

BRENTWOOD COUNCIL'S PUBLICATION LOCAL PLAN

REGULATION 19 CONSULTATION

**REPRESENTATIONS MADE BY
DUNTON COMMUNITY ASSOCIATION**

Contact details

This response is submitted on behalf of the Association by:

Mr. Edward Paul Cowen

Capacity

Mr. Cowen is the chairman of the Association.

Number of persons represented

157 (the number of members of the Association)

Authorisation

Residents' views about the emerging Local Plan and its impact on the village of Dunton have been gathered at Annual General Meetings of the Association.

Oral hearings

The Association does not wish to participate in the oral hearings of the Inspection.

Requests to be notified

Pursuant to Regulations 24, 25 and 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 the Association requests to be notified of:-

- (1) the submission of the Local Plan to the Secretary of State for independent examination
- (2) the publication of the recommendations of the person appointed to carry out the examination; and
- (3) the adoption of the Local Plan by the Authority.

The notifications should be sent to Cowen@elbornes.com

PART ONE – BACKGROUND INFORMATION

1. Dunton Wayletts: History and character

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 (at the south-western corner of the Basildon Borough boundary).

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.



CROSSROADS AND “WAYLETTS” FARMHOUSE

The village consists of about 80 fixed properties, most of which are residential, although the village is home to a small number of businesses which are in the main engaged in farming, rural activities or services dependent on a rural setting. On the eastern edge of the village lies Dunton Park, a licensed park home site containing about 170 residential park homes.

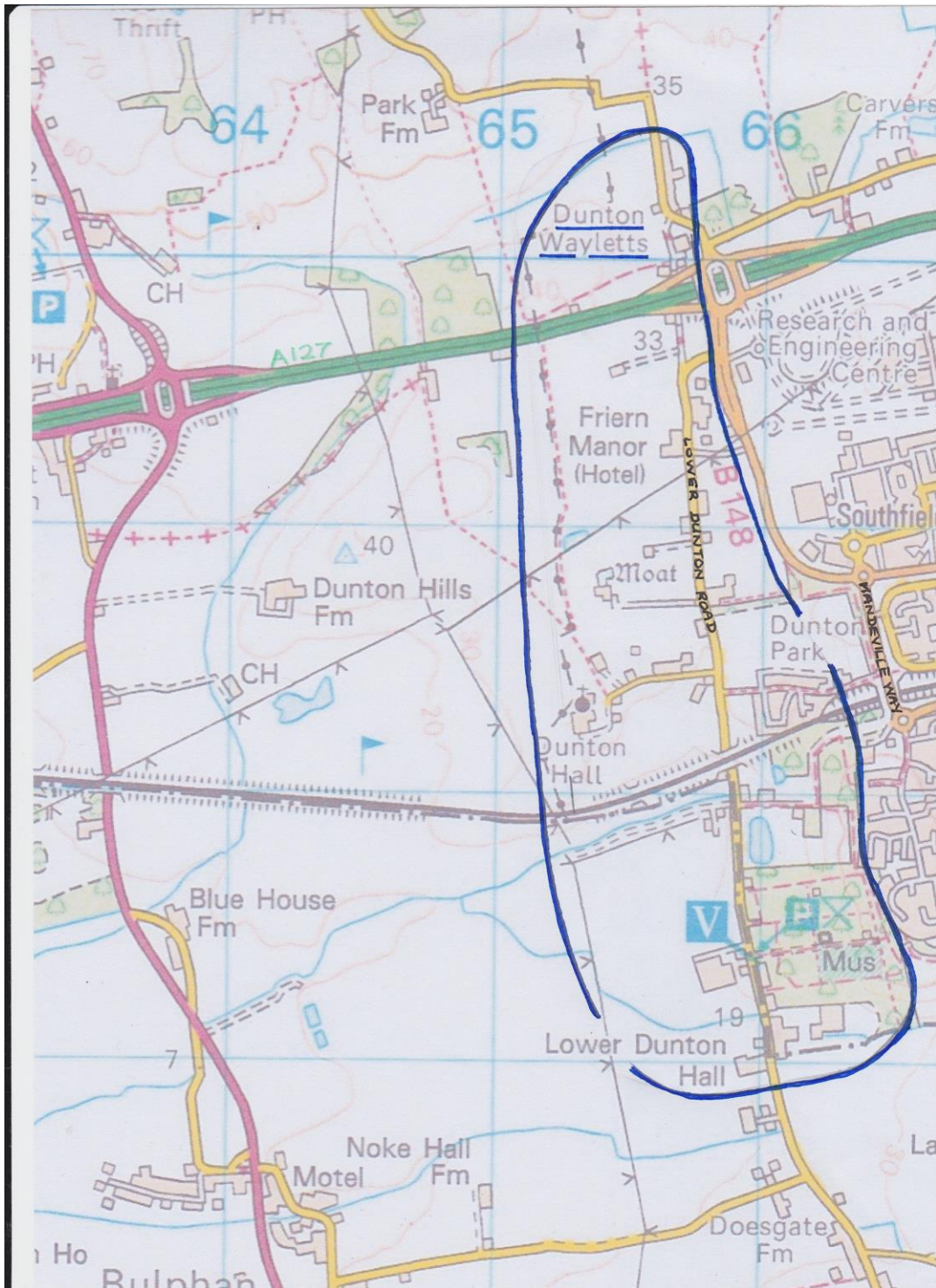
Visually Dunton’s coherence is established by a north-south spine of historic buildings, two of which (Friern Manor and Dunton Hall) represent the two manors that made up the parish from the 11th Century onwards.

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 two wedding venues.

2. Map of the village



3. Sources of potential confusion

Two names for the same settlement

The settlement is known as both Dunton and Dunton Wayletts. The two names are interchangeable, both having a very long history.

A single settlement intersected by a major highway

Three things have come together to create the impression that there are two settlements at Dunton, one called Dunton Wayletts and the other called Dunton Village. Firstly the settlement was bisected in the early 20th Century by the Southend Arterial Road (A127). Secondly most maps, including Ordnance Survey maps, display the name of the settlement as Dunton Wayletts and position the name north of the A127. Thirdly place-name plates installed at the entrance points to the southern section of the village were erroneously inscribed with “Dunton Village” instead of “Dunton Wayletts”.

The correct position is that there remains a single village at this point.

Not part of Laindon

Dunton is sometimes treated in planning documents as though it were an outlying part of Laindon.

On the contrary it is, historically and in practice, a separate settlement that was not absorbed into the New Town of Basildon. It remains a village inset in the Green Belt.

Ford Dunton

The Ford Research Centre on the A127 is confusingly known as Ford Dunton but is in fact in Laindon. Dunton Wayletts was the nearest settlement when the Research Centre was established in 1967, but Laindon has since expanded westwards and absorbed the site.

4. Relationship with the Borough of Brentwood

Dunton Wayletts lies just outside the boundary of the Borough of Brentwood. Its westernmost properties (St. Mary’s Church and Dunton Hall) abut the boundary. Consequently decisions made by the Authority can have a substantial impact on the village.

PART TWO – REPRESENTATIONS

A. Representations relating to Section 03: Spatial Strategy – Overarching Aims

Representation 1

Basis

This representation relates to SOUNDNESS.

Test not met

In the following respect the Plan is NOT JUSTIFIED.

Summary

The spatial 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.

Explanation

35% of the new homes in the Plan period (but 44% of the Allocation Total ⁱ) are allocated to the A127 corridor. 78% of new employment land ⁱⁱ is allocated to the A127 corridor.

In a Duty to Co-operate meeting on 28th June 2017 ⁱⁱⁱ with Basildon Council and Essex County Council the Authority was asked how Dunton Hills Garden Village (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, Castle Point Council, Rochford Council and Southend-on-Sea Council 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.

Modifications proposed

In order to make the Plan justified DHGV, Brentwood Enterprise Park and the East Horndon employment site should be removed from the Plan, and provision for housing and employment growth should be made in the north of the Borough.

B. Representations relating to Section 03: Spatial Strategy – Vision and Strategic Objectives

Representation 1

Basis

This representation relates to LEGAL COMPLIANCE.

Summary

The strategy is unreasonable and disproportionate in that it concentrates growth excessively at one particular point in the Borough.

Explanation

As mentioned in Section A, Representation 1, The Authority proposes to allocate 44% of the Allocation Total of homes and 78% of the Borough's new employment land to the small zone south of the A127. That zone amounts to just 5% of the land area of the Borough.

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

An authority has a legal duty to act in a reasonable and proportionate manner. Such an unbalanced strategy is neither reasonable nor proportionate and so is unlawful.

Modifications proposed

In order to make the Plan legally compliant Dunton Hills Garden Village, Brentwood Enterprise Park and the East Horndon employment site should be removed from the Plan, and provision for housing and employment growth should be distributed in a proportionate fashion across the Borough.

Representation 2

Basis

This representation relates to SOUNDNESS.

Test not met

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

The Plan concentrates the loss of Green Belt land at one point in the Borough. This decision was based on a preconception and not on evidence.

Explanation

The Authority proposes the siting of 4,281 homes in the Borough's Green Belt. Of this total the Authority proposes to locate 63% in the Green Belt south of the A127. Yet the area south of the A127 represents just 5% of the land area of the Borough. This extreme outcome, combined with the absence of Green Belt assessments at the time when the decision was made, indicates 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.

In paragraph 3.21 of the Plan a comparison between the wording of sub-paragraphs (a) and (b) lays bare the preconception that has driven the sacrifice of the Green Belt in the Dunton area. The preconception is that only brownfield sites may be developed in the northern part of the Borough, whereas any sites may be developed in the southern part. In fact the evidence, in the form of the Green Belt Assessment, shows the opposite: the Dunton area is one of the least appropriate areas in the Borough at which to sacrifice Green Belt land.

The claim in the opening words of Paragraph 3.21 that the conclusion was reached "through a process of sequential analysis and review of sites" is preposterous. The selection of Dunton Hills Garden Village occurred long before evidence was gathered. When the evidence belatedly disclosed the inappropriateness of the site it was disregarded.

Modifications proposed

In order to make the Plan justified and consistent with national policy it should be withdrawn and rewritten from scratch. Potential development sites should be selected objectively on the basis of the evidence that exists now and not on the prejudgement that a large area at the south of the Borough will be developed.

C. Representations relating to Section 05: Resilient Built Environment – Transport and Connectivity

Representation 1

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT JUSTIFIED.

Summary

The strategy fails to exploit the Elizabeth Line’s capacity to accommodate growth in the north of the Borough.

Explanation

Many references are made in the “Transport and Connectivity” section of the Plan to maximising the benefits of the Elizabeth Line, but the strategy fails to do this.

The Elizabeth Line will at Shenfield run up to 12 trains per hour in each direction during peak hours, each train carrying up to 1,500 passengers. The Line will therefore bring additional peak-hour capacity of up to 18,000 passengers.

But instead of concentrating growth to the north of the Borough in order to exploit this additional capacity, the Authority proposes to site the majority of its new housing need south of the A127, where the rail network is at capacity and cannot be improved.

The key to this irrational planning policy can be found in the subjective approach (referred to in Representation 2 of Section B) evident in Paragraph 3.21 of the Plan. That paragraph contains a very obvious prejudgement that only brownfield development would be acceptable near Brentwood, whereas any development would be acceptable at the southern extremity of the Borough.

Modifications proposed

In order to make the Plan justified it should be withdrawn and rewritten from scratch, concentrating growth on the A12 corridor.

Representation 2

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT JUSTIFIED.

Summary

The proposal to site a “garden community” adjacent to the London-Southend line and not the Elizabeth Line is inconsistent with the strategy set out in the Statement of Common Ground to which the Authority is a signatory.

Explanation

In the *South Essex Joint Strategic Plan: Statement of Common Ground*, June 2018^{iv}, local authorities including the Authority recognise the potential for new garden communities; they note that the opportunities that they offer for the sub-region are dependent on significant investment in road and rail infrastructure; and they conclude that the opening of the Elizabeth Line offers major advantages in terms of connectivity to the new garden communities.

Against this background it is irrational for the Authority to propose in its Plan a garden community linked not to the Elizabeth Line but to the London-Southend line, which is at capacity.

Modifications proposed

In order to make the Plan justified Dunton Hills Garden Village should be removed from the Plan, and housing growth redirected to other areas of the Borough. If a garden community is the most appropriate solution, then it should be linked to the Elizabeth Line.

D. Representations relating to Section 09: Site Allocations – Dunton Hills Garden Village

Representation 1

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT EFFECTIVE.

Summary

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

Explanation

DHGV was selected to meet the majority of the Borough's housing need within the Plan period and beyond (paragraph 5.90 of the Plan).

According to the Local Development Plan Housing Trajectory included as Appendix 1 to the Plan housing delivery would begin in 2022/23. Given the lack of existing infrastructure it is wholly unrealistic to expect construction to start in 3 - 4 years' time. When the site was first proposed as Dunton Garden Suburb the Authority stated, in the related consultation document:

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, 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.

In response to this, Policy R01, paragraph C, merely states:

Successful development of the site allocation will require ... proposals to creatively address the key site constraints.

The crucial question is whether those constraints can be overcome, and the Plan leaves that question unanswered.

The Authority has produced a Plan in which the delivery of the majority of its housing target is reliant on a single site, whose viability is in serious doubt. The Plan is, consequently, ineffective.

Modifications proposed

In order to make the Plan effective DHGV should be removed as a development site and the housing growth distributed to more viable sites in the Borough where the delivery of homes can be assured.

Representation 2

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT CONSISTENT WITH NATIONAL POLICY.

Summary

Dunton Hills Garden Village (DHGV), together with Brentwood Enterprise Park and the East Horndon employment area, would further reduce the narrowest and most critical section of the Metropolitan Green Belt.

Explanation

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^v 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.

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*.

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.

Modifications proposed

In order to make the Plan consistent with national policy DHGV, Brentwood Enterprise Park and the East Horndon employment site should be removed from the Plan, and the housing and employment growth reallocated to sites outside the 5-mile margin of open countryside between Basildon and Upminster.

Representation 3

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

Of the potential Green Belt development sites in the Borough the Dunton Hills Garden Village (DHGV) site has been professionally assessed as one of the most harmful to the Green Belt and least suitable for development.

Explanation

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.

Immediately to the south of the site the same corridor of open land runs into the Borough of Thurrock. In Thurrock Council's recent Green Belt assessment^{vi}, that corridor of land^{vii} was judged "fundamental". In that assessment (1) land categorised as "fundamental" in relation to the Green Belt is land where strategic level of development would conflict fundamentally with Green Belt purpose; and (2) continued inclusion of such land within the Green Belt is of fundamental importance.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV should be removed from the Plan, and housing growth should (to the extent the encroachment on the Green Belt is unavoidable) be redirected to sites assessed as having lower Green Belt value.

Representation 4

Basis

This representation relates to SOUNDNESS

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

Developments in the Dunton/West Horndon area would promote the coalescence of Southend with London.

Explanation

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, 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 Dunton Hills Garden Village (DHGV), Brentwood Enterprise Park and the East Horndon 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.

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.

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

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

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV, Brentwood Enterprise Park and the East Horndon employment site should be removed from the Plan, and the housing and employment growth reallocated to sites elsewhere in the Borough where they will not cause settlement coalescence.

Representation 5

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT CONSISTENT WITH NATIONAL POLICY.

Summary

Dunton Hills Garden Village (DHGV) together with the series of employment sites proposed on the A127 corridor would constitute ribbon development.

Explanation

The opening words of the section "Green Belt Debate: the Positive Case" in the Local Government Association's *Planning on the Doorstep: the Big Issues* 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 and Brentwood Enterprise Park 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.

Modifications proposed

In order to make the Plan consistent with national policy, DHGV, Brentwood Enterprise Park and the East Horndon employment site should be removed from the Plan, and the housing and employment growth reallocated to sites elsewhere in the Borough.

Representation 6

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT CONSISTENT WITH NATIONAL POLICY.

Summary

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

Explanation

Green Belts should have boundaries that are defined clearly using physical features that are readily recognisable and are likely to be permanent (paragraph 139(f) of the National Planning Policy Framework).

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.

Dunton Hills Garden Village (DHGV), the East Horndon employment area and Brentwood Enterprise Park 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 paragraph 139(f) (otherwise all developments would satisfy paragraph 139(f) and that paragraph would serve no purpose). The Authority acknowledged this at a Duty to Co-operate Workshop with Basildon and Thurrock Councils on 7th December 2016 ^{viii}.

Modifications proposed

In order to make the Plan consistent with national policy, DHGV, Brentwood Enterprise Park and the East Horndon employment site should be removed from the Plan, and the housing and employment growth reallocated to sites elsewhere in the Borough.

Representation 7

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT CONSISTENT WITH NATIONAL POLICY.

Summary

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

Explanation

Referring to the five purposes of the Green Belt, the Local Government Association's *Planning on the Doorstep: the Big Issues* states:

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

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

The Dunton Hills Garden Village (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 Wayletts.

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 Representation 6 above.

Modifications proposed

In order to make the Plan consistent with national policy, DHGV, Brentwood Enterprise Park and the East Horndon employment site should be removed from the Plan, the Green Belt boundary in the area between Basildon and the M25 should remain unchanged and the housing and employment growth reallocated to sites elsewhere in the Borough.

Representation 8

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT JUSTIFIED.

Summary

The Dunton Hills Garden Village (DHGV) development would be adjacent to a Major Accident Hazard Pipeline.

Explanation

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. In 2014 alone North America saw five major gas pipeline explosions.

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

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.

Modifications proposed

In order to make the Plan justified DHGV should be removed from the Plan, and housing growth directed to safer areas of the Borough.

Representation 9

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

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

Explanation

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

Annual CO levels in the Dunton area are calculated by Defra, in its National Atmospheric Emissions Inventory, to be 297 tonnes/km². This is a harmful level.

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

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

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

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.

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 paragraphs 170(e) and 180 of the National Planning Policy Framework.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV should be removed from the Plan, and housing growth reallocated to less polluted areas in the north of the Borough.

Representation 10

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

The proposed Dunton Hills Garden Village (DHGV) site is a Historic Environment Zone, meaning that it is highly sensitive to medium to large-scale development. DHGV would cause severe harm to that environment.

Explanation

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 three. This is the highest rating. It means that the area is highly sensitive to medium to large-scale development.

The DHGV development would in particular harm the character and setting of the historic village of Dunton Wayletts, two of whose listed buildings (St. Mary's Church and Dunton Hall) lie just 200 metres to the east of the DHGV site.

Eve Francis, in an article in *Essex Countryside* (April 1969), observes:

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

Dunton Wayletts was an important trading village in Saxon times. Its importance for trade lay in its position at a crossroads. This crossroads, or "wayletts", remains at the north of the village. Dunton Wayletts is a linear settlement that grew southwards in that era along what is now Lower Dunton Road because that road was the trading route to Horndon-on-the-Hill, already an important market town.

The history of Dunton Wayletts 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 (which has remnants of Saxon origin), Friern Manor, the moated site at The Old Rectory, Old Rectory Cottage, The Old Rectory, The Old School House, Mulebbis, St. Mary's Church (whose site has Saxon origins), Dunton Hall and Lower Dunton Hall.



DUNTON HALL

In terms of paragraph 140 of the National Planning Policy Framework (NPPF) the settlement contributes to the openness of the countryside separating Laindon from West Horndon, and the open countryside provides a historically appropriate setting for the village.

A modern development on the scale proposed and built to within a few hundred metres of the ancient village would destroy that setting.

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

Allocating the area between Laindon and the A128 for development is inconsistent with paragraph 185 of the NPPF.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV should be removed from the Plan, and housing growth re-allocated to areas of the Borough that are less historically sensitive.

Representation 11

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

The developments at Dunton Hills and East Horndon would ruin the setting of All Saints' Church East Horndon, a Grade I listed building.

Explanation

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

On its website the Trust describes All Saints' as follows:

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



ALL SAINTS' CHURCH

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

All Saints' is a Grade I listed building.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV and the East Horndon employment site should be removed from the Plan and housing and employment growth reallocated to less damaging areas of the Borough.

Representation 12

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

The developments at Dunton Hills and East Horndon would harm the setting of several Grade II listed buildings.

Explanation

Dunton Hills Garden Village and the East Horndon development would surround or be in close proximity to several listed buildings, including “Dunton Hills”, East Horndon Hall, the Freman Monument (which, although not a building, is listed), St Mary’s Church and Dunton Hall.



EAST HORNDON HALL

A modern housing and industrial development would be insensitive to the age and character of the listed buildings in and adjacent to the proposed 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 it should be noted 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.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV and the East Horndon employment site should be removed from the Plan, and housing and employment growth re-allocated to less damaging areas of the Borough.

Representation 13

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

The numbers for Dunton Hills Garden Village (DHGV) would not justify schools at the site, and so the site is not sustainable.

Explanation

At a Duty to Co-operate meeting between the Authority and Basildon Council and Essex County Council on 28th June 2017 ^{ix} 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 when 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.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV should be removed from the Plan and housing growth reallocated to sustainable sites within the Borough.

Representation 14

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT JUSTIFIED.

Summary

The local road network could not absorb the increase in vehicle movements resulting from Dunton Hills Garden Village (DHGV).

Explanation

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 Representation 15 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.

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.

As explained in Representation 13 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.

Modifications proposed

In order to make the Plan justified DHGV should be removed from the Plan and housing growth directed to areas of the Borough not reliant on the A127 or A128.

Representation 15

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT EFFECTIVE.

Summary

A 2,500-home development at the Dunton Hills Garden Village (DHGV) site would be effectively inaccessible.

Explanation

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^x 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.

Modifications proposed

In order to make the Plan effective DHGV should be removed from the Plan and the housing growth reallocated to sites within the Borough which are accessible for the size of development involved.

Representation 16

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH PUBLIC POLICY.

Summary

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

Explanation

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

This varied and interesting stretch of countryside is visited by villagers and non-villagers alike. Walkers in the nearby urban area have easy access to it via Colony Path and Church Road.

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.

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 paragraph 98 of the National Planning Policy Framework.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV should be removed from the Plan and housing growth reallocated to areas of the Borough where developments would not reduce access to open space or negate the value of such access.

Representation 17

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

The Dunton Hills Garden Village (DHGV) development would bisect an important wildlife connectivity corridor.

Explanation

The open land between Dunton Wayletts 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 (see Essex Wildlife Trust’s response^{xi} to the Authority’s Strategic Growth Options Report).

The disruption of a coherent ecological network is directly contrary to paragraph 174(a) of the National Planning Policy Framework (NPPF).

This area of open land is highly ecologically sensitive:

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

To allocate the ecologically sensitive Dunton area for development when there are less sensitive areas of the Borough available contravenes paragraph 174(a) of the NPPF.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV and the East Horndon employment site should be removed from the Plan, and housing and employment growth redirected to less ecologically sensitive areas of the Borough.

Representation 18

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

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

Explanation

The northern (south-flowing) tributary of the Mardyke runs through the DHGV 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.

The siting of a large-scale urban development in the Mardyke Valley would severely damage a valued landscape. In failing to protect and enhance a valued landscape the Authority is in contravention of paragraphs 127(c) and 170(a) of the National Planning Policy Framework.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV should be removed from the Plan, and growth redirected to some of the many areas of the Borough that are of no recognised landscape value.

Representation 19

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

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

Explanation

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.

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 paragraph 142 of the National Planning Policy Framework.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV and Brentwood Enterprise Park should be removed from the Plan, and housing and employment growth redirected to areas further north in the Borough and away from the Borough's only community forest.

Representation 20

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

The Dunton Hills Garden Village (DHGV) development would threaten ancient woodlands.

Explanation

The corridor of land, running roughly north-south through the proposed DHGV site along the path of the Mardyke, is ancient woodland. It is the southern leg of the ancient woodland at Eastlands Spring, the whole wood being a Local Wildlife Site. The 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.

The ministerial foreword to the *Keepers of Time* policy statement, endorsed by Government, confirms that 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 retreats to arboreal patches enclosed by modern development, flies in the face of Government policy.

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.

One of the threats to ancient woodlands highlighted by the policy 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 through the Mardyke would threaten the ancient wood. In this respect too DHGV would contravene national policy on ancient woodlands.

The Plan is accordingly inconsistent with paragraph 170(b) of the National Planning Policy Framework, and any planning application for the developments would have to be refused under paragraph 175(c) of the Framework.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV should be removed from the Plan and housing growth redirected to an area or areas of the Borough without ancient woodlands.

Representation 21

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

The Dunton Hills Garden Village (DHGV) development and the East Horndon employment site would be unacceptably close to a Site of Special Scientific Interest (SSSI).

Explanation

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.

The inclusion in the Plan of DHGV and the East Horndon employment site therefore contravenes paragraph 174(a) of the National Planning Policy Framework.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV and the East Horndon employment site should be removed from the Plan and growth redirected away from the SSSI at Thorndon Park.

Representation 22

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

The Dunton Hills Garden Village (DHGV) development would lie in a high-risk flood zone.

Explanation

The centre of the DGHV 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.

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.

To select this area of the Borough for a major development flies in the face of paragraph 155 of the National Planning Policy Framework.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV should be removed from the Plan and the housing growth redirected to some of the many areas of the Borough at low risk of flooding.

Representation 23

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT CONSISTENT WITH NATIONAL POLICY.

Summary

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

Explanation

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

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

Figures compiled by the airlines and reported in *The Guardian* (23rd July 2001) reveal that Britain has the most crowded airspace in Europe, with seven of the twelve worst traffic-control danger spots. The airspace over the above-mentioned open space was ranked the sixth most dangerous in Europe. In terms of public safety it would be imprudent to build housing in this location.

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

Dunton Hills Garden Village (DHGV) would impair public safety in contravention of paragraph 95 of the National Planning Policy Framework.

Modifications proposed

In order to make the Plan consistent with national policy DHGV should be removed from the Plan and the housing growth redirected to areas of the Borough away from the open countryside in the Dunton area.

Representation 24

Basis

This representation relates to SOUNDNESS.

Relevant tests

In the following respect the Plan is NOT JUSTIFIED and NOT CONSISTENT WITH NATIONAL POLICY.

Summary

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

Explanation

The Dunton Hills Garden Village (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 than Dunton 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. Such a proposal is inconsistent with paragraph 127(c) of the NPPF.

Modifications proposed

In order to make the Plan justified and consistent with national policy DHGV should be withdrawn from the Plan and the housing growth redistributed in such a way that new developments respect adjacent settlements and are proportionate in size to those settlements.

Representation 25

Basis

This representation relates to LEGAL COMPLIANCE.

Summary

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

Explanation

Dunton Hills Garden Village (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:

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

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

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

Secondly, a Green Belt, once established, must not be removed: permanence is one of the essential characteristics of the Green Belt (paragraph 133 of the National Planning Policy Framework).

As proposed DHGV cannot therefore lawfully proceed.

Modifications proposed

In order to make the Plan legally compliant DHGV and Brentwood Enterprise Park should be removed from the Plan and alternative sites found outside the gap between Basildon and the M25.

Representation 26

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT JUSTIFIED.

Summary

The decision-making process leading to the selection of the Dunton Hills Garden Village (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.

Explanation

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 had not been noticed. 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 not at the time yet constructed but for which the Authority itself had given planning permission. According to Basildon Council (see minutes of a meeting between Basildon Council, Essex County Council and the Authority on 5th June 2017) 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 2018 public consultation it seems doubtful that any of these questions were taken into account when preparing the draft Plan. Indeed some of the issues were 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.

The inclusion of DHGV as a major plank of the Authority’s strategy has not been considered against the reasonable alternatives and based on proportionate evidence. The Local Plan has accordingly not been prepared in accordance with paragraph 31 of the NPPF.

Modifications proposed

In order to make the Plan justified it should be withdrawn. In the new Plan the siting of areas for development should be based on an objective assessment of their suitability. The evidence revealing the impracticality and disadvantages of locating large-scale development at Dunton Hills should be properly considered, and more appropriate sites selected elsewhere in the Borough.

Representation 27

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT JUSTIFIED.

Summary

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 has ignored the fact that the infrastructure on the Basildon-Southend corridor cannot realistically be improved.

Explanation

The Authority plans to site a high proportion of the Borough’s housing and economic growth to a point as far away as possible from Brentwood town and other settlements in the Borough of Brentwood and as close as possible to a neighbouring borough, Basildon. In this way the infrastructure burden has been transferred to another borough in a fashion incompatible with the Duty to Co-operate.

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

Even without Dunton Hills Garden Village (DHGV) and Brentwood Enterprise Park the Basildon-Southend corridor faces an overwhelming level of development over the next 20 years.

The aggregate number of homes planned by local authorities in the South Essex region for that period is approximately 90,000^{xii} – 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 are only 8 years into their 15 - 20 year completion programme. They have yet to add most of the 27,000 daily vehicle movements that will in due course burden roads such as the A128 and the A127. Southend Airport is currently handling 620,000 passengers per year, but this figure is set to rise to 2 million passengers per year. 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.

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.

A Planning and Transport Strategy for Thames Gateway South Essex, October 2013 notes (at page 13):

The degree of infrastructure needed to absorb the scale of aggregate development in South Essex is not realistically achievable.

Road capacity

The A127 is operating close to, and in places at, capacity. It will become severely congested in the coming decade, and there is no realistic prospect of it being widened.

A127 Corridor for Growth: An Economic Plan notes the vast amount of civil engineering and other work involved in widening the A127 in both directions and the high cost associated with this. The route includes 31 bridges and other structures that would at least need to be altered. In some cases, such as the Rayleigh Weir underpass, they would need to be demolished and replaced. A large number of businesses and other properties with frontages directly on the road would need to be dealt with. The road also has 43 junctions, which would need to be redesigned and rebuilt. It would be fair to conclude from this that the widening of the A127 would be prohibitively expensive.

The Highways Agency proposed its widening in 1995, but the proposal was rejected. Significantly the *Essex Transport Strategy* does not include the widening of the A127. The decision in the late Eighties to invest a large sum in the Rayleigh Weir underpass without any margin for a future additional lane each way marked the point at which it was tacitly acknowledged that the A127 would never be widened.

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.

Railway capacity

A *Planning and Transport Strategy for Thames Gateway South Essex* notes^{xiii} that both of the London-Southend railway lines suffer from overcrowding and excessive journey times. According to the *Strategy* 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.

The cost of laying parallel track in order to unblock this capacity constraint would be prohibitive: see the statement on page 13 of the *Strategy*.

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.

Hospitals

Basildon Hospital has now reached absolute capacity and is functioning well over recommended operating capacity (85%).

Southend Hospital is operating almost at absolute capacity and well over recommended capacity.

Basildon Hospital has no long-term plan for expansion, and the adjacent site that was available for physical enlargement has been sold for housing.

Even with current patient numbers the provision of healthcare in Essex has been judged financially unsustainable by NHS England (see *Essex Success Regime Progress Update 22nd January 2016*), and services will have to be amalgamated and cut back.

Modifications proposed

In order to make the Plan justified it should be withdrawn. It should be reformulated with a proper and objective assessment of infrastructure capacity across the Borough. The new Plan should locate housing and employment growth in a way that is sensitive to the impact on the Borough of Basildon.

E. Representations relating to Section 09: Site Allocations – Employment Allocations

Representations

The following representations set out in Section D above (in relation to Dunton Hills Garden Village) also apply to the East Horndon employment site:-

Representation 2

(that Dunton Hills Garden Village, together with Brentwood Enterprise Park and the East Horndon employment area, would further reduce the narrowest and most critical section of the Metropolitan Green Belt.)

Representation 4

(that developments in the Dunton/West Horndon area would promote the coalescence of Southend with London.)

Representation 5

(that Dunton Hills Garden Village together with the series of employment sites proposed on the A127 corridor would constitute ribbon development.)

Representation 6

(that interfering with the edges of the Green Belt as proposed would replace a strong Green Belt boundary with a weak one.)

Representation 11

(that the developments at Dunton Hills and East Horndon would ruin the setting of All Saints' Church East Horndon, a Grade I listed building.)

Representation 12

(that the developments at Dunton Hills and East Horndon would harm the setting of several Grade II listed buildings.)

Representation 21

(that the Dunton Hills Garden Village development and the East Horndon employment site would be unacceptably close to a Site of Special Scientific Interest.)

F. Representations relating to Section 09: Site Allocations – Strategic Employment Allocations

Representation 1

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT JUSTIFIED.

Summary

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.

Explanation

In response to a planning application ^{xiv} submitted in 2012 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.

Modifications proposed

In order to make the Plan justified Brentwood Enterprise Park should be removed from the Plan, and employment growth re-allocated to a site or sites in the Borough where the development would not detract from the openness of the Green Belt.

Representation 2

Basis

This representation relates to SOUNDNESS.

Relevant test

In the following respect the Plan is NOT JUSTIFIED.

Summary

The Authority has sought to justify the location of Brentwood Enterprise Park on the basis that the site would occupy previously developed land. But the land has not been developed.

Explanation

Temporary permission was granted in 2010 for the use of a small portion (about 3 ha) of this site for the storage and distribution of excavated material. This was to enable a company to fulfil a contract to replace all the gas mains from Southend-on-Sea to East London.

A larger area has been used, again on a temporary basis, as the depot for the widening of the M25.

The position underlying these temporary uses is that the site will return to its original state. Yet in paragraph 9.205 of the Plan the Authority describes the site as previously developed land. In treating the Brentwood Enterprise Park site as developed land the Authority has based its decision on distorted evidence.

Modifications proposed

In order to make the Plan justified Brentwood Enterprise Park should be removed from the Plan, and employment growth should be re-allocated to a site elsewhere in the Borough that has genuinely already been developed or is otherwise suitable.

Further representations

The following representations set out in Section D above (in relation to Dunton Hills Garden Village) also apply to the Brentwood Enterprise Park site:

Representation 2

(that Dunton Hills Garden Village, together with Brentwood Enterprise Park and the East Horndon employment area, would further reduce the narrowest and most critical section of the Metropolitan Green Belt.)

Representation 4

(that developments in the Dunton/West Horndon area would promote the coalescence of Southend with London.)

Representation 5

(that Dunton Hills Garden Village together with the series of employment sites proposed on the A127 corridor would constitute ribbon development.)

Representation 6

(that interfering with the edges of the Green Belt as proposed would replace a strong Green Belt boundary with a weak one.)

Representation 7

(that the Dunton Hills area does not exhibit any of the four characteristics that indicate potential suitability for Green Belt boundary adjustment.)

Representation 19

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

Representation 25

(that breaking the circle of open land around London would be unlawful.)

Representation 27

(that 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. And that the Authority has ignored the fact that the infrastructure on the Basildon-Southend corridor cannot realistically be improved.)

ⁱ Plan total (7752 homes) less completions, permissions and windfall (1699 homes).

ⁱⁱ Brentwood Enterprise Park (25.85 ha) plus East Horndon (5.5 ha) plus Dunton Hills Garden Village (5.5 ha) equals 36.85 ha, which represents 78% of the total allocation of 47.39 ha.

ⁱⁱⁱ See minutes of the meeting.

^{iv} At paragraph 6.4

^v Paragraph 5 of the letter dated 17th February 1987 from the Department of the Environment and Transport to the law firm acting for Consortium Developments Limited.

^{vi} Thurrock Strategic Green Belt Assessment, Stages 1a and 1b – Final Report, January 2019.

^{vii} Identified in the Assessment as parcels 03 and 12.

^{viii} See minutes of that meeting.

^{ix} See minutes of that meeting.

^x Representation about Dunton Garden Suburb Consultation, February 2015, Report No. 13-158-08B.

^{xi} Representation 4833.

^{xii} South Essex Joint Strategic Plan: Statement of Common Ground, June 2018.

^{xiii} At page 6.

^{xiv} ESS/40/12/BRW