunton area are calculated¹⁷ to be 297 tonnes/km². This is a harmful level. The Dunton area is one of the two worst locations in the Borough for carbon monoxide pollution.

Oxides of nitrogen

Annual NO₂ levels in the Dunton area are calculated¹⁸ to be 94 tonnes/km². This is a harmful level. With other locations adjacent to the A127 the Dunton area is among the worst locations in the area for nitrous oxide pollution.

Volatile Organic Compounds

Annual non-methane VOC levels in the Dunton area are calculated¹⁹ to be 91 tonnes/km². This is a harmful level. With other locations adjacent to the A127 and in Wickford the Dunton area is among the worst locations in the area for VOC pollution.

Particulate matter

Annual PM₁₀ levels in the Dunton area are calculated²⁰ to be 9.6 tonnes/km². This is a harmful level. With other locations adjacent to the A127 the Dunton area is among the worst locations in the area for particulate matter pollution.

Irresponsible and contrary to policy

Whilst it is clearly impractical to remove the housing that is already there it would be irresponsible for the Authority to place new housing south of the A127 when there are healthier areas of the Borough available.

Such a strategy would contravene s109 of the NPPF²¹.

Compounding the problem

The additional traffic generated by DHGV and BEP, and especially the commercial vehicle movements to and from BEP, would worsen an already dangerous local pollution problem. The effect would be aggravated by the adjacent developments, Policy H10 and Policy E7.

The congestion produced by the excessive growth planned for the South-East Essex will lead to stationary traffic, and the air quality conditions affecting Londoners' health will be reproduced in the Dunton area.

Measurable damage to residents' health

Air pollution at these levels is widely accepted as a contributor to several diseases, and primarily those affecting the heart and lungs. The effect is understood to impact disproportionately on growing children. It is accepted as a contributor to premature death. DHGV and BEP would cause predictable and avoidable disease and early death among homeowners and their children in DHGV and would exacerbate the harm to existing residents of Dunton Wayletts.

It would be unethical for the Authority to proceed with DHGV.

¹⁷ Defra's National Atmospheric Emissions Inventory.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ Which states: "The planning system should contribute to ... the natural and local environment by ... preventing both new and existing development from contributing to or being put at unacceptable risk from ... unacceptable levels of ... air ... pollution ..."

Moreover, the cost of potential claims by future and existing residents, now that the Authority is on notice of the consequential harm to their health, could seriously diminish the economic gains that the Authority attributes to its Plan. The Governor and State of Michigan are currently defending a class-action lawsuit brought on behalf tens of thousands of residents in Flint who, it is alleged, suffer health problems²² because the authority knowingly ignored a risk to public health²³.

2.2.10 The development would cause Dunton Wayletts to merge with the surrounding built-up area and lose its identity as a rural settlement

The gap between the eastern edge of DHGV and the westernmost buildings in Dunton Wayletts, would be about 200 metres. Even on its own DHGV would create insufficient separation to preserve the identity of the village.

Given Basildon Council's proposal to develop up to the other side of the boundary, the position would be aggravated, and Dunton Wayletts would be submerged by development on all sides.

Contrary to NPPF

To adjust a Green Belt boundary in such a way that it leads to settlement coalescence is contrary to s85 of the NPPF²⁴ read in conjunction with s80²⁵ of the NPPF. DHGV is therefore incompatible with the NPPF.

2.2.11 The development would harm the character and setting of the historic village of Dunton Wayletts.

Heritage value: the only remaining village retaining Saxon linear shape

Eve Francis, in an article in *Essex Countryside*²⁶, observes:

Dunton Wayletts is probably unique for this part of Essex in that it has remained practically unaltered in outline and population for many centuries.

Dunton Wayletts was an important trading village in Saxon times. Its importance lay in its position at a crossroads. These crossroads, or "wayletts"²⁷ remain at the north of the village. Villages sprung up at crossroads because they were meeting places for trading. Dunton Wayletts grew southwards not only because of the position of its church but also because of its proximity to Horndon-on-the-Hill, already an important market town. Settlements at the time tended to cluster along the main trading route.²⁸

Dunton Wayletts is the only linear Saxon settlement in South Essex whose distinctive shape has remained virtually unaltered since early times. There are very few substantial Saxon remains in Essex²⁹, and it is all the more important to preserve what testimony we have of the Saxon era in our County.

²² Essentially lead-poisoning.

²³ By failing, in order to save cost, to add an anti-corrosive agent to the water supply from a river that was known to be polluted.

²⁴ Which provides that land removed from the Belt should be land which it is not necessary to keep permanently open.

²⁵ Which includes the prevention of settlement coalescence as one of the purposes of the Green Belt.

²⁶ *Essex Countryside* April 1969.

²⁷ From the Anglo-Saxon "weylete", meaning a place where ways meet.

²⁸ Historical information from *Portrait of Dunton* - Ivy Titchen and Sheila Mountford 1988.

²⁹ *Essex in History* Kenneth Neale, 1997 - Chapter Two: The East Saxons, pages 26 - 27.

Heritage value: the symbolic spine of historic buildings

Dunton Wayletts is an historic site that deserves protection. The village is rich in history, and that history is preserved in visual terms by a long spine of ten historic buildings and one historic site aligned along the Saxon axis (and in some cases standing on the precise spot occupied by the Saxon structures that preceded them). From North to South the spine consists of the blacksmith's shop, Wayletts, Friern Manor, the mediaeval moated site at the Old Rectory, Old Rectory Cottage, The Old Rectory, The Old School House, Mulebbis, St. Mary's Church, Dunton Hall and Lower Dunton Hall.



LOWER DUNTON HALL

In broad terms their representative significance is as follows:

- (1) The farmhouse Wayletts and the nearby blacksmith's shop stand at the ancient crossroads from which the village derives its name.
- (2) St. Mary's Church is linked to The Old Rectory, its moated site and Old Rectory Cottage; together these buildings symbolise the old ecclesiastical parish of Dunton Wayletts.
- (3) Friern Manor and Dunton Hall represent the two manors that made up the parish following the Norman Conquest.



DUNTON HALL

(4) Mulebbis (originally a Dame school) and The Old School House, together with Dunton Grange (also a converted school), represent the phases of educational provision in the village from the early 19th century until 1980.

The rural setting and the paucity of modern housing standing between these buildings give the village a historical cohesion. If these buildings were overwhelmed by a blanket of housing, that cohesion would be lost and the historical story told by these buildings would be lost too.

Heritage value: an Essex Pilgrims' Way

Lower Dunton Road, which forms the backbone of the village, is of historical importance in its own right.

St. Mary's Church was built over the foundations of a twelfth-century priory that was used as a resting place for pilgrims on their way to Canterbury³⁰.



ST. MARY'S CHURCH

The route appears to have been taken by pilgrims who stopped at Billericay³¹. After leaving Billericay they reached what is now Lower Dunton Road. After stopping at the priory at Dunton Wayletts they went on to Horndon-on-the-Hill and then East Tilbury, where they were able to take a ferry to Higham in Kent and continue to Canterbury. The route of which Lower Dunton Road is a part appears to be a road of Saxon or possibly Roman origin from Billericay to East Tilbury, that continued into Kent.³²

³⁰ *Essex Countryside* April 1969.

³¹ It is known that some pilgrims travelled via Brentwood and crossed the Thames further upstream at Tilbury, where it was still possible to cross by foot at low tide.

³² Research conducted by a resident, drawing especially on evidence at cliffehistory.co.uk

Heritage value: the first Poor Law labour colony in England

Dunton Wayletts was the location of the first Poor Law labour colony in England. In 1904 the Poplar Board of Guardians bought the land that is now occupied by Dunton Park.³³ At that time the site was a farm, and the establishment of this farm colony was an experiment in taking men out of the workhouse and placing them in an isolated rural environment where they could “feel that they are working out their own salvation, and possible future engagement either at home or in the colonies”.³⁴ The colony closed in 1941 and passed for several years into military use.

Heritage value: rare historic field patterns

The farmland in the Dunton area retains mediaeval field patterns. The prevalent agricultural system in Europe during the Middle Ages was the open-field system. Most of the UK featured this system. Unusually, South Essex did not see the development of nucleated villages and open-fields. Instead it retained the pre-Roman system of farming in small, square, enclosed fields. These exceptional rectangular patterns can still be seen in Dunton Wayletts, particularly in the farmland to the west of the village.

Impact on historic settlement acknowledged by Basildon Council

It is recognised in Basildon Council’s draft Local Plan³⁵ that:

The proposals for this location will affect the setting of the historic settlement of Dunton Village and the surrounding landscape which includes historic field patterns and also Medieval buildings including Dunton Hall and St Mary the Virgin Church, Friern Manor and the Old Rectory.



THE OLD RECTORY

Basildon Council’s Green Belt Study³⁶ notes the historic character of the landscape and describes it as:

highly sensitive to change.

Effect of DHGV

A development on the scale proposed would overwhelm the village.

³³ *Portrait of Dunton op. cit.*

³⁴ *Municipal Journal* 1904 (article reproduced in *Portrait of Dunton*).

³⁵ Section 11.99.

³⁶ Referring to Area 67.

As noted in paragraph 2.2.10 above neither the Authority's proposals nor Basildon Council's proposals would maintain meaningful separation between the village and the adjacent modern housing and other structures. The historic character of the village would be severely damaged and its historic setting would be destroyed.

To remove the Green Belt at a point at which it is protecting the setting of a historic settlement would be contrary to s80 and s126 of the NPPF.

2.2.12 The development would ruin the setting of All Saints' Church East Horndon

This church overlooks the DHGV site. All Saints' is disused as a place of worship but is deemed so outstanding in heritage terms that it is preserved in its ecclesiastical form by the Churches Conservation Trust. It is one of only eleven such churches in Essex.

The Trust describe All Saints' as follows³⁷:

This fascinating church is built of mellow red Tudor brick and stands in magnificent isolation with wide views to the Thames. The Tyrells of nearby Heron Hall rebuilt the Norman church in the 15th-century and were buried here for four centuries. ... There is an exquisite memorial slab to Lady Alice Tyrell (who died in 1422) and a little chantry containing the tomb of Sir Thomas Tyrell (who died in 1476) and his wife. Also to be seen are curious galleried upper rooms in the transepts, one with a Tudor fireplace which may have housed a resident priest.



ALL SAINTS' CHURCH

This precious building's "magnificent isolation" and dominant position are integral to its character. Its setting would be transformed and ruined if it were to overlook a modern housing estate, and long-distance views to the church would be lost.

This is a Grade I listed building.

2.2.13 The development would severely harm the setting of several other listed buildings

Listed buildings affected

DHGV and BEP would surround or be in close proximity to several other listed buildings, including East Horndon Hall, the Freman Monument³⁸ (which, although not a building, is listed)³⁹, St Mary's Church, Dunton Hall, "Dunton Hills" and "Wayletts".

³⁷ The Churches Conservation Trust website - www.visitchurches.org.uk

³⁸ This small enclosed monument stands in the graveyard of All Saints' Church.



EAST HORNDON HALL

Setting must be preserved

Attention is drawn to s66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, and in particular to importance of preserving the setting of listed buildings. Although DHGV and BEP are not planning applications they would, if implemented, lead to planning applications, and so this legislation is relevant:

In considering whether to grant planning permission for a development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Applies to Grade II as well as Grade I

In the light of the Court of Appeal's decision in the *Barnwell Manor* case the Authority should note that, even if the harm that would be caused is less than substantial, considerable weight and importance should be afforded, when planning decisions are made, to the desirability of preserving the setting of listed buildings. Barnwell Manor is a Grade I listed building whereas the listed buildings in or adjacent to the proposed DHGV/BEP site are, with the exception of All Saints' Church, Grade II. However, this case confirmed that the same requirement applies to listed buildings of all grades, merely with "particular force" in relation to those classified as Grade I.

Offensive to setting of these buildings

A modern housing and industrial development would be insensitive to the age and character of the listed buildings in and adjacent to the proposed DHGV/BEP site and would create an aesthetically offensive setting for them.

³⁹ The 17th Century stabling in the churchyard of All Saints' Church, is listed for that location but was removed and re-erected in late 2010 in Wat Tyler Park because of repeated vandalism (*Brentwood Weekly News*, 12th November 2010).

2.2.14 The local infrastructure could not absorb the increase in population and vehicle movements

Limitations of Lower Dunton Road

Lower Dunton Road is essentially a country lane which is unsuitable for heavy or fast traffic.⁴⁰ The lane has been judged "not suitable for a significant increase in traffic".⁴¹ The lane's limitations are underlined by the plethora of restrictions⁴² and warning signs⁴³ that the relevant highway authorities have seen fit to introduce.

Height and width issues

The lane is only 12 feet wide at its narrowest point.

The bridge carrying the Southend-to-London railway line over the lane is an old masonry arch bridge whose safe height of 14' 3" is available only at the centre of the arch. Tall vehicles are forced to pass down the middle of the carriageway, restricting traffic to a one-way flow whenever taller commercial vehicles are present. The obstruction is worsened by the axis of the bridge, which is offset to the road alignment and obstructs the sight-lines into the bridge from both directions.

Specific risks

The road is used by horse-riders from both private properties and the stables on Lower Dunton Road. Horse-rider warning signs are in place.

The road is liable to ice in the winter, and this is exacerbated by its susceptibility to flooding. Liability-to-ice warning signs are in place.

The road floods repeatedly in a number of places. Liability-to-flood warning signs are in place.

The lane lacks a pavement for most of its length. This an accepted feature of a rural road but makes the lane unsuitable for heavy traffic streams.

Visibility issues

The lane gives a general impression of straightness, which encourages speeding, but includes several direction adjustments along its course that result in poor sight lines.

There is poor visibility for drivers emerging from Church Road. Visibility is so poor at the junctions with Old Church Hill and Doesgate Lane that these are effectively "blind" for drivers emerging from these side roads. Junction warning signs are in place at all three junctions.

Impact of DHGV

Lower Dunton Road could not accommodate the increased traffic that would be generated by the combined development produced by DHGV and Policy H10.

⁴⁰ Such is the damage caused to the carriageway by overuse and frequent flooding that a bumpy test-road at Ford's Lommel Proving Ground in Belgium used to be referred to by staff as "Lower Dunton Road".

⁴¹ Thurrock Council's rejection in February 2010 of a planning application made for the Malgraves Farm site.

⁴² On speed, on weight and on height.

⁴³ About the presence of horse-riders, liability to ice, liability to flooding and hazardous junctions.

Implications of Crossrail (to become the Elizabeth Line)

The Authority has failed to take account of the implications of Crossrail on traffic movements. With Shenfield Station only 4 miles away from DHGV, its homes would be popular with buyers wishing to use the Elizabeth Line. Those buyers would use cars to reach the station and would either add to the congestion on the single-carriageway section of the A128 north of the A127 or fan out into the unsuitable network of country lanes in an attempt to avoid the bottleneck in Brentwood.

2.2.15 The development would reduce much-needed public access to open space

Accessible link between two parks

The countryside to the west of Dunton Wayletts provides a publicly accessible and sustainable link between Langdon Hills Country Park and Thorndon Country Park. A network of country lanes, footpaths and bridleways enables people to walk from one to the other without encountering a main road except for the unavoidable need to pass over the A127 and A128.

The eastern footpath

Public access is afforded by Footpath 109, which runs along the Borough's boundary with the Borough of Basildon. Starting at St. Mary's Church the path runs northward, passing between farmland and a golf course until it reaches a fork. One branch, Footpath 69, continues northwards to a fishing lake. Thereafter it runs through farmland and continues to offer magnificent long-distance views across open countryside before finally entering a wood and emerging on the A127.⁴⁴

The western footpath

The other branch becomes footpath 68, and takes a more westerly route to the A127. It offers an even more isolated walk across farmland. About two-thirds of the way along, an extraordinarily peaceful spot is reached where open countryside extends into the distance to the West, the woods ahead provide a shield from the A127 and a copse hides the Basildon conurbation from view to the East. This footpath emerges at on the A127 at Timmerman's Nursery.⁴⁵

An asset for all communities

This varied and interesting stretch of countryside is visited by villagers and non-villagers alike. Walkers in the nearby urban area have easy access to it via Colony Path and Church Road. It is also used by walkers from as far afield as Billericay.⁴⁶

Recreational value lost

DHGV, combined with Policy H10/E7, would damage this space by replacing the natural environment with housing and other structures. Its recreational value and visual appeal would be lost, and residents of the nearby urban areas would be deprived of an asset that offers not only access to an area of natural countryside but also a unique insight into the recent and more ancient history of the area.

⁴⁴ The footpath continues on the northern side of the A127 as footpath 61, where it passes through farmland and emerges at Park Farm, half-way between Dunton Wayletts and Herongate Tye.

⁴⁵ On the northern side of the A127 the path it rises up through unspoilt scrubland to a golf course and thence to The Olde Dog inn.

⁴⁶ Letter dated 1st March 1989 from the Ramblers' Association relating to an application (BAS/2005/88) to construct a golf driving range adjacent to footpath 68 on land that has since been incorporated into Dukes Farm.

Perception of public access lost

Even though Footpaths 109/69 and 109/68 might be retained and even though patches of countryside might be preserved alongside them, public access would effectively be removed by the combined development. The reason for this is one of perception. Once bordered by housing and commercial developments the pathways would appear to “belong” to the adjacent housing or commercial estate, and so the wider community asset represented by the present network would be devalued.

A threat to open access

DHGV represents a threat to open access and contravenes s74 of the NPPF.

2.2.16 The development would reduce opportunities for open-air pursuits

Dunton Wayletts and the country lane running through the village offer a number of opportunities for open-air pursuits.

For example the lane is used on a regular basis as part of a larger cycle-route network and as integration with other country lanes⁴⁷. Urbanisation of the area would remove Lower Dunton Road as a country lane, eliminate a key component and destroy this route.

A fishing lake is located in the farmland to the west of Friern Manor. Tranquil locations are of the essence of angling. Any urbanisation of the area would ruin this opportunity.

The stables at “The Paddocks” provide riding opportunities, and the lane is used for this purpose. Even at present, the amount of vehicular traffic can cause difficulties for riders.⁴⁸ The traffic that would be generated by DHGV combined with Policy H10/E7 would put an end to this opportunity.

These are not facilities reserved for the benefit of villagers (though they may use them). They are countryside facilities used in the main by outsiders and in particular the nearby urban areas.

DHGV combined with Policy H10/E7 would remove opportunities for outdoor sport and recreation from a Green Belt area and so contravene s81 of the NPPF⁴⁹

2.2.17 The development would bisect an important wildlife connectivity corridor

Wildlife connectivity corridor

The open land to the west of Dunton Wayletts forms a wildlife connectivity corridor between Thorndon County Park and Langdon Hills County Park. DHGV adjoining Policy H10/E7 would cut the corridor in two. The combined development would prevent wildlife from passing between habitats at the two parks.⁵⁰

⁴⁷ For example, the 20-mile Little Burstead – Dunton Wayletts – Langdon Hills – Stanford-le-Hope – Orsett – Bulphan circuit at www.cycle-route.com

⁴⁸ Horse-rider warning signs are in place on the lane.

⁴⁹ Which provides: “Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as ... to provide opportunities for outdoor sport and recreation”

⁵⁰ See Essex Wildlife Trust’s conclusion, reported in *The Echo* 26th February 2015, regarding the Dunton Garden Suburb proposal. (See also representation 4833 by Essex Wildlife Trust in response to the Authority’s Strategic Growth Options Report.)

The disruption of a coherent ecological network is directly contrary to s109 of the NPPF⁵¹.

Area of high ecological sensitivity

The open land between Dunton Wayletts and West Horndon is highly ecologically sensitive:

- It lies in a vital wildlife corridor, as noted above.
- It includes Green Meadows, which is a Potential Local Wildlife Site⁵². This PLoWS is recorded as requiring further survey work but having potential for significant reptile and invertebrate populations.⁵³
- Great crested newts are present at The Old Rectory site⁵⁴; their breeding ground is almost certainly the moat at the north of the site.
- The land is peppered with undisturbed reedbeds, which are likely to be habitats for numerous wildlife populations. Examples are the pond close to St. Mary's Church at the entrance to the public footpath and the pond adjacent to the southern end of Nightingale Lane.



POND AT NIGHTINGALE LANE

- The land is the subject of numerous Protected Species Area Alerts.⁵⁵
- It includes the ancient woodland at Eastland Springs, ancient woodlands being rich habitats for wildlife.

2.2.18 The development would intrude into the Mardyke Valley, a valued landscape

The northern (south-flowing) tributary of the Mardyke runs through the DHGV area. Additionally two of the eastern (west-flowing) tributaries rise in the southern extremity of Dunton Wayletts, running a little south of the area.

Thurrock Council, in its Sustainability Appraisal 2007, identified two Special Landscape Areas: the Mardyke Valley and Langdon Hills. These were adopted because of their landscape importance in a regional or County-wide context.

⁵¹ Which provides: "The planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks ... "

⁵² Viz. Brentwood PLoWS 11.

⁵³ Brentwood Borough *Local Wildlife Sites Review* 2012.

⁵⁴ Information supplied to the Association by a resident and forwarded by the Association to the Essex Wildlife Trust.

⁵⁵ See Basildon Council's Green Belt Study: assessments for Areas 66 and 67.

It is extraordinary for a local authority to be contemplating urban development in an area whose landscape has been picked out for protection and enhancement by a neighbouring local authority.

Similarly, when Phase 2 of the Langdon Hills development was put forward by the Development Corporation in the early 1970s Thurrock Council objected to the development extending to the edge of the escarpment because "the development would loom over the skyline, spoiling one of the best pieces of natural countryside in the area".⁵⁶

The value of this traditional Essex flatland as natural countryside in an area of heavy urbanisation south of the A127 has been recognised by Thurrock Council. The Authority, however, has failed to recognise that value. In doing so the Authority has failed to observe s109 of the NPPF⁵⁷.

2.19 The development would frustrate the objectives of the Thames Chase Community Forest

The Mardyke Valley, in which the proposed DHGV and BEP sites lie, is one of the backbones of the Thames Chase Community Forest. Thames Chase is not a single forest but a network of woods, forests and country parks linked by open countryside. The Mardyke Valley is a corridor of countryside linking Thorndon Country Park, at the northernmost end of Thames Chase, with country parks and other sites further south.

The following are extracts from the Thames Chase Trust's Mission Statement:

All over the Community Forest there are now country parks, woods and river valleys, all accessible to the public.

Whether you want to walk your dog, watch birds, run for health or cycle with your grandchildren there are places in the Community Forest to enjoy yourself.

With a goal of eventually covering 30% of open land with woodland, to say nothing of connecting up all the natural and historic attractions so that everyone can travel from one to another without going on a busy road this is a project that has a lot further to go.

DHGV and the BEP, combined with Policies H10 and E7 on the Basildon side of the borough boundary, would cut across the Mardyke and create an urban barrier that would:

- virtually separate the northern end of Thames Chase from the southern area,
- establish housing and industrial buildings instead of retaining countryside and enhancing the existing woodland, and
- render the existing network of footpaths and bridleways pointless as public countryside access.

The Authority's proposals are in direct conflict with the objectives of the Thames Chase Community Forest. In failing to take this into account the Authority has contravened s92 of the NPPF.

2.2.20 The development would threaten ancient woodlands

Middle of site is ancient woodland

The corridor of land, running roughly North-South through the proposed DHGV/BEP site along the path of the Mardyke, is ancient woodland.⁵⁸ It is the southern leg of the ancient woodland at Eastlands Spring, the whole wood being a Local Wildlife Site⁵⁹.

⁵⁶ Local press report a copy of which is in the possession of the Association but whose date cannot be ascertained.

⁵⁷ Which provides: "The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes ..."

⁵⁸ Brentwood Borough *Local Wildlife Sites Review* 2012.

⁵⁹ Viz. Brentwood LoWS 134.

The bridleway through this woodland, Nightingale Lane, is a place of unusual tranquility for this heavily populated area of the County. Its proximity to two trunk roads makes for easy public access, and ample parking space is available at the A127 end. At the same time, fortunately, the dense arboreal cover provides a visual shield from the heavy traffic on both highways, and so the bridleway offers a beautiful and peaceful walk, cycle-ride or horse-ride through a window into the past⁶⁰.

The Association has reason to believe that the coppice a little to the north of the centre of the proposed DHGV site is also ancient woodland but has been unable to confirm this within the time constraints of the consultation period.



NIGHTINGALE LANE

Government policy on ancient woodland

Attention is drawn to the *Keepers of Time* policy statement endorsed⁶¹ by Government.

Its ministerial foreword begins:

England's diverse and beautiful landscapes are justly famous the world over. Our ancient woodlands are quintessential features of these much loved landscapes – irreplaceable living historic monuments which inspire us and provide us with a sense of place and history in an increasingly frenetic world.

The Association wishes to draw out from this two points about Government policy in relation to ancient woodlands. Firstly, an ancient woodland is inseparable from the landscape of which it forms a part. Secondly, an ancient woodland is a place of tranquil contemplation to which the inhabitant of the modern world can retreat and relax. The proposal to remove the open countryside around these ancient woodlands and to downgrade these woods, from imposing tranquil retreats accessible to all to arboreal patches enclosed and crushed by modern housing and industrial development, flies in the face of Government policy.

⁶⁰ Nightingale Lane follows the route of the pre-A127 road to London, i.e. the route of the Saxon – and originally Roman - road through Dunton Wayletts.

⁶¹ In *Government Forestry and Woodlands Policy Statement* - Defra 2013.

Contrary to government objectives on recreational purpose

One of the policy's strategic objectives is to:

Improve the quality of recreational experience of those woods which are open to public access.

~~DHGV would ruin the recreational experience of this, an ancient wood open to public access, and so would be contrary to national objectives.~~

Threat from drainage changes

One of the policy's stated threats to ancient woodlands is this:

Even if the woodland itself is protected, it can suffer serious disturbance where houses or roads are built right up to its margins, both directly from the impact of the development, and indirectly through changes to drainage.

DHGV would depend on Eastlands Spring, a tiny tributary to the Mardyke, to remove surface water from a 4-square-kilometre development on land with a known drainage problem. The resultant dramatic alteration to the flow through the Mardyke would threaten the ancient wood. In this respect too DHGV would contravene national policy on ancient woodlands.

2.2.21 The development would be unacceptably close to an SSSI

The proposed DHGV and BEP sites are in close proximity to the SSSI at Thorndon Country Park. These proposed developments would reduce the buffer zone to the south-east of the SSSI to well under one mile and would therefore have an adverse impact on the SSSI.

DHGV and BEP would therefore contravene the second of the principles set out in s118 of the NPPF.

2.2.22 The development would lie in a high-risk flood zone

A high-risk area

The centre of the DGHV/BOP site, roughly following the route of the Mardyke (or Eastland Spring as that stretch is often known) is designated by the Environment Agency as an area at the greatest risk ("high") of surface water flooding⁶².

A known problem

Flooding is a known problem throughout the Dunton area. Dunton Wayletts owes its existence to some extent to the marshy condition of the surrounding land, as its early economy was fostered by its rich water meadows.⁶³ In periods of rain Lower Dunton Road is regularly inundated along its northern stretch and in the vicinity of the railway bridge; permanent flood warning signs have been erected on the road. In about 2009 the greens on Dunton Hills Golf Course were inundated, and pumps were brought in to remove the water, causing flooding in residents' gardens.⁶⁴

Cause

Ground permeability is very poor indeed, and the land is flat. Water drains from surrounding higher areas and typically pools for days before being absorbed. The photograph below of a field between West Mayne and Lower Dunton Road will illustrate the problem. It was taken on 27th February 2016 and shows surface water still unabsorbed after a week in which there had been insignificant rainfall.

⁶² Environment Agency's Flood Map for Planning – interactive view: *Risk of Flooding from Surface Water*.

⁶³ *Portrait of Dunton op. cit.* Sheep that grazed on the high-quality watered pastures produced wool and ewes' milk that were supplied to the Abbey of Bec-Hellouin, to which the manor of Dunton was leased from the 12th to the 15th Centuries.

⁶⁴ Little Malgraves Farm planning application (Thurrock Council 14/00990/FULL): Protect Lower Dunton Road Action Group's letter of objection 2nd October 2014.



INUNDATED FIELD IN DUNTON

Duty to direct development away from areas of highest risk

As noted above the proposed DHGV/BEP site centres around an area designated as being at the greatest risk of surface water flooding. To select this area of the Borough for a major development flies in the face of s100 of the NPPF.⁶⁵

Flood risk to The Fens

Because of the flatness of the land surface water in the Dunton area tends to pool and be absorbed very slowly in situ into the ground. The modest volumes that do migrate drain into the Mardyke. The capacity of the Mardyke is very limited indeed. DHGV and BEP (combined with the neighbouring Policies H10 and E7) would remove most of Dunton's absorption surface and force large additional volumes of surface water into the Mardyke. The Mardyke would be overwhelmed and flood downstream at Bulphan.

2.2.23 The land is in good productive agricultural use

The farmland in the DHGV area is almost entirely in productive agricultural use.

Since Saxon times Dunton Wayletts has enjoyed a successful rural economy, and the traditional predominance of sheep farming is still evident.⁶⁶ Additionally, cattle farming at the borough boundary⁶⁷, horse stabling and grazing around the longitudinal centre of the village and arable farming in the more northerly fields and south of the railway line now contribute to the village's thriving rural economy.

The land is classified as Grade 3, which is acceptable, productive farmland. There is therefore no justification for sacrificing the land in the Dunton area for development.

⁶⁵ Which provides "Inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk."

⁶⁶ At Dunton Wayletts Farm for example.

⁶⁷ At Dukes Farm.

2.2.24 The Dunton area is required to be left undeveloped for aviation purposes

An aerobatic zone

The sky above the open land to the west of Dunton Wayletts is used for aerial acrobatics. Any urban development in that area would constitute congestion for the purposes of the Rules of the Air Regulations 2014 and is not permissible.

An area of high collision risk

The flight-path for the Heathrow arrival stream follows the A127. The southward departure stream from Stansted intersects it as it passes over the open countryside in the vicinity of Dunton Wayletts. To add to this, aircraft held in the Lambourne Stack pass through the same airspace.

Figures compiled by the airlines and reported in *The Guardian*⁶⁸ reveal that Britain has the most crowded airspace in Europe, with seven of the twelve worst traffic-control danger spots. The airspace over the above-mentioned open space was ranked the sixth most dangerous in Europe. In terms of public safety it would be imprudent to build housing in this location.

A zone for emergencies

Furthermore it is necessary to maintain open areas adjacent to the flight-paths and stacks so that fuel may be safely dumped on to fields rather than homes, to provide an opportunity for an aircraft to make a safe emergency landing and, where a crash-landing is unavoidable, to enable the pilot to avoid ground casualties by crashing into open fields.

2.3 Third comment: breaking the circle of open land around London would be unlawful

Breaking the circle

DHGV, adjoining Policy H10/E7 proposed by Basildon Council, would effectively bridge the gap between Basildon and West Horndon. BEP would effectively bridge the gap between West Horndon and the M25. The circle of open land would thus be broken.

Local authorities must not break the circle

But a local authority's power in regard to removing land from the Green Belt is limited to altering its boundaries. Removing so much land from a Green Belt that it ceases to exist as a continuous circle would be unlawful. The reason is two-fold:

Firstly, the connotation, in the expression "Green Belt", of a complete circle of substantial width is not accidental. The original Circular 42/55 provides:

Wherever possible, a Green Belt should be several miles wide, so as to ensure an appreciable rural zone all round the built-up area concerned.

Indeed the expression used in the Greater London Plan 1944 is "Green Belt Ring", underlining that the unbroken circle is of the essence of the Metropolitan Green Belt.

Secondly, a Green Belt, once established, must not be removed.⁶⁹

Conclusion

As proposed DHGV cannot therefore lawfully proceed.

⁶⁸ *The Guardian* 23rd July 2001.

⁶⁹ S79 of the NPPF, which names permanence as one of the two essential characteristics of a Green Belt.

2.4 Fourth comment: the Authority has failed to carry out landscape assessments and so its decision to remove the Dunton area from the Green Belt has no validity.

When considering adjusting the boundaries of its Green Belt a planning authority is expected to assess the value of each portion of its Green Belt in order to determine whether any portions exist that it is unnecessary to keep open: s85 of the NPPF.⁷⁰ The Authority has failed to assess the open land at Dunton against other areas of Green Belt in the Borough. It therefore has no legitimate basis for selecting the Dunton area for urbanisation.

Had the Authority made comparative assessments it would have noted that the Dunton area fulfils all five purposes of the Green Belt (see paragraph 2.2.2 above) and it would not have proposed adjusting the Green Belt boundary in that area of the Borough.

2.5 Fifth comment: the Authority has misconstrued government policy concerning the balance between meeting housing need and preserving critical portions of Green Belt
Approach taken in Plan

In sections 5.10 and 5.11 of the Plan the Authority concludes that it must meet its OAN in full and sacrifice a sufficient amount of Green Belt land to do so; otherwise its proposed Local Plan will not be found sound.

Government policy

That is wrong. A planning authority so short of options⁷¹ for meeting its OAN that it faces sacrificing a critical section of Green Belt land such as the open space at Dunton is expected to preserve the Green Belt land and fall short of meeting its OAN. This was placed beyond doubt by the amended National Planning Practice Guidance issued in October 2014 and announced in a press release entitled *Councils Must Protect Our Precious Green Belt Land*. In that press release the Secretary of State writes:

When planning for new buildings, protecting our precious green belt must be paramount.

Specifically, under the heading "Do housing and economic needs override constraints in the use of land such as Green Belt?" the Guidance states:

The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan. The Framework is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted. Such policies include ... land designated as green belt

The correct approach

The Authority should:

- retain the Green Belt at Dunton because of its critical importance for the Green Belt as a whole
- examine whether there might be exceptional parcels of the Green Belt in the Borough where the harm would be slight by comparison with the benefit and to decide whether those exceptional parcels might contribute to reducing the OAN shortfall
- otherwise, fall short of meeting OAN.

⁷⁰ Which provides: "When defining boundaries, local planning authorities should ... not include land which it is unnecessary to keep permanently open."

⁷¹ Not that the Association accepts that there are no other less sensitive Green Belt sites.

2.6 **Sixth comment:** the Authority's claims that DHGV will restrict urban sprawl and prevent settlement coalescence are absurd.

Urban sprawl

Section 7.6 of the Plan contains the statement:

Although the site lies within Green Belt, development here can contribute to Green Belt purposes, such as restricting urban sprawl.

This is an absurd claim. The Authority must surely be aware that Basildon Council is planning a development that would abut DHGV. Basildon's proposed development (Policy H10/E7) is an extension of Basildon town. Far from restricting urban sprawl DHGV would contribute to a 2½ km. westward sprawl of Basildon.

Settlement coalescence

In the same section the Authority make the claim that:

the wider boundaries of the development [will]... deny any merging with nearby settlements.

On the contrary the development, combined with Policy H10/E7, would cause merging with the nearby settlement of Dunton Wayletts.

2.7 **Seventh comment:** in spite of the fact that the most westerly houses in Dunton Wayletts lie only 200 metres beyond the borough boundary the Authority has failed to take any account of the impact of its proposals on the village.

Section 5.1 of the Plan states the following as part of the Authority's spatial strategy:

Limited development will take place in villages within rural areas at a level commensurate with services and facilities available and which maintains local amenity and distinctiveness.

Similarly, section 5.21 states:

Growth in ... rural areas of the Borough will be limited to retain character ... to ensure our villages remain thriving communities.

At the same time the Plan proposes to impose a development representing one third of the Borough's entire OAN on a village just beyond the borough boundary (i.e. Dunton Wayletts), a development that, combined with Policy H10, would obliterate the village as a distinct settlement.

The Authority appears to be cynically planning to destroy a village in a neighbouring borough in order to preserve the villages in its own borough. Such tactics represent a dereliction of the Duty to Cooperate.

2.8 **Eighth comment:** the Association rejects the claim that the A127 corridor provides growth opportunities that are not possible in the A12 corridor.

This claim is made in section 7.8 of the Plan. On the contrary there is no such capacity on the A127 corridor:

- The A127 corridor cannot expand geographically because the remaining open land forms a critical section of Green Belt.
- Basildon Council have plans (Policy H10 and Policy E7) that, alone, threaten to overburden the A127 corridor.
- The A127 is already operating at its capacity.
- Capacity improvements will be limited; financing for radical improvement (in the form of widening to three lanes each way) will not be forthcoming as the A127 is not classified as a strategic highway.

- **The A12 by contrast is a strategic highway whose capacity has recently been improved and which has opened up, and will continue to open up, new areas for development and offer major scope for growth.**

SECTION THREE: COMMENTS RELATING TO THE DRAFT PLAN AS A WHOLE

- 3.1 **First comment:** the Plan is unbalanced in that it concentrates growth excessively at one particular point in the Borough.
The Plan allocates 35% of the Authority's OAN⁷² to the Dunton area. Such a proposal is clumsy in the extreme and does not represent proper and thoughtful planning.
- 3.2 **Second comment:** the Plan is unbalanced in that it fails to distribute loss of Green Belt land evenly throughout the Borough.
The Plan proposes the siting of 3,792 homes in the Borough's Green Belt. Of this total the Authority proposes to locate 63% in the Green Belt at Dunton. This extreme outcome, combined with the absence of Green Belt assessments, suggests that the Authority has failed to consider the matter in the careful manner expected of a planning authority and has simply dumped the housing allocation at an arbitrary point in the Green Belt.
- 3.3 **Third comment:** the Authority has cynically offloaded its housing and other needs to an edge of the Borough where a neighbouring borough will shoulder the infrastructure burden.
The Plan sites a high proportion of the Borough's housing and economic growth to a point as far away as possible from Brentwood town and other settlements in the Borough and as close as possible to a neighbouring borough, Basildon. In this way the infrastructure burden has been transferred to another borough in a fashion incompatible with the Duty to Co-operate.

Overburdening Basildon's infrastructure, and particularly overloading the A127, would have consequences for the Borough too, as a proportion of the additional traffic would pass into the single-carriageway northern section of the A128, exacerbating the congestion in Brentwood.

- 3.4 **Fourth comment:** Basildon Council, which the Authority sees fit to exploit, already faces insurmountable infrastructure problems.
Aggregate growth in South-East Essex
Even without DHGV and BEP the area of Essex south of the A127 faces an overwhelming level of development over the next 20 years.

The aggregate number of homes planned by local authorities in the region for that period has been calculated by South-East Essex Action Group Alliance to be approximately 70,000 – equivalent to reproducing the Borough of Basildon. Since Basildon shares its main road and rail corridor with Southend-on-Sea, housing projects east of the Basildon will have a direct impact on the infrastructure serving the Borough of Basildon.

⁷² 2,500 out of a total of 7,250 homes.

The London Gateway Port and its associated complex, which “will have a significant impact on transport networks in both Essex and Thurrock”⁷³, are only 5 years into their 15 - 20 year completion programme. They have yet to add most of the 27,000 daily vehicle movements⁷⁴ that will in due course burden the A128 and the A127.

Southend Airport is currently handling 620,000 passengers per year but this figure is set to rise⁷⁵ to 2 million passengers per year. The additional 1,380,000 passengers will, apart from a very small number living with walking distance of the airport, be added to the Southend-Basildon-London road and rail links in the area. The business-park developments adjacent to the airport are a “key employment area with a major focus on growth in the TGSE area and heavily reliant on the A127”.⁷⁶

A very large number of other commercial and industrial developments are planned that will add to the increasing number of vehicle movements along the A127 and A13.

Infrastructure incapable of improving to match growth

The degree of improvement in Basildon Borough’s infrastructure needed to absorb the scale of aggregate development is not realistically achievable.

The capacity issues affecting the A127 and the rail link are considered individually below, but the Association wishes to draw the Authority’s attention to the following statement:

It will not be possible, affordable or environmentally acceptable to improve the capacity of the strategic road and rail networks to fully accommodate forecast growth.

This is taken from *A Planning and Transport Strategy for Thames Gateway South Essex*, October 2013⁷⁷. This is a warning that planned growth in the South-Essex area is in aggregate unsustainable. The Authority must heed that warning and refrain from exacerbating the problem by siting housing and economic development south of the A127.

Roads – no significant scope for increasing capacity

As is recognised in Basildon Council’s draft Local Plan, Basildon and neighbouring local authorities towards and including Southend-on-Sea are heavily reliant, for vehicle movements, on the A127.

The A127 has reached its capacity, and this is causing daily problems for both domestic users and businesses in the Borough. The current situation is frequently reported in the local Press and acknowledged in Basildon Council’s draft Local Plan.

The capacity of the A127 would require increasing on a massive scale to accommodate the increase in vehicle movements implied by the aggregate amount of development planned for the region in the next twenty years.

⁷³ Thurrock Council’s Local Pinch Point Fund Application Form submitted in 2013 for refurbishment of the A1014 (Manorway Road).

⁷⁴ *Thurrock Council Approves UK’s Largest Local Development Order* – Jonathan Warren www.localgov.co.uk 5th November 2013.

⁷⁵ As noted in the Plan.

⁷⁶ *A127 Corridor for Growth* – Essex County Council and Southend-on-Sea Borough Council, March 2014.

⁷⁷ Page 13.

The modest improvements to traffic flow that will result from the three junction improvements that are in the pipeline will do no more than maintain a stand-still position to offset the natural growth in traffic over the next few years. They will not deliver any net improvement.

Aspirations have been expressed by various local authorities about widening the A127 to three lanes each way. But there is no prospect of this happening:

- The A127 has been “on the verge of being widened” for the last twenty years.⁷⁸
- No financial commitment has been made, or is even in sight, for such a project.
- The amount of civil engineering and other work involved rules it out as a realistic possibility: at least 34 bridges and other structures would need to be demolished or altered, and a large number of businesses and other properties with frontages directly on the road would need to be dealt with.⁷⁹ The road also has a large number of junctions, which would need to be redesigned and rebuilt.
- The cost would be prohibitive. The current work to widen just 4 miles of the A13 at its approach to the M25 is estimated to cost £100 million, and that is a relatively straightforward project in civil engineering terms.
- Central funding will not be provided because the A127, not being classified as a strategic highway, is not a priority. In 2014, for example, when Essex County Council submitted a bid for nothing more than junction improvements, the Council was awarded only £25 million, having bid for more than three times that sum.
- Central funding for roads is in any case likely to dwindle as austerity measures bite. The existing programme of major road network projects for the foreseeable future has been published, and it does not include widening of the A127.
- The devolution bid by Basildon Council and neighbouring authorities, if accepted, will make no difference because it will only alter the control over a finite pot of finance. It will not make available more funding than would otherwise have been available for a given road network.

Railways – no significant scope for increasing capacity

Both of the London-Southend railway lines suffer from overcrowding and excessive journey times.⁸⁰ The reasons for this are the limited capacity of the two-track arrangement, insufficient rolling stock and the conflicting demands of commuter and freight services.⁸¹

The cost of laying parallel track in order to unblock this capacity constraint would be prohibitive, and this has been recognised at regional planning level.⁸²

No additional trains can be introduced because of capacity limitations west of West Ham, and the only improvements planned in the period up to 2043 are passenger train lengthening and passenger circulation improvements at Fenchurch Street Station, measures which will have only a modest impact.

The rail network would be unable to absorb the increase in passenger numbers generated by the 70,000 homes planned for the Basildon-Southend corridor.

⁷⁸ The Highways Agency proposed its widening in November 1995 but the proposal was rejected.

⁷⁹ *A127 Corridor for Growth*, Page 40.

⁸⁰ *A Planning and Transport Strategy for Thames Gateway South Essex*, page 6.

⁸¹ *Ibid.*

⁸² See the statement, on page 13 of *A Planning and Transport Strategy*, to the effect that improving the capacity of the strategic road and rail networks to fully accommodate forecast growth is unaffordable.

Hospitals – no scope whatever for increasing capacity

Basildon Hospital has now reached absolute capacity and is functioning well over recommended operating capacity. In January 2015 the hospital was 100% full for nine of the days and 99% full for all but one of the remaining days. It was operating well in excess of recommended capacity (i.e. 15% spare) for the entire period.⁸³

Southend Hospital cannot be utilised to take up Basildon's overload because it too is almost at absolute capacity and well over recommended capacity.

Both hospitals had been simultaneously on Black Alert in the period immediately preceding the preparation of this response.⁸⁴

Basildon Hospital has no long-term plan for expansion, the adjacent site that was available for physical enlargement has been sold for housing, and the prospect of major investment to increase capacity is bleak given the projected multi-billion pound funding deficit faced by the National Health Service.

Even with current patient numbers the provision of healthcare in Essex has been judged financially unsustainable by NHS England⁸⁵, and services will have to be amalgamated and cut back.

It follows that Basildon Hospital and Southend Hospital will be overwhelmed by the increased patient numbers generated by the 70,000 additional homes envisaged for South-East Essex as a whole and certainly would not be in a position to absorb the impact of a large-scale housing development (DHGV) on the Basildon boundary.

3.5 Fifth comment: the landscape assessment of the area south of the A127 is misguided

Section 9.9 of the Plan cites the Mid-Essex Landscape Character Assessment 2006, which identifies three types of landscape in the Borough – the predominant Wooded Farmland, the Roding Valley and the Fenland south of the A127.

The assessment of the Fenland displays both a lack of historical insight and a lack of familiarity with the area:

- The field patterns in the Fenland are described as “large” rather than “historic”. These are mediaeval field patterns and are of great rarity, being found only in South Essex and parts of Kent. (More detail is given in paragraph 2.2.11 above.)
- Only the Wooded Farmland and the Roding Valley are described as possessing areas of tranquility. The assessment of the Fenland fails to register places of the greatest tranquility such as Nightingale Lane, which takes the route of the Saxon road through the ancient woodland at Eastland Spring, and Footpath 68 (described under the heading “The western footpath” in paragraph 2.2.15 above.)
- The assessment of the Fenland fails to register the wealth of historic buildings concentrated in the area (see paragraph 2.2.11 above).
- The view to the south from the Fenland is described as a view to Tilbury, an industrial area. In fact the view extends beyond the Thames into rising land in Kent (see paragraph 2.2.2 above, and especially the photograph of the view to the South-West).

⁸³ *Breaking Point for Crowded Hospitals*, an article in *The Echo*, 25th February 2015.

⁸⁴ *The Echo* 6th January 2016.

⁸⁵ Essex Success Regime Progress Update 22nd January 2016.

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- The conclusion that the Fenland is only moderately sensitive to change is not supportable and is at odds with Basildon Council's assessment of the same landscape. Basildon Council, in its Green Belt Study⁸⁶, assessed it as "highly sensitive to change".

If the Authority had conducted its own landscape and Green Belt assessments it would have properly understood the area and not proposed it as an area for large-scale development.

⁸⁶ Assessment of Area 67.