

BRENTWOOD LOCAL PLAN REGULATION 19 CONSULTATION

REPRESENTATIONS ON BEHALF OF WEST HORNDON PARISH COUNCIL

14TH MARCH 2019

1.0 Introduction

1. These representations have been prepared by Navigus Planning on behalf of West Horndon Parish Council ('the Parish Council') in respect of the Brentwood Borough Council (BBC) Local Plan Regulation 19 Consultation ('the Reg 19 Plan').
2. The principal matter that these representations address is the allocation of Dunton Hills Garden Village (Policy RO1) and specifically the soundness of that allocation, as required by paragraph 35 of the National Planning Policy Framework (NPPF). In particular, the Parish Council is of the opinion that the Reg 19 Plan has not been justified because it hasn't been based on appropriate and proportionate evidence and is not consistent with national policy.
3. It is important to make clear that the Parish Council supports the allocation of the land at West Horndon Industrial Estate (Policy RO2) for residential, care home and appropriate employment uses.

2.0 Previous representations

4. The Parish Council's representations dated 22nd March 2016 to the Draft Local Plan raised a number of issues. It is the opinion of the Parish Council that the points made have not been addressed; indeed very little has changed in the Reg 19 Plan in light of representations made by any parties. The Parish Council wishes therefore to make clear that the representations it made on the Draft Local Plan are still outstanding and still represent matters that require addressing for the Reg 19 Plan to be considered to be sound.

3.0 Transport strategy

5. The spatial strategy in the Reg 19 Plan focuses on three main driving forces, one of which is 'Transit-oriented Growth'. Paragraph 3.11 notes that one of its 'connectivity axes' is the A127 and the London, Tilbury and Southend Railway to London Fenchurch Street Station. It states that:

"Focusing growth along these axes will ensure that future development is sustainable, maximising the benefits of transport infrastructure. While some investment to improve the transport network will be inevitable, this growth strategy ensures economies of scale are reached, with the critical mass of development making it more viable for such investment to occur."

6. Whilst it is questionable as to whether growth along a road corridor can ever constitute sustainable development given the detrimental effects of increased car use on climate change and air pollution, the stated principle is supported. However, the Parish Council has concerns that the spatial strategy which is then presented fails to adequately justify or demonstrate what improvements are going to be needed to the transport network and whether the costs – which have not been properly scoped out – can be addressed by investment which can reasonably be expected to come from development and other sources.

In this regard, it is important to be clear that Brentwood borough is not the only local authority area along the A127 Corridor. Basildon, Thurrock, Castle Point, Rochford and Southend-on-Sea are also planning for growth and will also be relying on the A127 Corridor to support increased movement by all modes. Yet the Reg 19 Plan fails to properly consider this.

3.1 Road infrastructure

7. In answering the question 'What key issues should be considered in developing the transport evidence base to support the Local Plan?', national Planning Practice Guidance states that one such key issue is the need to, "consider the cumulative impacts of existing and proposed development on transport networks" (Paragraph: 003 Reference ID: 54-003-20141010).
8. The Transport Assessment¹ which accompanies the Reg 19 Plan is the key piece of transport evidence used to demonstrate that the spatial strategy and growth proposed in the Plan can be supported by the strategic and local highway network. It includes a Reference Case Model which, as is stated in the Executive Summary, "...includes trips developments within neighbouring authorities, as well as additional background trips associated with population growth predictions for future years." Therefore, as far as the A127 Corridor is concerned, the Reference Case only considers the wider impact of growth in Basildon and Thurrock districts but excludes growth in Castle Point, Rochford or Southend-on-Sea. In considering what baseline information should inform a transport assessment, national Planning Practice Guidance states:

"The transport assessment should be produced at a Local Plan level in partnership with all relevant transport and planning authorities, transport providers and key stakeholders, for example, the Local Economic Partnership. It may be appropriate for the transport assessment to cover an area wider than the Local Plan at least initially given the size of some travel to work areas (this would be similar to the Strategic Housing Market Assessment). This process should help to identify any potential measures that may be required to mitigate negative impacts." (Paragraph: 005 Reference ID: 54-005-20141010)

9. In this regard, the Brentwood Transport Assessment fails to fully take into account the impacts of traffic coming from the eastern parts of the Corridor. The impact of this omission is demonstrated by other work which has assessed the wider impacts. Indeed, the Transport Assessment states that it takes account of the A127 Economic Plan², published in 2014. It states that paragraph 1.2.5 that:

"Where information is available, this has been used to inform the modelling. The final outcomes from the study are not yet known and continued joint working with ECC [Essex County Council] and other neighbouring authorities will be important, so any outcomes from this study can feed through to the corridor study and consideration given to demonstrate this within a Statement of Common Ground with the highway authorities and neighbouring authorities."

¹ Peter Brett Associates (2018) *Brentwood Borough Local Plan: Transport Assessment*, for Brentwood Borough Council

² Essex County Council and Southend-on-Sea Borough Council (2014) *A127 – Corridor for Growth: An Economic Plan*

Map 1: Summary of transport impacts of 2014 Economic Plan modelling along A127 Corridor

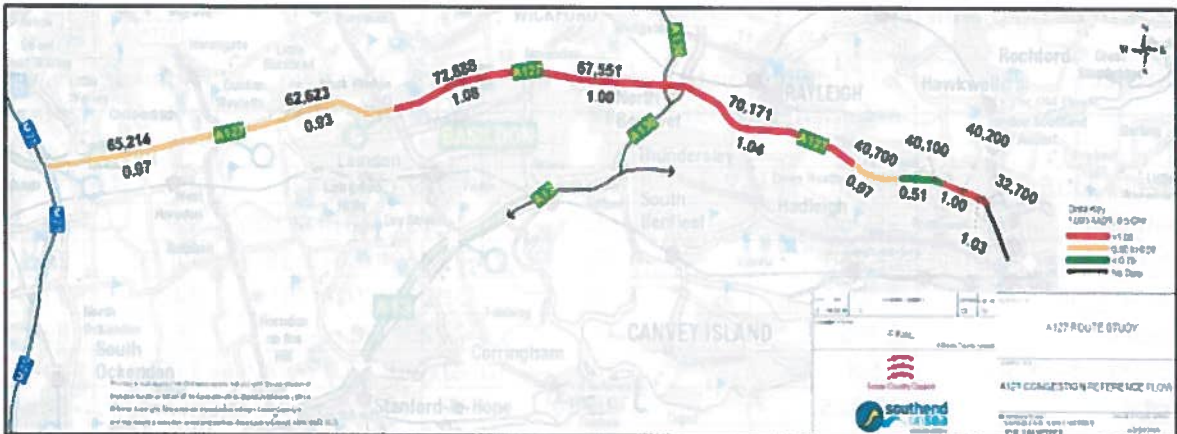


Figure 1: Current Congestion Reference

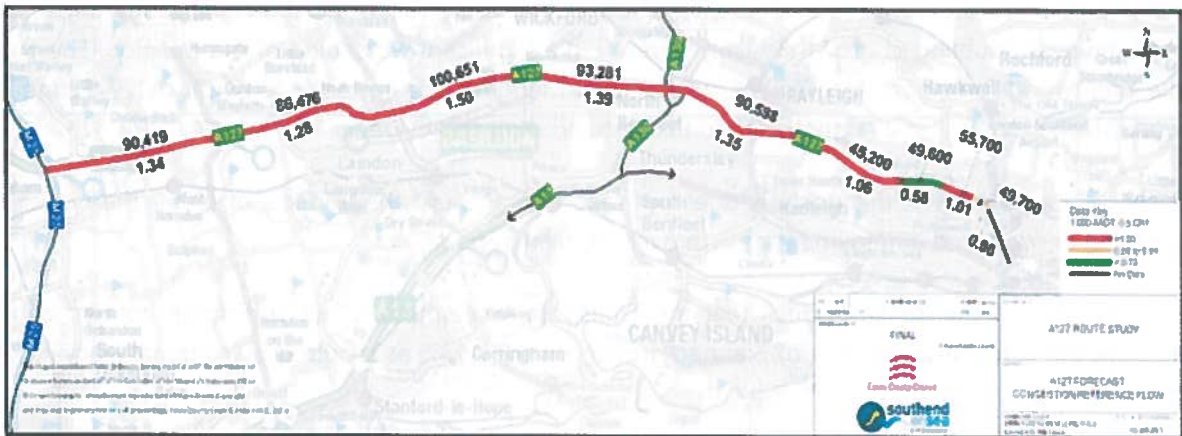


Figure 2: Forecast Congestion Reference

Source: A127 – Corridor for Growth: An Economic Plan

10. Whilst the Brentwood Transport Assessment focuses on specific junctions and the requirements of growth in the Local Plan and neighbouring districts, the 2014 Economic Plan assesses flows along sections of the A127 from Southend to the M25. In this regard it is more explicitly considering the number of vehicles on the A127 during peak periods and how this affects the flow of traffic. Figure 1 in the Economic Plan (shown in Map 1 above) notes that, almost along its entirety, the A127 is close to or above capacity. Figure 2 (also shown in Map 1) notes that, with the planned growth which informed the modelling, it would be above capacity for almost its entire length. Moreover, the entire stretch from Rayleigh through to the M25 would be between 28% and 50% above capacity. It is clear that, as assessed in the 2014 Economic Plan, significant mitigation would be required along the A127 to address the levels of growth fed into the modelling.
11. Since this time, the levels of growth being planned for, or required to be planned for, in the A127 Corridor authorities, has increased substantially from those used to inform the 2014 Economic Plan. Table 1 shows that, based on emerging local plans or objectively assessed need figures, the growth levels being planned for have increased by 88% compared with the 2014 position:

Table 1: Comparison of growth used to inform 2014 transport modelling and current levels of growth being planned for

District	2014 dwg growth assessed, 2011-36	Annual ave	Local Plan dwg growth in 2019	Annual ave	% uplift in planned growth
Brentwood	5,430	217	7,787 (2016-33)	458	111%
Basildon	15,060	602	17,791 (2014-2020)	890	48%
Thurrock	23,250	930	23,460* (2018-38)	1,173*	26%
Castle Point	4,000	160	5,136* (2018-33)	342*	114%
Rochford	2,785	111	7,220* (2017-37)	360*	224%
Southend-on-Sea	6,500	260	21,440* (2017-37)	1,072*	312%
Total	57,025	2,280	82,834	4,295	88%

* Objectively Assessed Need figure (source: South Essex SHMA Addendum 2017)

12. If the 2014 Forecast Congestion Reference showed that the A127 would be significantly above capacity, then the near doubling of growth is likely to result in a significant worsening of this position. The outputs of the Brentwood Transport Assessment, whilst acknowledging the importance of the A127 Economic Plan work which it notes is still ongoing, fail to take into account this evidence.
13. It should be noted that this analysis does not take into account the impacts of either the Lower Thames Crossing or proposed employment growth over the plan period.
14. It is the view of the Parish Council that the Transport Assessment is not sufficiently robust to take into account the cumulative impacts of planned growth on the A127, as required by National Planning Practice Guidance.
15. When looking in isolation at the results of the Transport Assessment in respect of the potential solution to mitigate congestion at the A127/A128 Brentwood Road/A128 Tilbury Road junction serving Dunton Hills Garden Village (DHGV) and East Horndon Hall allocation, it is noted that paragraph 9.4.8 summarises the results as follows:

"During the PM peak, however, the arm shows a degree of saturation of 95%, although this is over capacity, the operation of this junction has improved significantly."
16. Whilst it is not disputed that the identified mitigation will improve the position, the fact is that the junction will still be over-capacity. When it is borne in mind that the wider impacts of growth along the A127 Corridor have not been taken into account, then the degree to which it will be over-capacity is certain to increase. A strategy predicated on growth which, despite a focus on sustainable transport, results in road junctions being over capacity, is not sustainable.
17. The Transport Assessment identifies a total of 8 junctions that require significant mitigation across the borough. The Brentwood Infrastructure Delivery Plan (IDP) schedule gives a 'headline estimate' of £4m to address local highway network improvements. The Parish Council considers it extremely unlikely that it will cost an average of just £0.5m per junction to put in place the necessary mitigation measures at these junctions. Moreover, as is noted in paragraph 10.5.3 of the Transport Assessment, "Requirements for each of the proposals was identified and any physical constraints identified, no investigation to land ownership or costs involving the moving of Statutory Undertakers and Utility Apparatus was undertaken."

18. As Map 1 showed, the forecast delays on the A127 are significant and our analysis shows that these have been informed by growth figures well below those that are being planned for. It is not only mitigation at junctions which is required but solutions to expand capacity on the A127 itself. The degree to which individual junction improvements will mitigate the impact of the overall volume of traffic on the A127 at peak period is likely to be limited. At page 11 of the A127 Corridor for Growth Study states that, "The number of side-roads and accesses along the A127 tend to restrict any benefit from traditional capacity improvement measures, such as additional lanes." Therefore it is not considered likely that such solutions will be possible.
19. The need to address the significant strategic impacts of growth along the A127 has been recognised through the establishment of an A127 Economic Growth Corridor Task Force in November 2018. As is noted in its launch presentation, options for consideration include re-trunking of the road and the Group has had "positive discussions with Highways England and the Department for Transport" on this. If successful, this would open up opportunities for funding through the Roads Investment Strategy (RIS). This highlights a key point, namely that the current A127 does not qualify for RIS funding. Once the true cost of mitigation of the junctions along the A127 to address Local Plan growth has fully taken into account the cost of land acquisition and utilities, the bill is likely to be much higher than the 'headline' £4m and will require funding from other sources. In this regard, the decision over whether the A127 is re-trunked becomes critical to the delivery of the growth strategy, not only for the Brentwood Reg 19 Plan but for the emerging local plans of the other authorities along the route. At this stage, no progress has been made in this regard therefore this cannot be part of the evidence base which justifies the deliverability of the proposals in the Reg 19 Plan along the A127 Corridor.
20. Paragraph 108 of the NPPF states that:
- "In assessing sites that may be allocated for development in plans...it should be ensured that... any significant impacts from the development on...highway safety, can be cost effectively mitigated to an acceptable degree."*
21. The Transport Assessment only makes a single mention of highway safety, at paragraph 1.2.5, referring to the A127 Corridor for Growth Study by stating that:
- "... there are individual pieces of work which are currently at various stages of planning and development, which are focussed on interchange capacity and/or safety improvements. Where information is available, this has been used to inform the modelling."*
22. Page 11 of the A127 Study states that:
- "The collisions caused by being an over-capacity road are not simple to address...The junctions identified as being problematic are the A128 Halfway House, B148 Dunton, A132 Nevendon and the A176 Upper Mayne junctions"*.
23. These are the junctions that are critical to the delivery of the DHGV and East Horndon Hall allocation (which, as an employment allocation, will create significant levels of HGV traffic accessing the junction) yet the evidence base to consider not only capacity but highway safety has not been adequately completed or aligned.

3.2 Sustainable transport movement

24. The transit-oriented growth strategy that underpins the Reg 19 Plan relies heavily on rail, and to a lesser extent, bus cycling and walking infrastructure, to reduce levels of car use by effecting modal shift for as many journeys as possible. In many respects, the success of the strategy is predicated on this modal shift yet nowhere in the evidence base does it suggest what the required increases in rail and bus patronage, cycling and walking are.
25. In assessing sustainable modes of travel, the Transport Assessment makes reference to Department for Transport (DfT) evidence on travel plans variously from 2005, 2007 and 2010, much of which based its outputs on data gathered between 2004 and 2008. These are extremely dated evidence sources framed within a totally different historical policy context, so to rely on them to support a plan being consulted on in 2019 lacks credibility. Even if one does take the lessons learned from this historical evidence, it is clear that the ability to affect significant modal shift in Brentwood borough is expected by the Transport Assessment to be very limited. Paragraph 7.3.9 of the Transport Assessment states that, "This seems a proportionate and pragmatic approach and the reduction in trips is at a level which should be achievable in the future in the context of the modelling". It then presents in Tables 7.5 and 7.6 the assumed numbers of car driver trips once 'sustainable measures' have been applied. In summary:
- In the morning peak, there would be a reduction of 239 car driver trips out of a total of 22,499 trips (1.06%)
 - In the evening peak there would be a reduction of 194 car driver trips out of a total of 22,484 trips (0.86%)
26. This is not considered to represent a sustainable movement strategy therefore the Reg 19 Plan cannot be considered to be justified because it does not represent a reasonable strategy.
27. We now consider each of the sustainable transport modes in turn, as far as they relate to growth at DHGV and West Horndon.

3.3 Rail infrastructure

28. The transit-oriented growth strategy that underpins the Reg 19 Plan relies heavily on the rail network to enable the increased resident and worker population to travel by train. It recognises that a significant proportion of people commute out to London on the rail network every day (Figure 3.7 in the IDP notes that the proportion of residents in Brentwood commuting by rail is high).
29. A key part of the strategy focuses on West Horndon station, with the strategy expecting the new residents in West Horndon and DHGV to use this station when travelling by train. Figure 3.8 in the IDP summarises the number of users of the station over the period 2010 to 2015. It then states at paragraph 3.38 that, "West Horndon Station's growth levels are very modest." This may be true as far as entries and exits to and from the station when compared with other stations on the Anglian mainline (Shenfield, Ingatestone, Brentwood and Chelmsford) but this makes no acknowledgement of how busy the train are. As is shown by the photo in Figure 1, the C2C trains serving West Horndon during the morning peak at present are heavily congested:

Figure 1: Photo of typical train congestion on London-bound trains from West Horndon station in



the morning peak, March 2019

30. Local commuters report that trains arriving between 06.54 and 09.02 always have standing room only. In total this includes 9 trains which travel to London Fenchurch Street Station each morning. It is clear that a growth strategy predicated on increased train usage requires an increase in the capacity of the trains on the London, Tilbury and Southend line to London Fenchurch Street Station. This is endorsed by the Transport Assessment which, when considering the West Horndon public transport interchange at the station, states at paragraph 7.2.26 that:

"An increased capacity on the existing train service will be central to the new cycling, walking and bus movements of the new residents and employees accessing the four sites."

31. Despite this, there are no identified plans for investment in increased passenger rail capacity on this line and no suggestion in the Reg 19 Plan or the evidence base as to the scale of improvements required. Whilst the expansion of the interchange at West Horndon station is welcomed, this of itself will not increase capacity on the rail network. The national Planning Practice Guidance addresses what baseline information should inform a transport assessment of a Local Plan. It notes that this should include an assessment of, "accessibility of transport nodes such as rail/bus stations to facilitate integrated solutions" (Paragraph: 005 Reference ID: 54-005-20141010). This includes their accessibility by rail, which is particularly important given the reliance on linked trips by rail passengers seeking to access DHGV (by bus, cycling or on foot). Yet the evidence supporting the Reg 19 Plan does not provide this.

3.4 Cycling and walking infrastructure

32. The national Planning Practice Guidance requires a transport assessment to consider whether it should establish 'future predicted trips' in respect of walking and cycling facilities and movements. Given the Reg 19 Plan strategy is for a key non-vehicular movement corridor to be between DHGV and West Horndon, this must be part of the Transport Assessment as it is important to understand the modal share that such trips are expected to account for. Yet none of the evidence provides any suggestion as to what proportion of journeys between these two locations is expected to be by non-vehicular modes. This is crucial to the success of the strategy because West Horndon is a key transport interchange and DHGV is the planned location for all new education provision to serve the growth in pupils from West Horndon.
33. Equally, Figure 3.5 in the IDP notes the scale of the challenge - between 2001 and 2011 cycling to work by Brentwood residents fell and was the second lowest in Essex. It is unclear what the strategy is to increase modal share by bicycle. Not only does the Reg 19 Plan not identify specific routes but it does not make clear how cyclists would navigate across key junctions safely. This is critical because it is well established that one of the main reasons why levels of cycling in England remain low is because of safety concerns. An off-road route will encourage people but if that route doesn't provide safe passage across heavily-trafficked junctions, then people will not cycle.
34. The Reg 19 Plan provides no suggestion that such a route has been properly considered or that it has been secured. The costs identified in the IDP schedule therefore cannot be verified because the evidence does not demonstrate how they have been derived. However, with dedicated cycle routes in the order of 3km required to link West Horndon station into and through DHGV, an allowance of £1.8m for walkways and cycleways appears to be a gross under-estimate if a meaningful and required increase in cycling and walking is to be achieved.
35. The lack of certainty is reinforced by the IDP schedule referring into to 'feasibility studies' in respect of a green bridge (over the A127) and pedestrian underpass (under the A128). Whilst a 'headline estimate' cost is provided, it is not clear how the strategy would be delivered if the feasibility studies determined that one or both of these schemes could not be delivered.
36. As noted above, it is vital to the sustainability of the Reg 19 Plan strategy that as many short journeys as possible between West Horndon and DHGV are undertaken by non-vehicular modes. Given that all the proposed primary school provision to serve the growth at West Horndon will be provided at DHGV, then maximising the potential for children to walk and cycle to school is vital. In this regard, the need for safe and direct routes increases in importance. Very few primary school-aged children are going to walk or cycle on routes which are not separated from vehicular traffic and equally, very few children are going to walk more than one kilometre to school, irrespective of the quality of the route. It is a significant concern to the Parish Council that without a clear and credible plan for developing walking and cycling linkages between West Horndon and DHGV, then the reality is that many parents will choose to take primary school-aged children to school by car. This will exacerbate the congestion at school drop-off and pick-up time in West Horndon, with some parents travelling by car to West Horndon Primary School and others leaving West Horndon to access schools in DHGV.

4.0 Flooding

- 37. The Parish Council, in its representations on the Draft Local Plan in March 2016, addressed concerns relating to flood risk and the impact of flooding on West Horndon. We do not seek to reiterate those points here.
- 38. The Brentwood Strategic Flood Risk Assessment (SFRA) 2018 identifies that large sections of the area around West Horndon, including the land to the east which connects it to the DHGV site, are considered to be high risk flood areas. This is demonstrated on the ground in West Horndon, with areas regularly lying under water and, at Christmas in both 2012 and 2013, subject to major flood events (see photos below).



Surface water flooding



Christmas Day 2012

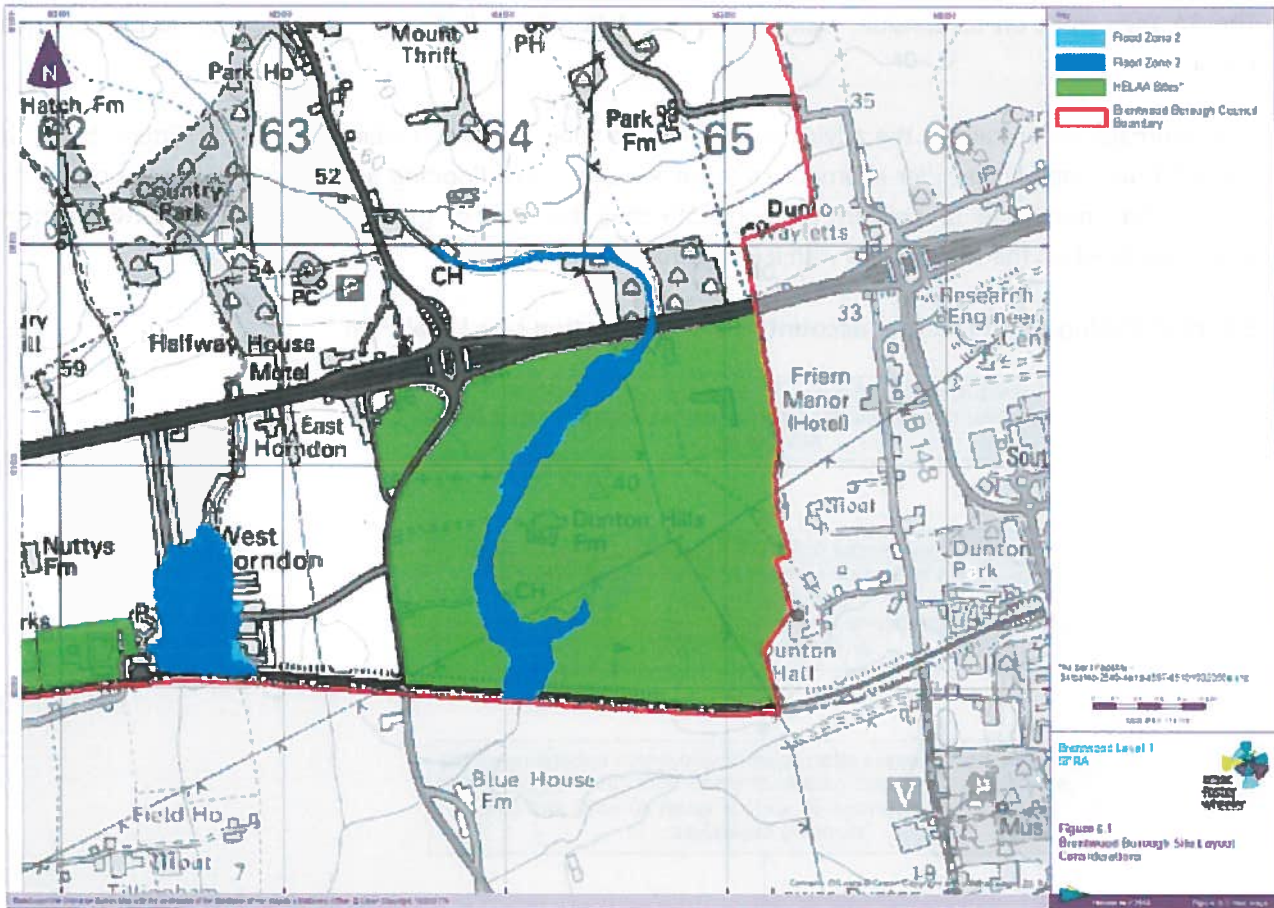


Christmas Eve, 2013

39. In light of this and the fact that these events are occurring with increasing regularity (and scientific evidence making clear that a major cause of this is climate change), it is considered vital that a precautionary approach is taken to considering the impact of flooding, not least because of the scale of growth proposed at DHGV as well as the significant amount of employment development proposed at East Horndon Hall (Policy E13).
40. The likely implications of climate change on flooding are only starting to be realised. In fact, on 28th February 2019, the Environment Agency published a new report which looked at the likely impacts over the long term³. This is based on more recent mapping data (2018) than is included in the flood risk mapping used to inform the evidence base for the Reg 19 Plan. It identifies that there are more places where new investment is not going to be cost effective and therefore, as a purely economic issue, more money will be needed to provide better flood mitigation infrastructure in more places. So whilst evidence from the local community may be anecdotal, it is based on observation over a long period of time and aligns with the evidence in the Environment Agency report that the threats are more widespread than the current evidence suggests.
41. One such example where this is considered to be the case is the proposed East Horndon Hall allocation. This field is observed to frequently be flooded and therefore there are significant concerns that the flood mitigation required for this site alone will be significant. The cumulative impacts of this site and the neighbouring DHGV site are therefore considered likely to be significant and the evidence used to inform the Reg 19 Plan has not fully and properly considered this.
42. The Reg 19 Plan is not accompanied by a Level 2 SFRA. National Planning Practice Guidance states that:
- "Where a Level 1 Assessment shows that land outside flood risk areas cannot appropriately accommodate all the necessary development, it may be necessary to increase the scope of the Assessment to a Level 2 to provide the information necessary for application of the Exception Test where appropriate."* (Paragraph: 012 Reference ID: 7-012-20140306).
43. One of the recommendations of the Level 1 SFRA was:
- "Should the Council wish to allocate sites with an identified flood risk, then the policy should either be to avoid the areas of flood risk or to assess the risk in more detail through either Level 2 SFRA work or on a site specific level. This more detailed review should include identification of Flood Zone 3b and it should assess flood hazard and depth for return periods up to and including the 1 in 1000 annual probability plus climate change event."* (paragraph 9.2.1)
44. The nature of the areas that are within flood zone 3 (see Map 2) suggests that it could be difficult to ensure that the DHGV site delivers the necessary levels of development. Indeed, the SA notes Appendix K of the Surface Water Management Plan (SWMP):
- "Whilst the Dunton Garden Suburb consultation document (January 2015) suggested that the area in question [around the area of high flood risk] would be left as open space, there is currently less certainty regarding*

³ Environment Agency (2019) *Long term investment scenarios (LTIS) 2019*

precisely where built development... would occur. Also, it is noted that a large portion of the area under consideration... is identified by the SWMP as having limited potential to deliver 'infiltration' measures as part of sustainable drainage strategy."



Map 2: Flood zones in DHGV site

Source: Brentwood SFRA Level 1, Figure 6.1

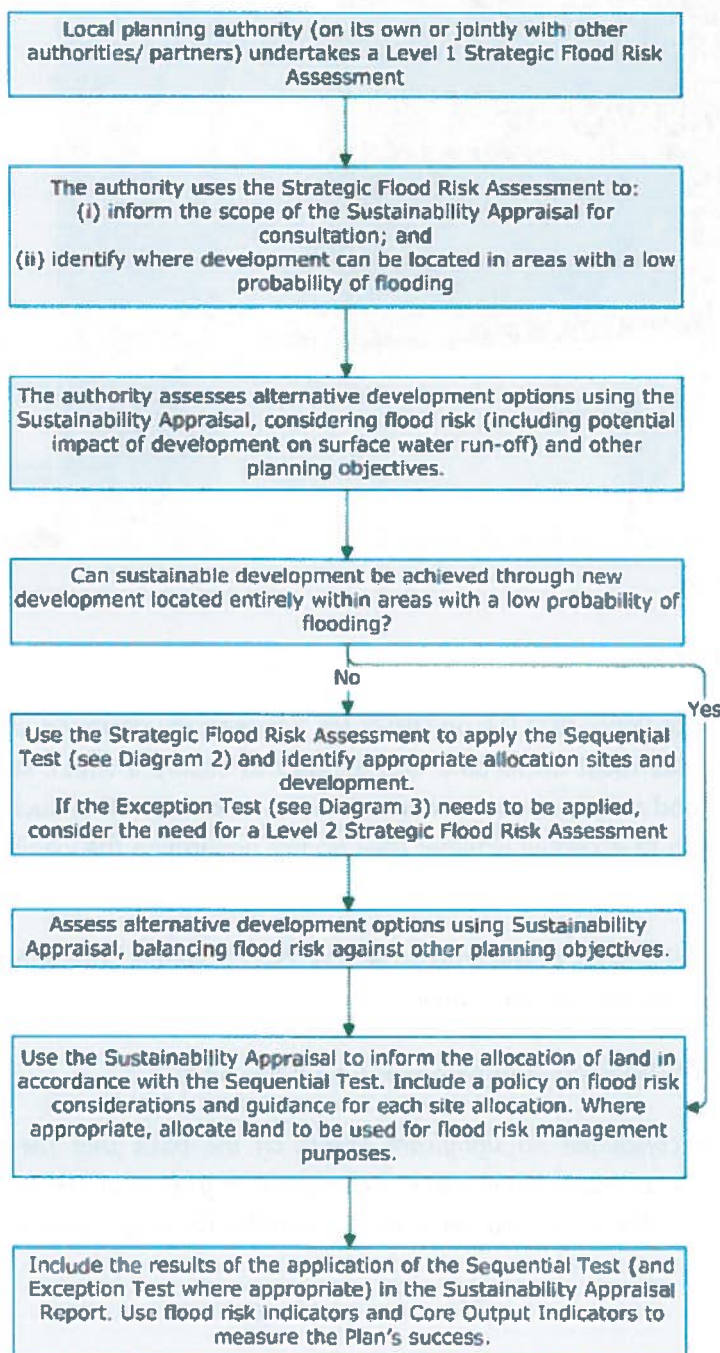
45. Moreover, whilst the requirement of Policy RO1.D.k on DHGV for "strategically designed and appropriately phased infrastructure, employing the most up to date technologies to ensure a smart, sustainable and a resilient basis for drainage and flood management" is welcomed, it is of concern that such measures have not been scoped out in more depth to ascertain whether they do not undermine the viability of the overall development.
46. It is considered that without a Level 2 SFRA of the DHGV site, the Reg 19 Plan is not sound because it has not been justified and is not consistent with national policy.
47. The SA, in assessing the approach to flooding, summarises at paragraph 9.8.8:

"The Draft Plan (2016) appraisal concluded no significant effects on the basis that the spatial strategy generally avoided areas of flood risk, although flood risk is a constraint to growth at DHGV. Work has been ongoing to understand surface-water flood risk, and necessary Sustainable Drainage Systems (e.g. this was a

reason for a decision being taken, following the Preferred Allocations consultation, to reduce the number of homes delivered at the Blackmore allocations), and so **significant negative effects are not predicted** in relation to the Proposed Submission Plan; however, there remains some uncertainty ahead of a detailed DHGV masterplan.”

48. The SA then goes on to consider that, in respect of flooding, all sites are assessed as having an equal impact.
49. This approach is contrary to the advice in national Planning Practice Guidance, shown in Figure 2. The SA has failed to properly consider alternative sites at a lower risk of flooding and the evidence supporting the Reg 19 Plan has failed to properly demonstrate that the level of growth proposed for DHGV can be accommodated on the site in areas with a low probability of flooding.

Figure 2: Taking flood risk into account in the preparation of a Local Plan



Source: National Planning Practice Guidance

50. It is considered that the Reg 19 Plan is not sound because national planning guidance in respect of the approach to taking flood risk into account in the preparation of a local plan.

5.0 Summary of objections - consistent with national policy and justified

51. The Reg 19 Plan is not sound in respect of the Dunton Hills Garden Village because it does not adequately demonstrate that it is consistent with national policy. As stated in the NPPF, such consistency is required to enable the delivery of sustainable development in line with the policies in the Framework. In order to do this, full and careful consideration must be given to, amongst other things, promoting sustainable transport and meeting the challenge of climate change and flooding – both objectives of the NPPF.
52. The Reg 19 Plan is not sound in respect of DHGV and its transport policies because it is not justified. It is not based on proportionate evidence to inform what the Plan acknowledges is a key principle that is used to justify the overarching strategy, namely the ability to deliver infrastructure that enables more sustainable movement. The reason that it is not based on proportionate evidence is because the evidence base fails to properly assess the impacts of growth on the A127 and to articulate – and cost – the provision of a sustainable movement strategy which has sufficient capacity to accommodate the increased demand. In this regard, the lack of evidence as to how the increased passenger numbers on the South Essex railway line through West Horndon station are of particular concern to the Parish Council.
53. The Reg 19 Plan is not sound in respect of DHGV and its policies in relation to flooding for two reasons. First, it has not undertaken a Level 2 Strategic Flood Risk Assessment, despite there being clear concerns raised in the Sustainability Appraisal (SA) about the ability to accommodate the levels of growth proposed on the site whilst adequately mitigating the flood impacts. Second, the SA has failed, in light of this, to consider reasonable alternatives. Both of these matters mean that the preparation of the Reg 19 Plan is not consistent with national policy.