

BRENTWOOD BOROUGH COUNCIL'S DRAFT LOCAL PLAN

PUBLIC CONSULTATION
ON PREFERRED SITE ALLOCATIONS
JANUARY 2018

**RESPONSE
FROM**

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SECTION ONE: COMMENTS ON THE OVERALL STRATEGY

I object to the overall strategy set out in the consultation document for the following reasons:

1. Excessive reliance on one uncertain site

The envisaged Local Plan is not robust because it places excessive reliance on one site, Dunton Hills Garden Village, which at best could not deliver homes in the timeframe expected and at worst could prove a completely unviable location.

The Authority allocates 30% of the Borough's housing target to Dunton Hills Garden Village, asserting that the development will deliver in years 5 - 15. Years 5 – 15 of the Plan period are 2018 to 2028. Given the lack of existing infrastructure it is wholly unrealistic to expect construction to begin straight away and the site to be fully built out in ten years' time. When the site was first proposed as Dunton Garden Suburb the Authority stated (in the consultation document) that it would take a minimum of 8 years before anything would happen on site.

Furthermore the site is affected by a large number of constraints, including a Major Accident Hazard Pipeline, pylons, a wind turbine, high flood-risk, ancient woodland, highest-ranked Green Belt value, a Historic Environment Zone, proximity to a Site of Special Scientific Interest, a wildlife connectivity corridor, listed buildings, poor road access and exceptionally high pollution levels. Several of these have the potential to rule out the development of Dunton Hills Garden Village altogether.

25% of the Borough's housing target has already been met. Of the 75% homes yet to be built (5,700 homes), Dunton Hills Garden Village represents 44%. In reality therefore almost half of the Authority's Plan, as far as housing is concerned, is reliant on one doubtful site.

2. Green Belt adjustment – absence of exceptional circumstances

The creation of Dunton Hills Garden Village and the development of certain other sites would require an alteration to the Borough's Green Belt boundary. The Authority has failed, in the consultation document, to put forward any exceptional circumstances justifying such an alteration. On the face of it, therefore, the envisaged Local Plan will not comply with s.83 of the National Planning Policy Framework.

3. Meeting OAN vs protecting Green Belt

From paragraph 31 and figure 4 of the consultation document it is clear that the Authority has made the assumption that it must meet its Objectively Assessed Need in full and that it must sacrifice a sufficient amount of Green Belt land to do so.

The Authority has failed to take account of s. 14 of the NPPF, which permits a planning authority to plan for less than its OAN where significant adverse impacts would outweigh the benefit of meeting OAN in full.

That these adverse impacts include harm to the Green Belt 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*.

Given the extreme harm that, according to the independent consultants appointed by the Authority, Dunton Hills Garden Village would cause to the Green Belt it would be contrary to the NPPF for the Authority to include Dunton Hills Garden Village in order to meet its OAN.

4. A12 corridor vs A127 corridor

The strategy focuses growth on the Borough's two transport corridors but fails to recognise that the A127 has no spare capacity whereas a major increase in capacity is planned for the A12.

40% of the new homes in the Plan period (but 54% of the yet-to-be-built homes) are allocated to the A127 corridor. 78% of new employment land is allocated to the A127 corridor.

The A127 is already operating at its capacity. Basildon Council and other local authorities along the A127 corridor have growth plans that will overburden the A127 corridor. Planned improvements to the A127 are limited to junction improvements. 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 and is due to be widened to three lanes in each direction between the M25 and Chelmsford, which will open up new areas for development and offer major scope for growth.

5. Crossrail

Strategy Objective 11 is stated to be "optimise the social and economic benefits of Crossrail", but the strategy fails to do this.

The Elizabeth Line is due to open fully in December 2019. At Shenfield it will run up to 12 trains per hour in each direction during peak hours, each train carrying up to 1,500 passengers. Crossrail will therefore bring additional peak-hour capacity of up to 18,000 passengers. Indeed the Borough's Vision Statement mentions "super connectivity to and from London via Crossrail".

But instead of concentrating growth to the north of the Borough in order to exploit this additional capacity, the Authority propose to site 40% of new housing (and 54% of yet-to-be-built housing) south of the A127, where the rail network is at capacity and cannot be improved.

6. Distribution of growth across Borough

The strategy is unbalanced in that it concentrates growth excessively at one particular point in the Borough. The Authority proposes to allocate 30% of the Authority's OAN (and 44% of the homes yet to be built) to the Dunton area. It proposes to allocate 78% of the Borough's new employment land to the small zone south of the A127.

Such a proposal is clumsy in the extreme and does not represent proper and thoughtful planning.

7. Distribution of Green Belt loss

The Plan is unbalanced in that it fails to distribute loss of Green Belt land evenly throughout the Borough. The Authority proposes the siting of 4,327 homes in the Borough's Green Belt. Of this total the Authority proposes to locate 58% in the Green Belt at Dunton. This extreme outcome, combined with the absence of Green Belt assessments at the time when the decision was made, 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.

8. Offloading burden to neighbouring borough

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 Authority plans to site 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 of Brentwood 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.

9. Infrastructure capacity in A127 corridor

The Borough of Basildon, which the Authority sees fit to exploit, already faces insurmountable infrastructure problems.

Even without Dunton Hills Garden Village and Brentwood Enterprise Park 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 town 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.

The London Gateway Port and its associated complex have yet to add most of the 27,000 daily vehicle movements that will in due course burden roads such as the A128 and the A127. Southend Airport is currently handling 620,000 passengers per year, but this figure is set to rise to 2 million passengers per year. 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.

The A127 has reached its capacity, and this is causing daily problems for both domestic users and businesses in the Borough. 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. 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. The cost of widening the road would be prohibitive, with at least 34 bridges and other structures that would need to be demolished or altered.

Both of the London-Southend railway lines suffer from overcrowding and excessive journey times. The cost of laying parallel track in order to unblock the capacity constraint would be prohibitive, and this has been recognised at regional planning level. (See the statement, on page 13 of *A Planning and Transport Strategy for Thames Gateway South Essex*, October 2013, to the effect that improving the capacity of the strategic road and rail networks to fully accommodate forecast growth is unaffordable.)

Basildon Hospital has now reached absolute capacity and is functioning well over recommended operating capacity (85%). Over the 2018 New Year period bed occupancy reached 100%. Southend Hospital cannot be utilised to take up Basildon's overload because it too is almost at absolute capacity and well over recommended capacity. Even with current patient numbers the provision of healthcare in Essex has been judged financially unsustainable by NHS England (Essex Success Regime Progress Update 22nd January 2016) 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 (Dunton Hills Garden Village) on the Basildon boundary.

The amount of additional infrastructure needed to absorb the scale of aggregate development in South Essex is not realistically achievable. In *A Planning and Transport Strategy for Thames Gateway South Essex* it was concluded that "*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 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.

10. Negligence claims against the Authority

Siting a major housing development, Dunton Hills Garden Village, next to an elderly Major Accident Hazard Pipeline and in an area of high air pollution creates the potential for multiple negligence claims against the Authority that would more than negate the economic gains that the Authority claims for its strategy.

In the case of the pipeline there is potential for major loss of life in the event of an explosion. Air pollution at the levels present at the Dunton Hills Garden Village site is widely accepted as a contributor to several diseases, primarily those affecting the heart and lungs and as a contributor to premature death. Dunton Hills Garden Village and Brentwood Enterprise Park would cause predictable and avoidable disease and early death among homeowners and their children in Dunton Hills Garden Village and would exacerbate the harm to existing residents of Dunton Wayletts and West Horndon.

The cost of meeting potential claims by future and existing residents, now that the Authority is on notice of the risk to life and harm to 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 problems because the authority knowingly ignored a risk to public health.

SECTION TWO: COMMENTS RELATING TO DUNTON HILLS GARDEN VILLAGE AND BRENTWOOD ENTERPRISE PARK

I object to the inclusion of Dunton Hills Garden Village and Brentwood Enterprise Park in the Authority's proposed Local Plan for the following reasons:

1. The most sensitive section of the Metropolitan Green Belt

Dunton Hills Garden Village, together with Brentwood Enterprise Park, East Horndon employment area and Codham Hall employment area, would further reduce the narrowest and most critical section of the Metropolitan Green Belt. At the point between Basildon and Upminster the MGB measures only 5 miles.

Dunton Hills Garden Village would effectively bridge the gap between Laindon and West Horndon. Brentwood Enterprise Park 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. Five miles is the accepted *nec plus infra*.

In paragraph 12.4 of his report the Inquiry Inspector for the "Tillingham Hall" scheme (a proposed large-scale development on a site slightly further west than Dunton Hills Garden Village but in the same narrow part of the Green Belt) 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"*.

Large scale developments in this narrow gap would cause extreme harm to the Metropolitan Green Belt. The following is an extract from the Secretary of State's letter of decision against the "Tillingham Hall" scheme: *"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."*

2. Most harmful Green Belt location in the Borough

An independent consultant, Crestwood Environmental, instructed by the Authority, carried out a Borough-wide Green Belt Assessment in 2016 and assessed the Dunton Hills Garden Village site as High, the highest of the 5 levels used. "High", in the assessment, signified that the area scored particularly well as to fulfilling the five recognised purposes of the Green Belt. Accordingly development would be particularly damaging to the Green Belt at the Dunton Hills Garden Village site.

Only 4% of the 203 sites assessed were judged High. In terms of harm to the Green Belt the Dunton Hills Garden Village site is therefore among the 4% worst places to develop in the Borough.

3. Coalescence of Southend with London

Developments at that point would promote the coalescence of Southend with London. Southend-on-Sea is separated to a degree from Basildon by farmland at North Benfleet and Bowers Gifford, but the only truly open expanse of countryside between Southend and Greater London is the gap between Basildon and Upminster.

The bridging of that gap by Dunton Hills Garden Village, Brentwood Enterprise Park, the East Horndon employment site and the Codham Hall employment site, combined with the existing significant settlement at West Horndon, 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.

4. Ribbon development

Dunton Hills Garden Village, the East Horndon employment site, Brentwood Enterprise Park and the Codham Hall employment site, would create a 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.

5. Weak Green Belt boundary

Interfering with the edges of the Green Belt as proposed would replace a strong Green Belt boundary with a weak one.

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 existing eastern boundary of the Green Belt gap between Basildon and Outer London is defined, from North to South, by the B148 (West Mayne), followed by the B1036, followed by the brow of the Dunton Hills. The three together form a more or less straight line from North to South. The line is recognisable visually and it is also logical, which means that it is both clear and likely to be permanent. The M25, being a motorway, forms a very strong, recognisable and visible western boundary to this Green Belt gap.

Dunton Hills Garden Village, the East Horndon employment area, Brentwood Enterprise Park and the Codham Hall employment area would effectively create a corridor of development between Basildon and Cranham. The effect would be to break up the longitudinal boundaries, leaving the Green Belt in the area with no identifiable boundary, to the East or West, at all.

6. The four characteristics justifying a Green Belt adjustment

Referring to the five purposes of the Green Belt, the Local Government Association Planning Advisory Service’s guide *Planning on the Doorstep: The Big Issues - Green Belt* 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 Dunton Hills Garden Village and Brentwood Enterprise Park sites fail to exhibit any of these characteristics. Characteristic 1: both developments would protrude from open countryside; neither site is partially enclosed by existing development. Characteristic 2: the landscape is flat, and the developments would be conspicuous. Characteristic 3: the gaps between the Dunton Hills Garden Village site and neighbouring settlements would be negligible - 200 metres from the most westerly houses in Dunton and 500 metres from West Horndon. Characteristic 4: the developments would replace the present strong boundaries with a non-existent boundary.

7. Major Accident Hazard Pipeline

The eastern edge of the proposed Dunton Hills Garden Village 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. In 2014 alone North America saw five major gas pipeline explosions.

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.

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

8. Poor air quality

The Dunton Hills Garden Village development would lie in an area of exceptionally poor air quality.

Dunton Hills lies in a basin whose air quality is affected by industry and heavy traffic in Thurrock. Thurrock Council recognises (on the Essex Air Quality Consortium website) that Thurrock has a serious air pollution problem. Thurrock is, for example, the fourth worst area in the country outside London for PM2.5s (data compiled by Defra and reported in May 2014). The Dunton Hills Garden Village 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.

Annual CO levels in the Dunton area are calculated by Defra (according to Defra's National Atmospheric Emissions Inventory) to be 297 tonnes/km². This is a harmful level. Annual NO₂ levels in the Dunton area are calculated by Defra to be 94 tonnes/km². This is a harmful level. Annual non-methane VOC levels in the Dunton area are calculated by Defra to be 91 tonnes/km². This is a harmful level. Annual PM₁₀ levels in the Dunton area are calculated by Defra 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 these four sources of air pollution.

The additional traffic generated by Dunton Hills Garden Village and Brentwood Enterprise Park, and especially the commercial vehicle movements to and from Brentwood Enterprise Park, would worsen an already dangerous local pollution problem.

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 NPPF.

9. Historic Environment Zone

The proposed Dunton Hills Garden Village site is a Historic Environment Zone. In the Essex Thames Gateway Historical Environment Characterisation Project 2007, Area 107_1 (the area of countryside between the A128 and Laindon) scores 3. This is the highest rating. This means that it is highly sensitive to medium to large-scale development.

In particular the eastern edge of the Dunton Hills Garden Village site would lie only 200 metres from the westernmost building in Dunton Wayletts, a historic settlement recorded in the Domesday Book. 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 Essex, and it is all the more important to preserve what testimony we have of the Saxon era in our County.

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). The rural setting and the paucity of modern housing standing between these buildings give the village a historical cohesion.

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.

A development on the scale proposed would overwhelm the area. The historic character of the area would be impaired, and the historic setting of Dunton Wayletts would be severely damaged.

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.

10. Listed buildings

The developments at Dunton Hills and East Horndon would ruin the setting of All Saints' Church East Horndon and harm the setting of several other listed buildings.

All Saints' Church overlooks the Dunton Hills Garden Village 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. On its website the Trust describe All Saints' as follows: *"This fascinating church is built of mellow red Tudor brick and stands in magnificent isolation with wide views to the Thames."* All Saints' is a Grade I listed building. 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.

Dunton Hills Garden Village and the East Horndon development would surround or be in close proximity to several other listed buildings, including “Dunton Hills”, East Horndon Hall, the Freman Monument (which, although not a building, is listed), St Mary’s Church and Dunton Hall. A modern housing and industrial development would be insensitive to the age and character of the listed buildings in and adjacent to the proposed Dunton Hills Garden Village and East Horndon sites and would create an aesthetically offensive setting for them.

11. Schooling

The numbers for Dunton Hills Garden Village would not justify schools at the site. At a Duty to Co-operate meeting between the Authority and Basildon Council and Essex County Council on 28th June 2017 Essex County Council indicated that the numbers for Dunton Hills Garden Village were only “borderline” to justify the proposed schools. That was at a time when Basildon Council was planning for 1,000 homes at Dunton on its side of the boundary and the concept agreed between the two councils was that one school would serve the new homes on both sides of the border. Now that Basildon Council’s intended allocation at Dunton has been reduced to 300, Dunton Hills Garden Village is unlikely to justify its own school. The transportation of children to schools in other settlements would lead to significant additional vehicle movements. In this respect Dunton Hills Garden Village is not a sustainable location.

12. Impact on road network

The local road network could not absorb the increase in vehicle movements.

The A128 is a heavily used single-carriageway road forming a link between the A13 and the A127. There are no plans to upgrade it. The only feasible access point for Dunton Hills Garden Village would be an unsatisfactory junction with the A128 handling an excessive volume of traffic. The junction on the opposite side of the A128 (feeding West Horndon) is overloaded at peak times. Neither the access road itself nor the A128 could adequately cope with the traffic from a 2,500-home development.

The A13 is 7 km away from the Dunton Hills Garden Village site, whereas the A127 is less than one km away. The A13, which is about to be upgraded in the area, has the greater capacity to take traffic originating from Dunton Hills Garden Village eastwards or westwards. The majority of motorists, however, will head for the closer A127, which is already operating at capacity and has no prospect of being upgraded in the Plan period.

As explained in 11 above the numbers for Dunton Hills Garden Village are unlikely to justify a new school on site. The transportation of children to schools in other settlements would lead to significant additional vehicle movements.

13. Site access

A 2,500-home at the Dunton Hills Garden Village site would be effectively inaccessible

The Dunton Hills Garden Village site would be inaccessible from the South because of the London-Southend railway line. An access road to the East would be impractical firstly because of the distance from the nearest road, Lower Dunton Road (which would in any case be incapable of handling the volume of traffic) and secondly because the new road would bisect a wildlife corridor.

Access from the north would need to be via a grade-separated junction with the A127. The presence of ancient woodland would make it difficult to construct such a junction. Furthermore the existing junctions at Dunton and the Halfway House are only two kilometres apart. It would not be possible to interpose a further junction without breaching national standards for minimum weaving-length.

The only remaining access option would be from the West. The western part of the site lies within Flood Zone 3. A report by consultants Odyssey Markides (February 2015) commented that providing an access road through flood zones 2 or 3 is costly both in terms of construction and maintenance and concluded that an access off the A128 was not a viable option.

An A128 access road into the northern half of the site is ruled out because it would cut through ancient woodland. The access point to the A128 would, even if the flooding constraints could be overcome, be limited to a one-kilometre stretch of the A128 further south. A development of 2,500 homes would sensibly require more than one access road, but it would not be practical to position more than one junction on such a short stretch of road.

14. Access to open space

The Dunton Hills Garden Village development would reduce much-needed public access to open space.

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. This varied and interesting stretch of countryside is visited by villagers and non-villagers alike.

Dunton Hills Garden Village 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.

Dunton Hills Garden Village represents a threat to open access and contravenes s74 of the NPPF.

15. Wildlife connectivity corridor

The open land between Dunton Wayletts and West Horndon forms an important wildlife connectivity corridor between Thorndon Country Park and Langdon Hills Country Park. Dunton Hills Garden Village, together with the East Horndon employment site, would cut into the corridor. The developments would interfere with the passage of wildlife between habitats at the two parks.

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

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 the southern leg of the ancient woodland at Eastlands Spring, the whole wood being a Local Wildlife Site. It includes Green Meadows, which is a Potential Local Wildlife Site. This PLoWS is recorded as requiring further survey work but having potential for significant reptile and invertebrate populations. The land is peppered with undisturbed reedbeds, which are likely to be habitats for numerous wildlife populations. An example is the pond adjacent to the southern end of Nightingale Lane.

16. Mardyke Valley – a valued landscape

The Dunton Hills Garden Village development would intrude into the Mardyke Valley, a valued landscape. 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.

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.

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 NPPF.

17. Thames Chase Community forest

The Dunton Hills Garden Village and Brentwood Enterprise Park developments would frustrate the objectives of the Thames Chase Community Forest.

The Mardyke Valley, in which the proposed Dunton Hills Garden Village and Brentwood Enterprise Park 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.

Dunton Hills Garden Village and Brentwood Enterprise Park would cut across the Mardyke Valley 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 Thames Chase Trust's Mission Statement includes: *“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.”*

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.

18. Ancient woodlands

The Dunton Hills Garden Village development would threaten ancient woodlands.

The corridor of land, running roughly North-South through the proposed Dunton Hills Garden Village site along the path of the Mardyke, is ancient woodland. It is the southern leg of the ancient woodland at Eastlands Spring, the whole wood being a Local Wildlife Site. The bridleway through this woodland, Nightingale Lane, is a place of unusual tranquility for this heavily populated area of the County and offers a beautiful and peaceful walk, cycle-ride or horse-ride through a window into the past. (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.)

The coppice a little to the north of the centre of the proposed Dunton Hills Garden Village site may also be ancient woodland.

Dunton Hills Garden Village would contravene Government policy on ancient woodland. Attention is drawn to the *Keepers of Time* policy statement, which is endorsed by Government in *Government Forestry and Woodlands Policy Statement* (Defra 2013). 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.”

Thus an ancient woodland is inseparable from the landscape of which it forms a part and a place 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 and accessible retreats to arboreal patches enclosed and crushed by modern housing and industrial development, flies in the face of Government policy.

Dunton Hills Garden Village would be contrary to government objectives on recreational purpose. One of the *Keepers of Time* policy’s strategic objectives is to:

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

Dunton Hills Garden Village would ruin the recreational experience of this, an ancient wood open to public access, and so would be contrary to national objectives.

The ancient woodland would be threatened by 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.”

Dunton Hills Garden Village would depend on Eastlands Spring, a tiny tributary to the Mardyke, to remove surface water from a 3-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 Dunton Hills Garden Village would contravene national policy on ancient woodlands.

19 Site of Special Scientific Interest

The proposed Dunton Hills Garden Village and East Horndon sites are in close proximity to the Site of Special Scientific Interest 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 consequently have an adverse impact on the SSSI.

Dunton Hills Garden Village and the East Horndon employment site would therefore contravene the second of the principles set out in s118 of the NPPF.

20. Flood risk

The centre of the Dunton Hills Garden Village 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 flooding.

The proposed Dunton Hills Garden Village development 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.

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. Dunton Hills Garden Village would remove much 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.

21. Land quality

The farmland forming the Dunton Hills Garden Village site is almost entirely in productive agricultural use or, in the case of the golf course, open-air recreational use.

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.

22. Aviation issues

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

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.

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* on 23rd July 2001 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.

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.

23. Impact on rural settlements

The Dunton Hills Garden Village site extends to the boundary with Basildon Council and would lie only about 200 metres away from the westernmost properties in Dunton Wayletts, a village of 250 homes. A development on the scale proposed would dominate this rural area and overwhelm the adjacent village.

The western boundary of the site is only about 500 metres from West Horndon. Whilst West Horndon is larger it would still be dominated by a development of the size of Dunton Hills Garden Village.

Dunton Hills Garden Village would place a disproportionate number of homes in an inappropriate rural area.

24. Metropolitan Green Belt - breaking the circle of open land

Breaking the circle of open land around London would be unlawful. Dunton Hills Garden Village would effectively bridge the gap between Basildon and West Horndon. Brentwood Enterprise Park would effectively bridge the gap between West Horndon and the M25. The circle of open land would thus be broken.

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:

- (1) 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.

- (2) Secondly, a Green Belt, once established, must not be removed (s79 of the NPPF, which names permanence as one of the two essential characteristics of a Green Belt).

As proposed Dunton Hills Garden Village cannot therefore lawfully proceed.

25. Decision-making process

The decision-making process leading to the selection of the Dunton Hills Garden Village site has been casual, arbitrary, disorganised and not based on proper evidence. Evidence gathered after the decision was made, which has highlighted the unsuitability of the site for development, has simply been ignored.

The Dunton Hills Garden Village concept has its roots in the ill-conceived Dunton Garden Suburb proposal in early 2015. It is obvious from the diagram of constraints on page 7 of the DGS consultation document that the Authority selected the site in ignorance of many of its constraints: nine constraints, including ancient woodland, a SSSI and a Major Accident Hazard Pipeline, had not been noticed.

By the time the western section of DGS emerged in the 2016 draft Local Plan as Dunton Hills Garden Village, no comparative Green Belt Studies had been carried out, no up-to-date Strategic Housing Land Availability Assessment was available for the Borough and there were numerous other gaps in the evidence base that should have informed the Authority's decision whether to include Dunton Hills Garden Village.

In the course of the public consultation on the 2016 draft Local Plan many questions were raised by this Association, by Basildon Council and by others about the viability of the site. It took two years for the Authority to respond to these (and other) questions by publishing a Consultation Statement. As the Consultation Statement was published at the same time as the current consultation it seems doubtful that any of these questions were taken into account when preparing the latest proposal. Indeed some of the issues are marked "TBC" (i.e. still to be considered).

Objective studies, when belatedly carried out, have disclosed the unsuitability of the Dunton Hills Garden Village site. The Green Belt study in particular has identified the site as one of the 4% worst sites in the Borough for harm to the Green Belt. Yet the Authority has continued to include the site in its plans.

Rashly the Authority has even moved to the masterplanning stage for Dunton Hills Garden Village without any basis for concluding that the site is viable.

The inclusion of Dunton Hills Garden Village as a major plank of the Authority's strategy has not been "justified" for the purposes of s182 of the NPPF, and so the proposed Local Plan is likely to be found unsound.

26. Authority's own Green Belt assessment of Brentwood Enterprise Park site

In 2012 a gas main contractor submitted a planning application (ESS/40/12/BRW) to the Minerals and Waste Authority for Essex and Southend for temporary use of a small part (measuring about 2 hectares) of Codham Hall Farm (south of the A127) as a materials, recycling and distribution facility.

The Authority commented:

"The temporary buildings, in addition to other plant and machinery on the site, detract from the openness of the Green Belt and it is considered that the proposal constitutes inappropriate development."

Yet the Authority is now proposing Brentwood Enterprise Park, occupying an area more than ten times greater, on the same site – a location on which it considers even small-scale, temporary development inappropriate for the Green Belt.