

**BRENTWOOD BOROUGH COUNCIL'S DRAFT LOCAL PLAN**

**PUBLIC CONSULTATION**  
**ON PREFERRED SITE ALLOCATIONS**  
**JANUARY 2018**

**RESPONSE**

**submitted by**

**DUNTON COMMUNITY ASSOCIATION**

**Dunton Community Association**

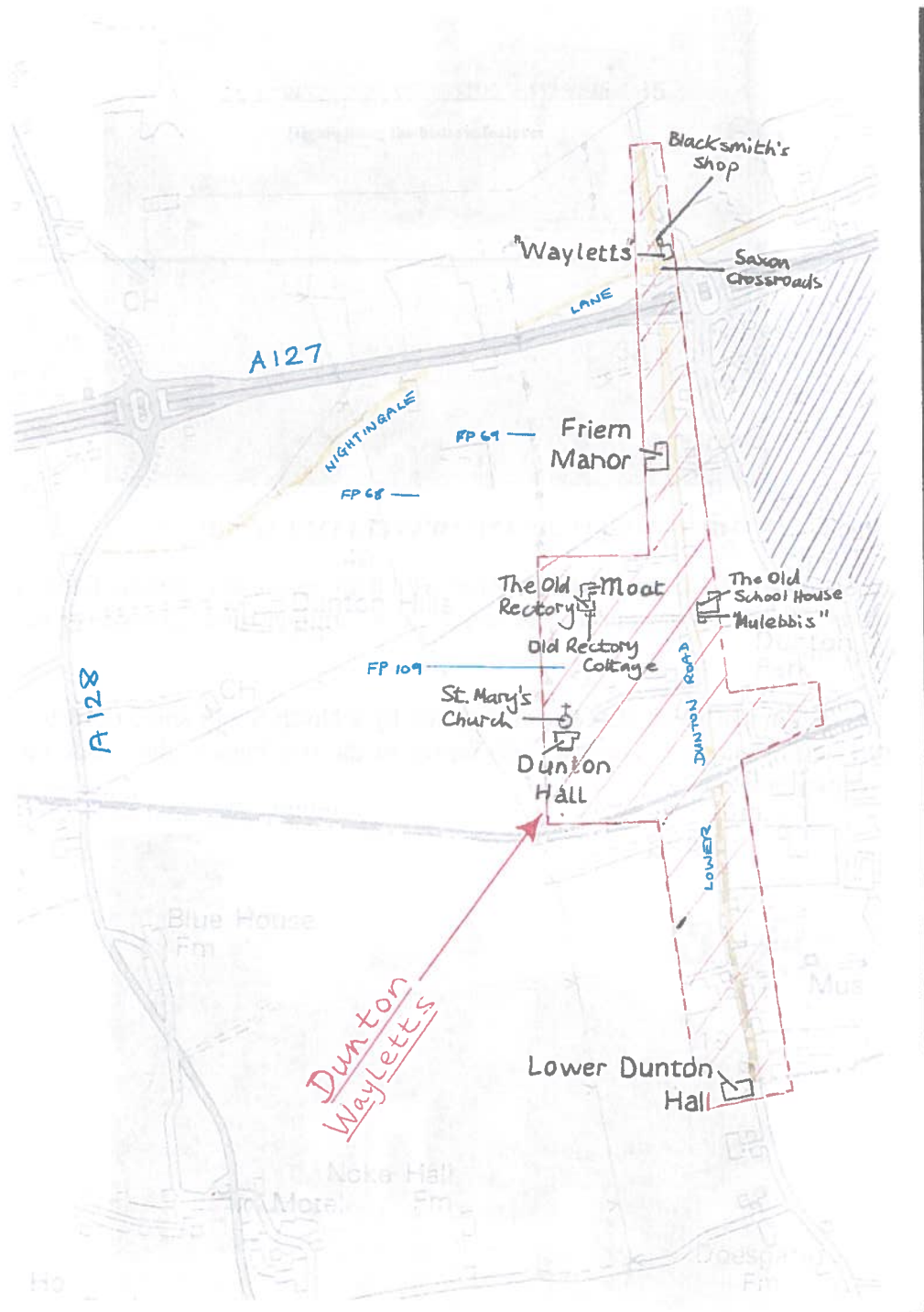
The Association was founded in 1977. Its purpose is to “promote the benefit of the inhabitants of Dunton ... by associating the local authorities, voluntary organisations and inhabitants in a common effort ... with the object of improving the conditions of life for the said inhabitants ...”

The Association is open to all residents of the village.



## SECTION ONE: 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 11<sup>th</sup> 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 Welete.

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.



## **SECTION TWO: COMMENTS ON THE OVERALL STRATEGY**

Dunton Community Association objects to the overall strategy set out in the consultation document for the following reasons:

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

The Authority allocate 30% of the Borough's housing target to Dunton Hills Garden Village ("DHGV"), 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<sup>1</sup>:

If approved, any development is likely to take a minimum of 8 years before anything would happen on site.

Furthermore the DHGV 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 ("SSSI"), 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 DHGV altogether.

The summary for site 200 (i.e. DHGV) in Part 2 of the consultation document identifies the site constraints vaguely as "various constraints", and the Authority appears to be unaware of the number and severity of the constraints affecting DHGV.

25% of the Borough's housing target has already been met. Of the 75% homes yet to be built (5,700 homes), DHGV 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. The creation of DHGV and the development of certain other sites would require an alteration to the Borough's Green Belt boundary. The Authority has failed to put forward any exceptional circumstances justifying such an alteration.**

S. 83 of the National Planning Policy Framework ("NPPF") permits the alteration of a Green Belt boundary in exceptional circumstances only. The consultation document does not put forward any exceptional circumstances that might justify such an alteration. (The only reference to exceptional circumstances is made in relation to traveller sites). On the face of it, therefore, the envisaged Local Plan will not comply with the NPPF.

- 3. The Authority has misconstrued government policy concerning the balance between meeting housing need and preserving critical portions of 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 ("OAN") in full and that it must sacrifice a sufficient amount of Green Belt land to do so.

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<sup>1</sup> On page 8 of the Dunton Garden Suburb consultation document.

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*. In that press release the Secretary of State wrote:

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 .....

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

**4. 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.<sup>2</sup> 78% of new employment land is allocated to the A127 corridor.<sup>3</sup>

In a Duty to Co-operate meeting on 28<sup>th</sup> June 2017<sup>4</sup> with Basildon Council and Essex County Council the Authority were asked how DHGV had come to be an option. The Authority’s reply was that existing settlements had been looked at and that the A12 acts as a “severe limiting factor to the North at any scale”.

The Authority’s strategy overlooks the fact that there is no current or anticipated spare traffic capacity on the A127, whereas significant additional capacity is planned for the A12 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.

<sup>2</sup> DHGV (2,500 homes) plus West Horndon (580 homes) = 3,080 homes, which is 40% of the OAN of 7,600.

<sup>3</sup> DHGV (employment area 5.5 ha.), plus Brentwood Enterprise Park (25.85 ha.) plus East Horndon Hall (5.5 ha.) equals a total of 36.85 ha.

<sup>4</sup> See minutes of that meeting.



**5. The strategy fails to exploit Crossrail’s capacity to accommodate growth in the north of the Borough.**

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.

It is telling that, whilst optimising the benefits of Crossrail is mentioned as an objective, not one reference is made to Crossrail in the substantive part of the consultation document.

**6. The strategy is unbalanced in that it concentrates growth excessively at one particular point in the Borough.**

The Authority propose to allocate 30% of the Authority’s OAN (and 44% of the homes yet to be built) to the Dunton area. They propose 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. The Plan is unbalanced in that it fails to distribute loss of Green Belt land evenly throughout the Borough.**

The Authority propose 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. 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 plan 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.

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

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

**9.1 Even without DHGV 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 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.

The London Gateway Port and its associated complex, which Thurrock Council acknowledge “will have a significant impact on transport networks in both Essex and Thurrock”<sup>5</sup>, are only 7 years into their 15 - 20 year completion programme. They have yet to add most of the 27,000 daily vehicle movements<sup>6</sup> 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. The additional 1,380,000 passengers will, apart from a very small number living within 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 described by Essex County Council and Southend-on-Sea Borough Council as a “key employment area with a major focus on growth in the TGSE area and heavily reliant on the A127”.<sup>7</sup>

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.

**9.2 The infrastructure in South Essex is incapable of improving to match forecast growth**

The degree of infrastructure needed to absorb the scale of aggregate development in South Essex 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 2013<sup>8</sup>.

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.

<sup>5</sup> Thurrock Council’s Local Pinch Point Fund Application Form submitted in 2013 for refurbishment of the A1014 (Manorway Road).

<sup>6</sup> *Thurrock Council Approves UK’s Largest Local Development Order* – Jonathan Warren [www.localgov.co.uk](http://www.localgov.co.uk) 5<sup>th</sup> November 2013.

<sup>7</sup> *A127 Corridor for Growth* – Essex County Council and Southend-on-Sea Borough Council, March 2014.

<sup>8</sup> Page 13.

### **9.3 Roads: there is no significant scope for increasing the capacity of the road network**

As is recognised in Basildon Council's last-published draft of its 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.

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.<sup>9</sup>
- 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.<sup>10</sup> The road also has a large number of junctions, which would need to be redesigned and rebuilt.
- The cost would be prohibitive.<sup>11</sup> 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.
- The existing programme of major road network projects for the foreseeable future has been published, and it does not include widening of the A127.

### **9.4 Railways: there is no significant scope for increasing the capacity of the rail links**

Both of the London-Southend railway lines suffer from overcrowding and excessive journey times.<sup>12</sup> 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.<sup>13</sup>

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.<sup>14</sup>

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<sup>9</sup> The Highways Agency proposed its widening in November 1995 but the proposal was rejected.

<sup>10</sup> *A127 Corridor for Growth*, Page 40.

<sup>11</sup> The recent work to widen just 4 miles of the A13 at its approach to the M25 was estimated to cost £100 million, and that was a relatively straightforward project in civil engineering terms.

<sup>12</sup> *A Planning and Transport Strategy for Thames Gateway South Essex*, page 6.

<sup>13</sup> *Ibid.*

<sup>14</sup> 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.

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

**9.5 Hospitals: there is no scope whatever for increasing the capacity of the local hospitals**

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.

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 England<sup>15</sup>, 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.

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

***Pipeline risk***

The risks associated with the pipeline are detailed in paragraph 1.7 of Section Three below. In the case of the pipeline there is potential for major loss of life in the event of an explosion.

***Pollution risk***

The exceptionally poor air quality in the Dunton Hills area is described in detail in paragraph 1.8 of Section Three. 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 Brentwood Enterprise Park 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 and West Horndon.

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<sup>15</sup> Essex Success Regime Progress Update 22<sup>nd</sup> January 2016.

*The potential for negligence claims*

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<sup>16</sup> because the authority knowingly ignored a risk to public health<sup>17</sup>.

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<sup>16</sup> Essentially lead-poisoning.

<sup>17</sup> 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.



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

Dunton Community Association objects to the inclusion of DHGV and Brentwood Enterprise Park in The Authority's proposed Local Plan for the following reasons:

1. **The Dunton area is an unsuitable location for large-scale development because:**
  - DHGV, 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;
  - of the potential Green Belt development sites in the Borough the DHGV site has been professionally assessed as one of the most harmful to the Green Belt and least suitable for development;
  - developments at that point would promote the coalescence of Southend with London;
  - the series of developments proposed would constitute ribbon development;
  - interfering with the edges of the Green Belt as proposed would replace a strong Green Belt boundary with a weak one;
  - the area does not exhibit any of the four characteristics that indicate potential suitability for Green Belt boundary adjustment;
  - the DHGV development would be adjacent to a Major Accident Hazard Pipeline;
  - the DHGV development would lie in an area of exceptionally poor air quality;
  - the proposed DHGV site is a Historic Environment Zone, meaning that it is highly sensitive to medium to large-scale development;
  - 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;
  - the numbers for DHGV would not justify schools at the site, and so the site is not sustainable;
  - the local road network could not absorb the increase in vehicle movements;
  - A 2,500-home development at the DHGV site would be effectively inaccessible;
  - the DHGV development would reduce much-needed public access to open space;
  - the DHGV development would bisect an important wildlife connectivity corridor;
  - the DHGV development would intrude into the Mardyke Valley, a valued landscape;

- the DHGV and Brentwood Enterprise Park developments would frustrate the objectives of the Thames Chase Community Forest;
- the DHGV development would threaten ancient woodlands;
- the DHGV development would be unacceptably close to a SSSI;
- the DHGV development would lie in a high-risk flood zone;
- the land at Dunton Hills is in good productive agricultural use;
- the Dunton area is required to be left undeveloped for aviation purposes;
- a development on the scale proposed would dominate this rural area and overwhelm the adjacent villages.

These issues are examined in more detail in paragraphs 1.1 to 1.23 below.

### **1.1 DHGV, 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**

#### ***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 decision<sup>18</sup> 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.

#### ***It would breach the 5-mile minimum***

DHGV 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. 5 miles is the accepted *nec plus infra*.

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<sup>18</sup> Paragraph 5 of the letter dated 17<sup>th</sup> 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.



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 and Brentwood Enterprise Park, be remembered for having dealt the fatal blow to Abercrombie’s visionary system.

## **1.2 Of the potential Green Belt development sites in the Borough the DHGV site has been professionally assessed as one of the most harmful to the Green Belt and least suitable for development**

An independent consultant, Crestwood Environmental, **instructed by the Authority**, carried out a Borough-wide Green Belt Assessment in 2016 and assessed the DHGV 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 DHGV site.

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

## **1.3 Developments 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 Gifford<sup>19</sup>, 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, 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. The fact that the gaps would not be completely closed is not the point: it is the perception of merging that matters.<sup>20</sup>

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<sup>19</sup> A gap which itself is at risk of being reduced to negligible width by Basildon’s Policy H13.

<sup>20</sup> Paragraph 5.6.2 of Basildon Council’s Green Belt Study.

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 axis<sup>21</sup>.

The Secretary of State, in accepting the Inspector’s recommendation to dismiss the developers’ appeal, agreed with that finding.<sup>22</sup>

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

#### **1.4 The series of developments proposed 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, 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.

#### **1.5 Interfering with 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 boundaries*

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 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 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.

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<sup>21</sup> Paragraph 12.6 of the Inspector’s report dated 6<sup>th</sup> 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.

<sup>22</sup> Paragraph 5 of the Secretary of State’s above-mentioned letter of decision.

The weak proposed boundary

DHGV, 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.

It must be remembered that the boundaries of the new developments themselves cannot be “physical features” for the purposes of s85 (otherwise all developments would satisfy s85 and s85 would serve no purpose). The Authority acknowledged this at a Duty to Co-operate Workshop with Basildon and Thurrock Councils on 7<sup>th</sup> December 2016.<sup>23</sup>

Conclusion

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

**1.6 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 and Brentwood Enterprise Park sites fail to exhibit any of these characteristics: -

They would not be infill.

On the contrary, both developments would protrude from open countryside. Neither site is partially enclosed by existing development.

They would not be well contained by the landscape.

The land is flat, and the developments would be conspicuous.

DHGV would cause very great harm to the distinctness of West Horndon and Dunton Waylets.

The gaps between the DHGV site and neighbouring settlements would be negligible: 200 metres from the most westerly houses in Dunton and 500 metres from West Horndon.

They would create a weak boundary.

See paragraph 1.5 above.

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<sup>23</sup> See minutes of that meeting.

### 1.7 The DHGV 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.<sup>24</sup> In 2014 alone North America saw five major gas pipeline explosions.<sup>25</sup>

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.

### 1.8 The DHGV development would lie in an area of exceptionally poor air quality

#### Pollution in the Thurrock basin

Dunton Hills lies in a basin whose air quality is affected by industry and heavy traffic in Thurrock. Thurrock Council recognises<sup>26</sup> that Thurrock has a serious air pollution problem. Thurrock is, for example, the fourth worst area in the country outside London for PM2.5s.<sup>27</sup>

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.

#### Carbon monoxide levels

Annual CO levels in the Dunton area are calculated by Defra<sup>28</sup> to be 297 tonnes/km<sup>2</sup>. This is a harmful level. The Dunton area is one of the two worst locations in the Borough of Basildon for carbon monoxide pollution.

#### Oxides of nitrogen levels

Annual NO<sub>2</sub> levels in the Dunton area are calculated by Defra<sup>29</sup> to be 94 tonnes/km<sup>2</sup>. 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.

<sup>24</sup> Health and Safety Executive website.

<sup>25</sup> Otterburne (January), Knifely (February), Tioga (February), Fremont (March) and Warren (May).

<sup>26</sup> Essex Air Quality Consortium website.

<sup>27</sup> Data compiled by Defra and reported in May 2014.

<sup>28</sup> Defra's National Atmospheric Emissions Inventory.

<sup>29</sup> *Ibid.*

### Volatile Organic Compound levels

Annual non-methane VOC levels in the Dunton area are calculated by Defra<sup>30</sup> to be 91 tonnes/km<sup>2</sup>. This is a harmful level. With other locations adjacent to the A127 the Dunton area is among the worst locations in the area for VOC pollution.

### Particulate matter levels

Annual PM10 levels in the Dunton area are calculated by Defra<sup>31</sup> to be 9.6 tonnes/km<sup>2</sup>. 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.

### Problem compounded by proposed additional development

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

The congestion produced by the excessive growth planned generally 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.

### Siting of DHGV is 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 NPPF<sup>32</sup>.

## **1.9 The proposed DHGV site is a Historic Environment Zone, meaning that it is highly sensitive to medium to large-scale development.**

The proposed DHGV 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.

The Association summarises below the contribution made by Dunton Wayletts to the historical importance of the area:-

### Heritage value: the only remaining village retaining Saxon linear shape

Eve Francis, in an article in *Essex Countryside*<sup>33</sup>, 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.

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<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> 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 ..."

<sup>33</sup> *Essex Countryside* April 1969.

Dunton Wayletts was an important trading village in Saxon times. Its importance lay in its position at a crossroads. These crossroads, or “wayletts”<sup>34</sup> 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.<sup>35</sup>

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<sup>36</sup>, and it is all the more important to preserve what testimony we have of the Saxon era in our County.

*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.

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**

<sup>34</sup> From the Anglo-Saxon “weylete”, meaning a place where ways meet.

<sup>35</sup> Historical information from *Portrait of Dunton* - Ivy Titchen and Sheila Mountford 1988.

<sup>36</sup> *Essex in History* Kenneth Neale, 1997 – Chapter Two: The East Saxons, pages 26 - 27.

(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 19<sup>th</sup> century until 1980.

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

*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 Canterbury<sup>37</sup>.



**ST. MARY'S CHURCH**

The route appears to have been taken by pilgrims who stopped at Billericay<sup>38</sup>. 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.<sup>39</sup>

<sup>37</sup> *Essex Countryside* April 1969.

<sup>38</sup> 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.

<sup>39</sup> Research conducted by a resident, drawing especially on evidence at [cliffehistory.co.uk](http://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.<sup>40</sup> 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”.<sup>41</sup> 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.

*Effect of DHGV*

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.

**1.10 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*

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 follows<sup>42</sup>:

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.

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<sup>40</sup> *Portrait of Dunton op. cit.*

<sup>41</sup> *Municipal Journal* 1904 (article reproduced in *Portrait of Dunton*).

<sup>42</sup> The Churches Conservation Trust website - [www.visitchurches.org.uk](http://www.visitchurches.org.uk)





**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.

All Saints' is a Grade I listed building.

*Other Listed buildings affected*

DHGV 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<sup>43</sup> (which, although not a building, is listed)<sup>44</sup>, St Mary's Church and Dunton Hall.



**EAST HORNDON HALL**

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<sup>43</sup> This small enclosed monument stands in the graveyard of All Saints' Church.

<sup>44</sup> The 17<sup>th</sup> 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*, 12<sup>th</sup> November 2010).

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 and East Horndon sites and would create an aesthetically offensive setting for them.

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 - and that the same requirement applies to listed buildings of all grades.

**1.11 The numbers for DHGV would not justify schools at the site, and so the site is not sustainable**  
At a Duty to Co-operate meeting between the Authority and Basildon Council and Essex County Council on 28th June 2017<sup>45</sup> Essex County Council indicated that the numbers for DHGV 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, DHGV 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 DHGV is not a sustainable location.

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

Impact on A128

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 DHGV (see 1.13 below) 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.

Impact on A127

The A13 is 7 km away from the DHGV 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 DHGV 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.

No schools on DHGV site

As explained in 1.11 above the numbers for DHGV 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.

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 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.

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<sup>45</sup> See minutes of that meeting.

### **1.13 A 2,500-home at the DHGV site would be effectively inaccessible**

#### *Access from the South or East*

The DHGV 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 (A127)*

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.

#### *Access from the West (A128)*

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<sup>46</sup> commented that providing an access road through flood zones 2 or 3 is costly both in terms of construction and maintenance and does not usually represent a viable access strategy and concluded:

The potential for an access off the A128 has been explored. However, it has been concluded that this is 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.

### **1.14 The DHGV 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<sup>47</sup> 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. 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.<sup>48</sup>

DHGV 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.

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<sup>46</sup> *Representation about Dunton Garden Suburb Consultation* February 2015, Report No. 13-158-08B.

<sup>47</sup> Footpaths 109, 69 and 68 (south of the A127) and 61 (north of the A127).

<sup>48</sup> Letter dated 1<sup>st</sup> 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.

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 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.

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

### **1. 15 The DHGV development would bisect an important wildlife connectivity corridor**

#### Wildlife connectivity corridor

The open land between Dunton Waylets and West Horndon forms a wildlife connectivity corridor between Thorndon Country Park and Langdon Hills Country Park. DHGV, 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.<sup>49</sup>

The disruption of a coherent ecological network is directly contrary to s109 of the NPPF<sup>50</sup>.

#### Area of high ecological sensitivity

The open land between Dunton Waylets 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<sup>51</sup>.
- It includes Green Meadows, which is a Potential Local Wildlife Site<sup>52</sup>. This PLoWS is recorded as requiring further survey work but having potential for significant reptile and invertebrate populations.<sup>53</sup>
- 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.

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<sup>49</sup> See Essex Wildlife Trust’s conclusion, reported in *The Echo* 26<sup>th</sup> 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.)

<sup>50</sup> 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 ... “

<sup>51</sup> I.e. Brentwood LoWS 134.

<sup>52</sup> I.e. Brentwood PLoWS 11.

<sup>53</sup> Brentwood Borough *Local Wildlife Sites Review* 2012.



**POND AT NIGHTINGALE LANE**

**1.16 The DHGV 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 Waylets, 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.

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”.<sup>54</sup>

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<sup>55</sup>.

**1.17 The DHGV and Brentwood Enterprise Park developments would frustrate the objectives of the Thames Chase Community Forest**

The Mardyke Valley, in which the proposed DHGV 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.

<sup>54</sup> Local press report a copy of which is in the possession of the Association but whose date cannot be ascertained.

<sup>55</sup> Which provides: “The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes ...”

DHGV 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.

### **1.18 The DHGV development would threaten ancient woodlands**

#### *The middle of the site is ancient woodland*

The corridor of land, running roughly North-South through the proposed DHGV site along the path of the Mardyke, is ancient woodland.<sup>56</sup> It is the southern leg of the ancient woodland at Eastlands Spring, the whole wood being a Local Wildlife Site<sup>57</sup>.

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<sup>58</sup>.



**NIGHTINGALE LANE**

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.

<sup>56</sup> Brentwood Borough *Local Wildlife Sites Review* 2012.

<sup>57</sup> I.e. Brentwood LoWS 134.

<sup>58</sup> 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.

DHGV would contravene Government policy on ancient woodland

Attention is drawn to the *Keepers of Time* policy statement endorsed<sup>59</sup> 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.

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.

DHGV 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.

DHGV 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.

DHGV 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 though the Mardyke would threaten the ancient wood. In this respect too DHGV would contravene national policy on ancient woodlands.

**1.19 The DHGV development would be unacceptably close to an SSSI**

The proposed DHGV and East Horndon 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 the East Horndon employment site would therefore contravene the second of the principles set out in s118 of the NPPF.

**1.20 The DHGV development would lie in a high-risk flood zone**

A high-risk area

The centre of the DHGV 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<sup>60</sup>.

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.<sup>61</sup>

<sup>59</sup> In *Government Forestry and Woodlands Policy Statement* - Defra 2013.

<sup>60</sup> Environment Agency's Flood Map for Planning – interactive view: *Risk of Flooding from Surface Water*.

Duty to direct development away from areas of highest risk

The proposed DHGV 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.<sup>62</sup>

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 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.

**1.21 The land at Dunton Hills is in good productive agricultural use**

The farmland forming the DHGV 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.

**1.22 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*<sup>63</sup> 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.

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<sup>61</sup> Little Malgraves Farm planning application (Thurrock Council 14/00990/FULL): Protect Lower Dunton Road Action Group's letter of objection 2<sup>nd</sup> October 2014.

<sup>62</sup> Which provides "Inappropriate development in areas of flooding should be avoided by directing development away from areas at highest risk."

<sup>63</sup> *The Guardian* 23<sup>rd</sup> July 2001.



**1.23 A development on the scale proposed would dominate this rural area and overwhelm the adjacent villages.**

The DHGV 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 DHGV.

DHGV would place a disproportionate number of homes in an inappropriate rural area.

**2. Breaking the circle of open land around London would be unlawful**

DHGV 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.<sup>64</sup>

As proposed DHGV cannot therefore lawfully proceed.

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<sup>64</sup> S79 of the NPPF, which names permanence as one of the two essential characteristics of a Green Belt.

3. **The decision-making process leading to the selection of the DHGV 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 DHGV concept has its roots in the ill-conceived Dunton Garden Suburb (“DGS”) 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<sup>65</sup>, including ancient woodland, a SSSI and a Major Accident Hazard Pipeline, had not been noticed. According to Basildon Council<sup>66</sup> the DGS document was put together in just three weeks.

By the time the western section of DGS emerged in the 2016 draft Local Plan as DHGV, 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 DHGV.

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 DHGV 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 DHGV without any basis for concluding that the site is viable.

The inclusion of DHGV as a major plank of the Authority’s strategy has not been “justified” for the purposes of s182 of the NPPF<sup>67</sup>, and so the proposed Local Plan is likely to be found unsound.

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<sup>65</sup> The Major Accident Hazard Pipeline running North/South through the site was not noted. The ancient woodland in the northern part of the site was not noted (only the section north of the A127 was shown). The Local Wildlife Site in the northern part of the site was not noted. The Potential Local Wildlife Site was not noted. Footpath 68 was not noted. Nightingale Lane, the byway following the ancient route between Dunton Wayletts and West Horndon, was not noted. Thorndon Park, although marked, was not noted as a SSSI. The A127 was shown as part of the Strategic Transport Network, but it has for years been an ordinary A road under the responsibility of (at that point in its route) the County Council. The Authority even failed to note the site of the wind turbine yet to be constructed but for which the Authority itself had given planning permission

<sup>66</sup> In a meeting between Basildon Council, Essex County Council and the Authority on 5<sup>th</sup> June 2017.

<sup>67</sup> Which requires it to have been considered against the reasonable alternatives and based on proportionate evidence.

4. **The Authority deemed the erection of temporary buildings on a small part of Codham Hall Farm (south of the A127) as inappropriate development in the Green Belt and yet is proposing Brentwood Enterprise Park on the same site occupying about ten times the area.**

In response to a planning application<sup>68</sup> for temporary use of a small part (measuring about 2 hectares) of the site now proposed for Brentwood Enterprise Park 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.

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

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<sup>68</sup> Application ESS/40/12/BRW submitted in 2012 by a gas main contractor to the Minerals and Waste Authority for Essex and Southend.

