

## **BRENTWOOD LOCAL PLAN**

### **REGULATION 19 CONSULTATION REPOSE**

#### **ON BEHALF OF**

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#### **BLACKMORE, HOOK END & WYATTS GREEN PARISH COUNCIL BLACKMORE VILLAGE HERITAGE ASSOCIATION**

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1. This joint representation is made on behalf of:
  - 1.1. The Blackmore, Hook End and Wyatts Green Parish Council ('the Parish Council');
  - and
  - 1.2. The Blackmore Village Heritage Association ('BVHA')

#### Introduction

2. The Parish Council is a statutory consultee and represents 350 households in Blackmore village (population of only 943) included in a total population of 2,561 within the wider Parish with its three distinct separate settlements. This figure does not include the many households in neighbouring villages who rely on Blackmore's facilities.
3. BVHA is an unincorporated, not for profit, organisation and has in excess of 150 active members but its newsletters are distributed to over 1,000 households.
4. Both the Parish Council and BVHA strongly oppose the proposed allocation of Sites R25 (Land north of Woollard Way, Blackmore) and R26 (Land north of Orchard Piece, Blackmore) for housing development. The proposed allocation is for "around 40 new homes" at R25 and for "around 30 new homes" at R26.
5. They say that the proposed allocations R25 and R26 are contrary to both National and Local Policies.

6. In simple terms the Parish Council's and BVHA's case is as follows:
  - 6.1. Brentwood Borough Council has failed to demonstrate that the required housing need cannot be met on existing previously developed land/sites in existing urban areas or by increasing densities on proposed allocated sites.
  - 6.2. Without prejudice to the above contention, if no such sites exist, that Brentwood Borough Council has failed to demonstrate there are no or insufficient previously developed sites available outside the existing urban areas.
  - 6.3. In any event, there are greenfield sites available (for example adjoining existing urban areas) in preferable and more sustainable locations.
  - 6.4. Moreover, R25 and R26 are inherently unsuitable developments because of (1) inadequate access, (2) flooding, (3) it will result in disproportionate increase in the housing stock, and, (4) the development would not be sustainable.
7. The Parish Council and BVHA also take issue with the proposed allocation of Blackmore as a Category 3 settlement within the Local Plan Settlement Hierarchy (see pages 21-25 of the Regulation 19 Draft Local Plan).
8. Accordingly, the Parish Council and BVHA submit that the Local Plan, with proposed allocations R25 and R26 and the allocation of Blackmore as a "larger village", is unsound in that it has not been positively prepared, is not justified, is not effective nor consistent with the National Planning Policy Framework (February 2019 edition) ('the NPPF').

### Background

9. Blackmore is currently a village of approximately 350 dwellings which are home to 943 people (according to the Electoral Register). The proposal to add "around 70 homes" will add approximately 25% to the existing village housing stock. The proportionate increase to the village population would likely be greater by virtue of the number of current dwellings being occupied by two or less villagers. Outside of the LDP, housing stock is also increasing through normal planning processes both within Brentwood Borough Council and our neighbouring Epping Forest Council which will impact upon Blackmore village.
10. Blackmore is a picturesque village and surrounded by countryside. The Village Green has ponds at its eastern end. There is a village shop including post office, Primary School, two village halls, a sports and social club, tennis courts, football and cricket

pitches, and a flood-lit Multi-Use Games Arena. All of these facilities are at capacity use. The village has three pubs: The Prince Albert, The Bull, and The Leather Bottle. In addition to the Anglican parish Church there is a Baptist Church in the village. However, Blackmore has a very limited bus service and is thus remote. It is over 6 miles from the centre of Brentwood and thus the villagers of Blackmore are reliant on the motor car.

11. The village School is at capacity and local residents are having to send children to neighbouring schools. There is limited scope for expansion. It is socially undesirable for some village children to be able to attend the village school and others to be "shipped out". This social harm (i.e. lack of cohesion) would be exacerbated if more resident village children had to be "shipped out" to another school.
12. In respect of employment opportunities within Blackmore these are limited and, of those of working age nearly all, if not all, commute out of the village. That commute takes place, if not exclusively, almost exclusively by private motor car. Such further evidences that Blackmore is an unsustainable location for new development.
13. Both R25 and R26 are on the Northern Boundary of the village of Blackmore. Both are bordered (to the north) by Redrose Lane, a rare extant example of a "plague detour route". Redrose Lane is narrow and with limited passing space for two motor cars. Vehicles larger than a car (i.e. Transit van and above) cannot pass without one, or the other, stopping (see Appendix One). Development of 70 dwellings would undoubtedly result in a significant number of vehicular movements – in the order of 600 to 700 per day - and, without suitable improvements (which would erode the character of Redrose Lane), cause harm.
14. Both R25 and R26 are in the Green Belt. Both are on land classified as "very good" agricultural land. Both sites have ecological value and, more importantly, local residents have reported sightings of bats, owls and newts at, or in the vicinity of, R25 and R26 (See Appendix Two).
15. Whilst the Environmental Agency classifies both sites within Flood Zone 1, both R25 and R26 have flooded historically – and both have an identified flood risk (see Appendix Three).
16. The BVHA undertook a survey in July 2018 of local residents and visitors to the Village. The BVHA survey confirms that residents are opposed to the proposed allocation of R25 and R26. Of the responses received from village residents, over

300, 98% were strongly opposed to the allocation of sites R25 and R26. It should be noted that the response numbers (over 300 adult residents in the village) was extremely good and evidences the strength of local feeling. It also outlines the engagement of the local Community.

#### Issues concerning Consultation and Consistency

17. It is a maxim that "good planning is consistent planning".
18. The Current Local Plan (the Brentwood Replacement Local Plan) dates to 2005 and tightly controls development in the Green Belt. Thus, development on R25 and R26 is contrary to the current Local Plan policies absent "very special circumstances".
19. In a 2014 site assessment document, which was and is part of the current emerging local plan process, sites R25 and R26 were discounted as they did not meet the (then) draft Local Plan spatial strategy.
20. It is not clear why this assessment has changed – indeed, the constraints surrounding site R25 and R26 remain unchanged.
21. More recently, in the Council's (Regulation 18) 2016 draft Local Plan, it was stated that "*No amendment is proposed to the Green Belt boundaries surrounding larger villages [Blackmore is defined as a larger village] in order to retain the character of the Borough in line with the spatial strategy*" (para 5.33). That spatial strategy seeking, insofar as it was necessary to do so, "*limited release of Green Belt land for development within transport corridors, in strategic locations to deliver self-sustaining communities with accompanying local services, and urban extensions with clear defensible physical boundaries*". So even though Brentwood Borough Council had identified a potential need for release of Green Belt land, no suitable land was identified in Blackmore.
22. There has therefore been a significant shift of policy; namely from a position of no development at R25 and R26 to now seeking to allocate these sites for residential development. The Parish Council and BVHA say that the change in position is inconsistent and wrong for reasons more fully set out below.
23. The Parish Council and BVHA also wish to record that the Council's planning Team, represented by a Strategic Director and three other Senior Officers, confirmed at a public meeting on 31 January 2019 that Blackmore's allocation was a result of

property developers promoting the development of land on which their companies held options. The Parish Council and BVHA take the view that, not only would the proposed allocation of R25 and R26 appear to be “developer-led” rather than planned, it shows a lack of thorough and appropriate research, and understanding of the unique character and circumstances of Blackmore. The Parish Council and BVHA further take the view that developer pressure is not a good and sufficient reason for Brentwood Borough Council to abdicate its duty to promote a sound, and consistent, Development Plan.

### Evidence Base

24. Paragraph 31 NPPF provides that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.
25. Part of the evidence is the “Sustainability Appraisal (SA) of the Brentwood Local Plan – SA Report – January 2019” (‘the SA’). The SA tells us that a number of sustainability ‘topics’ inform the framework for assessing the sustainability of the site. Flooding is one of those topics (see Table 3.1 of the SA).
26. Risk of flooding is important to any sustainability appraisal not only because the NPPF and emerging policy NE06 seek to direct development away from areas of highest risk of flooding but also because flooding can put lives and property at risk. It is therefore surprising that, for all bar 21 potential sites, the SA does not consider flood risk in assessing sustainability.
27. The Level 1 Strategic Flood Risk Assessment does assess risk however and identifies a medium risk of surface water flooding for Redrose Lane (Table A4b) with Site R26 being potentially vulnerable to climate change and with a 1 in 100 annual probability of surface water flooding (Table A6b). The findings appear at odds with the fact that Sites R25 and R26 are lower than Redrose Lane and thus, one may expect, may be more vulnerable to flooding than higher land (i.e. Redrose Lane). Indeed, these sites have consistently flooded as evidenced by the photographs in Appendix Two.
28. There are, of course, documents supporting housing need. However, there is no evidence of local housing need for Blackmore, or any other villages. Whilst the Parish Council and BVHA accept that there may be some demand for housing any such demand should be properly evidenced with any housing allocation proportionate and ensuring that houses are being built in the right places.

## Sustainable Development

29. It is a core planning principle that plans should be prepared with the objective of contributing to the achievement of sustainable development (para 16(a) NPPF). Paragraph 8 NPPF outlines three objectives that the planning system should strive to meet.
30. The proposed allocation of sites R25 and R26 meets none of these objectives in that:
- 30.1. Economic objective – any contribution arising from the construction of new dwellings will be short-lived. There are no, or extremely limited, employment opportunities within Blackmore and the likelihood of new residents driving a demand for new services within the village would appear, at best, limited. In short, any economic benefits are short-term.
  - 30.2. Social objective – services in Blackmore are limited and the primary school is at capacity sending additional village children to school elsewhere will further erode social cohesion.
  - 30.3. Environmental objective – occupiers of sites R25 and R26 would undoubtedly be reliant on private motor cars. The sites are at risk of flooding (surface water at least) and require the release of high-grade agricultural land in the Green Belt. Redrose Lane is narrow and infrastructure works would be required to make necessary improvements which would harm the character of this area but may also result in the loss of historic hedges and important habitats.
31. There are other sites which are in far more sustainable locations which should be allocated in preference. Indeed, the SA identifies a number of sites (n.b. no scoring for flood risk) with better scores than sites R25 and R26, good examples being in Shenfield, Mountnessing, Pilgrims Hatch, Ingatestone and Brentwood such as, but not limited to, sites 038A, 253, 277B, 297, 218B, 053B, 189, 318, 288B, 153, 280, 024A and 130.
32. Furthermore, development in less sustainable locations, such as R25 and R26, before more sustainable locations, should be avoided.

## Green Belt

33. Sites R25 and R26 are in the Green Belt. The Government attaches great importance to Green Belts (per para 133 NPPF). The Green Belt serves five purposes (para 134

NPPF) which includes safeguarding the countryside from encroachment, preserving the character of historic towns and assisting in urban regeneration.

34. The NPPF further confirms that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified (para 136 NPPF). Meeting an assessed housing need is not an exceptional circumstance. No other exceptional circumstances are put forward by Brentwood Borough Council.

35. Regardless, the NPPF is clear in that before concluding that exceptional circumstances exist to justify changing Green Belt boundaries Brentwood Borough Council should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified housing need (para 137 NPPF). In this respect the Parish Council and BVHA say:

35.1. There is no evidence that increasing densities elsewhere negates the need for the release of Green Belt land at sites R25 and R26. It should be remembered that the proposed Green Belt release, per Figure 4.2, only 123 of those homes are to be provided in the "larger villages" such as Blackmore which accounts for 1.5% of the total housing need (which includes a 20% buffer). This is a very modest contribution to housing supply which, the Parish Council and BVHA say, could easily be met by considering all other reasonable alternatives.

35.2. There are brownfield sites which should be identified, considered and used in preference.

35.3. There are also urban sites that should be used in preference, or alternatively, sites in more sustainable locations (i.e. close(r) to urban areas).

35.4. The village of Stondon Massey has actively sought new development within its boundaries. The same may be true of other villages within the Borough. Such "localised" development may reduce or negate the need for sites R25 and/or R26.

36. In consequence of the above, the Parish Council and BVHA say that Brentwood Borough Council has not demonstrated that it fully evidenced and justified a need to alter Green Belt boundaries nor that it has examined fully all other reasonable alternatives before doing so.

37. Further to the above, the notes to draft policy SP02 confirm that growth is prioritised *"based on brownfield land and land in urban areas first; and only then brownfield land in Green Belt areas where deemed appropriate"* (para 4.22). The inclusion of R25 and R26 runs contrary to this – both being greenfield land in the Green Belt.

Whilst SP02 itself talks of the need to direct development to “*highly accessible locations*” – sites R25 and R26 are in a rural area with poor transport links and limited accessibility. The inclusion of R25 and R26 thus conflicts with policy SP02.

#### A Settlement Category 3 village?

38. As above the Parish Council and BVHA say that Blackmore should be classed as a Settlement Category 4 village and not the higher Category 3. They say this because:

38.1. There is no local shopping parade but, instead, one Co-Op Store (with Post Office), a hairdressers and a coffee shop;

38.2. It does not have a health facility – the nearest Doctor’s surgery is in Doddinghurst (which is ~3 miles away and on roads not suitable for walking); and

38.3. There are no, or very few, local jobs. Of those of working age nearly all commute out of the village.

39. Accordingly, some of the key attributes of a Category 3 settlement are, in Blackmore’s case, missing. As a more general point the population of Blackmore is modest and a considerable margin less than that of Doddinghurst and Kelvedon Hatch which are also classified as Category 3 settlements.

40. Further, of the Category 3 settlements it is only Blackmore (sites R25 and R26) and Kelvedon Hatch (sites R23 and R24) that it is proposed to allocate sites for housing/development. Kelvedon Hatch is in the order of 2.5 times larger (by population) than Blackmore – however its proposed housing allocation (total of ~53) is less, by approximately 25%, than that proposed for Blackmore.

41. This is in contrast to the larger Category 3 settlements of Doddinghurst and Ingrave which have no proposed allocation for housing. Indeed, no allocation is proposed for the other Category 3 settlements of Herongate and Mountnessing.

42. Simply put, the Parish Council and BVHA say that the classification of, and proposed housing allocation in, Blackmore is incorrect.

#### Other

43. The Parish Council and BVHA support the strategy within the plan. Indeed, in the main they recognise and support the policies within the draft plan. However, they take issue with allocations of sites R25 and R26; not only for the reasons above but



when considered against the policy which Brentwood Borough Council are promoting. For example, sites R25 and R26 perform poorly against, or conflict with, draft policies SP01, SP02, SP03, NE01, NE09, BE12, BE13 and BE45. This is notwithstanding the case that, in applying the NPPF, the Parish Council and BVHA say that development should be directed elsewhere in preference to sites R25 and R26.

44. The Parish Council and BVHA also take issue with the fact that of the 123 net homes allocated for "larger villages" 70, or approximately 56% of the total allocation, are met by these two sites. Thus, a disproportionately large amount of the allocation is from sites R25 and R26.

45. The above is notwithstanding the Parish Council and BVHA's primary contention that sites R25 and R26, but possibly all proposed sites on Green Belt Land in larger villages (i.e. settlement category 3), can and should be removed from the Plan.

46. The evidence of working with adjoining planning authorities is limited with a general statement that "*adjacent planning authorities [have] confirmed that they [are] unwilling and unable to take any of the Brentwood identified housing need*". The Parish Council and BVHA invite Brentwood Borough Council to more fully disclose the extent and nature of discussions that have been held with neighbouring authorities.

#### Summary/Conclusion

47. The Parish Council and BVHA represent the residents of Blackmore village – an overwhelming majority of whom are opposed to the inclusion of sites R25 and R26.

48. Sites R25 and R26 are in the Green Belt. There are no exceptional circumstances justifying their removal from the Green Belt. There is no evidence to demonstrate that all other reasonable alternatives have been explored – those alternatives including increasing densities or brownfield land and land in more urban/sustainable locations. The removal of sites R25 and R26 from the Green Belt is contrary to both local and national planning policies.

49. Development on R25 and R26 has historically been discounted, most recently as 2016. There is no change in local circumstances justifying development on sites R25 and R26 now.

50. Sites R25 and R26 are in an unsustainable location served by a constrained access (Redrose Lane) and with an identified risk of flooding. The development of R25 and R26 does not represent sustainable development.
51. The restricted access that Redrose Lane affords is inconsistent with Brentwood Borough Council's removal of Honey Pot Lane from the LDP on grounds of restricted access. At the Extraordinary Brentwood Council Meeting of 8<sup>th</sup> November a site known as Honey Pot Lane, included in the Plan since inception, was withdrawn. This allocation, designed to include social and low-cost housing within 500m of the Town Centre, was removed due to the narrowness of a small section of the road access that created a 'pinch-point', despite being bordered by open land providing opportunity for road widening. Unlike the continuously narrow and unpaved Redrose Lane, Honey Pot Lane enjoys a double-width carriageway for all but a short section and is split between 20mph and 30mph limits. Redrose Lane, where the national speed limit applies, is posted with weight restriction warning; whereas Honey Pot Lane is not.
52. There is no evidence of a need for housing in the village of Blackmore. If there is a need then it has not been quantified by reference to number of type/size of property. Regardless, the proposed allocation accounts for a disproportionately large amount of development in "larger villages" within the Borough (i.e. >50% of the proposed Green Belt release in larger villages comes from Blackmore alone).
53. The plan is not sound with the inclusion of sites R25 and R26. The inclusion of sites R25 and R26 cannot be justified owing to the absence of proportionate evidence and a failure to assess all reasonable alternatives. The inclusion of these sites is contrary to national policy, particularly with regards to sustainable development and Green Belt land policies within the NPPF.
54. The Parish Council and BVHA believe that the change in approach, i.e. in seeking to allocate R25 and R26 now, is a result of developer pressure rather than a true assessment of the planning merit (or lack of) of sites R25 and R26 for residential development.
55. Brentwood Borough Council should amend the plan to retain R25 and R26 as Green Belt and not allocate them for housing.

**HOLMES & HILLS LLP**

**Dated 18 March 2019**