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Horseman Side
Brentwood CM14 5ST

The Planning Department
Brentwood Borough Council
Ingrave Road
Brentwood CM15 8AY

By email only: planning@brentwood.gov.uk

2 October 2024

Dear Brentwood Borough Council

**24/00874/OUT | Outline application (access to be determined, all other matters reserved)
Development of a dual-site Motorway Service Area | Land At Priors Golf Course & Hill Farm
South Of Horseman Side North Of Chequers Road Navestock CM14 5ST**

Thank you for inviting comments on this outline planning application (the **Application**).

I am writing to object (a) for myself; *and* (b) for and on behalf of the 85 other people named at the end of this letter.

Executive Summary

- 1) The Application rests on the assertion that (a) there is an established need for 2 new motorway service areas (**MSAs**) on the eastern part of the M25; (b) these MSAs must be near Brentwood; *and* (c) you should consider each of these things when you determine the Application. If these needs exist, they have been exaggerated. They are also irrelevant. (See paragraphs 1) to 4) below.)
- 2) If permitted, the proposed development (the **Development**) would be in the Green Belt. Like the Government, Brentwood Borough Council (**BBC**) has (a) committed itself to protecting the Green Belt; *and* (b) adopted a series of policies intended to deliver that protection. If BBC granted the Application, it would act in a way that was inconsistent with its own commitments and policies, *and* those of the Government. The Application should therefore be refused. (See paragraphs 5) to 12) below.)
- 3) If BBC granted the Application, it would also act in a way that was inconsistent with (a) the Brentwood Local Plan (the **BLP**);¹ (b) the Brentwood Infrastructure Delivery Plan (the **BIDP**);² *and* (c) the Government's National Planning Policy Framework (the **NPPF**)³ (in the latter case, *in both* its current form *and* in the form it will take if it is amended in the ways in which the Government has proposed).⁴ The Application should therefore be refused. (For more on the inconsistencies with (a) the BLP, see paragraphs 13) to 24); (b) the BIDP, see paragraphs 25) to 28) below; and (c) the NPPF, see paragraphs 29) and 30) below.)
- 4) If permitted, the Development would:
 - a. be inconsistent with, and damaging to, the character of; *and*

¹ The Brentwood Local Plan 2016-2033, adopted March 2022 (the **BLP**).

² Version 3, October 2019.

³ December 2023 version.

⁴ The consultation details and materials are available here: <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

- b. materially increase the risk of road traffic accidents and crime in, the surrounding areas. The Application should therefore be refused. (See paragraphs 31) to 38) below.)
- 5) The Application is incomplete, and should therefore be refused. (See paragraphs 39) and 40) below.)
 - 6) If you are not minded to refuse the Application, you must (as a matter of law) consult the Secretary of State for Levelling Up, Housing and Communities (the **SOS**) before going any further. (See paragraph 42) below.)
 - 7) For the avoidance of doubt, we do not consider that a section 106 agreement; and/or any changes to the proposed Development could reasonably and rationally be expected to undo, off-set, or begin to rectify, the harm that would occur if the Application was granted and the Development was completed. We would therefore urge you to refuse the Application without seriously entertaining either of these things.

The purported need

- 1) The Applicant's promotional materials include this:

“FAQ’s

General

1. Is a new service facility needed here?

...

National Highways [(NH)] called a meeting with all Motorway Service Area operators in Feb 2022 to raise their concerns over highway safety on the M25 East near Brentwood, asking operators to help provide a safe place for drivers to rest whilst travelling on the Strategic Road Network [(the SRN)].

*The proposals therefore respond to an identified need set out by the **Department for Transport [DoT]** for a Motorway Service Area for both HGV drivers and general motorists in this key strategic location on the eastern side of the M25.”*

(The emphasis in **bold**, and/or in **bold and underlined**, here and throughout, is mine.)

- 2) These assertions are repeated throughout the Application, without being evidenced or substantiated. This matters because:
 - a) NH (i) is owned by; (ii) operates on an arms-length basis from; and (iii) is answerable to, the DoT. **NH is not the DoT**, as the Applicant seeks to imply;
 - b) There is no publicly available information about the February 2022 meeting. Although the Applicant and NH have been asked for copies of (i) the materials produced before and after that meeting (if any); and (ii) the minutes (if any) of it, nothing has so far been produced.
- 3) We do not therefore know whether (a) NH had “concerns” in February 2022; (b) (if so) what its “concerns” were; (c) whether those “concerns” were really about “*safety on the M25*” (in general) and/or “*safety on the M25 ... **near Brentwood***”; (d) whether they were enough to properly justify the building of 2 MSAs in the Green Belt (or anywhere else); (e) whether the DoT adopted NH’s

position before 4 July 2024 (the date of the last General Election); and/or (f) (if so), whether the DoT's position changed with the Government.

- 4) What we do know, however, is that, in its Guidance on the “*Strategic road network and the delivery of sustainable development*,”⁵ (the **Guidance**) **the DoT** explains that:

- a) (from paragraph 75), **for the ordinary travelling public:**

*“The network of **signed** roadside facilities ... is intended to provide **opportunities to stop** at intervals of approximately half an hour. However, **the timing is not prescriptive** as travel between services may take longer on congested parts of the [strategic road network (SRN)].*

On this basis, the maximum distance between signed motorway service areas should be 28 miles...”

In other words, the DoT considers that there should be an “**opportunity to stop**” every 30 minutes. However, the distance between stops **can** be longer, **and** the stops *do not have to be on* the SRN. It is enough if (a) they are nearby; and (b) there are signs on the SRN which tell motorists where they are.⁶

There are 4 MSAs on the M25, and they are about 35 miles apart. The distance between the South Mimms MSA (at junction 23); and the Thurrock MSA (at junctions 30/31), is about 35 miles. That is (a) consistent with the Guidance; and (b) means the North Eastern section of the M25 is as well served as every other section.

Members of the public can also stop between junctions 23 and 30/31 at:

Location	Nearest M25 junction	Distance from junction
BP, Potters Bar Connect	Junction 24	0.8 miles / 3 minutes
Tesco, filling station	Junction 24	1 mile / 3 minutes
BP Bullsmoor Lane	Junction 25	0.3 miles / 2 minutes
Shell Bullsmoor Land	Junction 25	0.3 miles / 1 minute
Esso	Junction 25	0.9 miles / 2 minutes
Tesco Filling Station	Junction 26	1.9 miles / 4 minutes
BP, Abbey Filling Station	Junction 26	2 miles / 5 minutes
Shell Epping	Junction 26	1.3 miles / 3 minutes
Shell	Junction 28	0.2 miles / 1 minute
Esso, Harold Park / Harold Wood	Junction 28	1.3 miles / 3 minutes
Tesco, Gallows Corner	Junction 28	2.5 miles / 5 minutes
BP Snax 24, Hornchurch	Junction 29	2.4 miles / 3 minutes *

Source: <https://justoffjunction.co.uk/M25-petrol-stations.php>

⁵ Updated 23 December 2022, and available here: <https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development/strategic-road-network-and-the-delivery-of-sustainable-development>

⁶ See also paragraphs 84 to 86:

“On-line (between junctions) service areas are more accessible to users of the SRN and as a result more conducive to encouraging drivers to stop and take a break. They also help to avoid an increase in traffic demand at junctions with all-purpose roads.

Therefore, in circumstances where competing sites are under consideration and on the assumption that all other factors are equal, new facilities must be provided at on-line locations.

However, where an on-line service area cannot be delivered due to planning, safety, operational or environmental constraints, the development of a site that shares a common boundary with the highway at a junction with the SRN, and which provides the mandatory requirements to be eligible for signing ..., is to be preferred to the continued absence of facilities.”

Whatever NH might therefore think, the DoT's requirements are met. The Development is not required, and the Application can be refused.

- b) (in paragraph 78, that),

"In determining applications for new ...sites, local planning authorities should not need to consider the merits of spacing between different facilities, for safety reasons, as informed by the maximum recommended distances set out above."

In other words, even if there was "*an identified need ... for [an MSA] on the eastern side of the M25,*" you would not need to take that into account when you determined the Application – and it might be unlawful for you to do so.

- c) (from paragraph 81, that), **for HGV drivers:**

"In areas where there is an identified need, [NH] will work with relevant local planning authorities to ensure that local plan allocations and planning application decisions address the shortage of HGV parking on or near to the SRN..."

In other words, if there really was "*an identified need*" for HGV drivers to stop and rest *near Brentwood*, (a) NH would have identified it **and** discussed it with you; and/or (b) you would have identified it and included it in the BLP and BIDP.

These purported needs are not mentioned in the BLP or BIDP, which seems firmly to suggest they do not exist. The Development is not therefore required, and the Application can be refused. (For more on the BLP and BIDP, see paragraphs 13) to 28) below.)

- d) (from paragraph 83):

"Roadside facilities should ... serve passing traffic and not be destinations in their own right. Consequently, the transport assessment to accompany a planning application for a new or improved facility must show that there would only be a minimal overall increase in trip mileage to be acceptable in this regard..."

Traffic and Transport were scoped out of the Environmental Impact Assessment. We cannot therefore know whether the Development *could* meet this test. What we do know, however, is that (a) the Applicant would like (and the businesses operating from the new sites (the **Sites**) will want) people who live and (separately) people who work within a reasonable distance of the Sites to use the Development's facilities; **and** (b) if the facilities are used in that way, the Development *would be a destination in its own right*. It follows that, even if a Traffic and Transport Assessment showed that this test *could* be met in theory, it will not be met in practice. You therefore have another clear reason to refuse this Application. (See also paragraph 30)b) below.)

The Green Belt, Brentwood's Local Plan, and the National Planning Policy Framework

- 5) The proposed development will be in the Metropolitan Green Belt (the **Green Belt**).⁷

- 6) In the BLP, Brentwood Borough Council (**BBC**) makes it clear that BBC:⁸

- a) regards the Green Belt as "***an important protection [for] the borough's countryside;***" and

⁷ See (i) paragraph 2.45 of, and figure 2.3 (parts 1 and 2) in, the BLP; and (ii) the online version of the Brentwood Policies Map, available here: <https://maps.brentwood.gov.uk/mapstore/#/context/BBC0>

⁸ Paragraph 2.45, BLP.

- b) “***strongly supports the continued preservation of the Metropolitan Green Belt.***”
- 7) In its “Strategic Policy MG02: Green Belt”, BBC states that, “***The Metropolitan Green Belt ... will be preserved from inappropriate development so that it continues to maintain its openness and serve its key functions. Planning permission will not be granted for inappropriate development in the Green Belt other than in very special circumstances***” – circumstances that do not exist here.⁹
- 8) BBC also gives a commitment that it will seek “***to enhance the beneficial use of the Green Belt; to provide access to it; to provide or enhance opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; and to improve damaged and derelict land.***”
- 9) If BBC granted this Application, it would allow the Applicant to cover *up to* 45 hectares of the Green Belt¹⁰ with pavements, roads, car parks, lorry parks, EV charging stations, fuel stations, and other buildings, instead of:
- a) protecting the Borough’s countryside (in accordance with the BLP);
 - b) preserving the Green Belt (in accordance with the BLP, and Strategic Policy MG02);
 - c) maintaining the openness of, enhancing the beneficial use of, and providing better access to, the Green Belt (in accordance with the BLP, and Strategic Policy MG02);
 - d) providing or enhancing opportunities for outdoor sport and recreation in the Green Belt (in accordance with the BLP, and Strategic Policy MG02);
 - e) retaining and enhancing landscapes, visual amenity and biodiversity (in accordance with the BLP, and Strategic Policy MG02);
 - f) allowing and enabling the Green Belt to continue to serve its 5 purposes (in accordance with the BLP);¹¹ and
 - g) improving any damaged and derelict land there might be within the Development site (the **Site**) (in accordance with the BLP).¹²
- 10) If BBC granted the Application, it would not just act in a way that was inconsistent with its own commitments and policies. It would also act in a way that was inconsistent with the commitments and policies of the Government.
- 11) Like BBC, “***The Government attaches great importance to Green Belts.***”¹³ This is why it has:
- a) described the “***fundamental aim of [its] Green Belt policy [as being] to prevent urban sprawl by keeping land permanently open***”, before describing the “***openness and ... permanence***” of the Green Belt as one of its “***essential characteristics***”,¹⁴ and

⁹ Paragraph 4.6, BLP (Paragraph A).

¹⁰ The Application does not say exactly how much of the Green belt would be covered in this way. However, its maps show that the two Sites are (in aggregate) 45 hectares.

¹¹ **The Green Belt serves 5 purposes:** “(a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns; and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land” (see paragraph 143 of the NPPF. See also paragraph 4.7 of the BLP.)

¹² Paragraph 4.6, BLP (Paragraph C).

¹³ See paragraph 142 of the NPPF in its current form; and paragraph 139 of the NPPF in its proposed amended form.

¹⁴ See paragraph 142 of the NPPF in its current form; and paragraph 139 of the NPPF in its proposed amended form.

b) made it clear that:

- i) **BBC is expected to “plan positively to enhance [the Green Belt’s] beneficial use, [by] looking for opportunities to ... retain and enhance landscapes, visual amenity and biodiversity ...”**¹⁵
- ii) **BBC “should regard the construction of new buildings as inappropriate in the Green Belt” unless they fall within a limited number of exceptions (i.e., there are “very special circumstances”), none of which can be relied upon here;**¹⁶
- iii) **“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”**¹⁷ – circumstances that do not exist here (see above);
- iv) **“When considering [the Application, BBC] should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”**¹⁸

12) If this Application was granted, clear and obvious harm would be done to the Green Belt. BBC must give “*substantial weight*” to that as it considers the Application. There are no “*very special circumstances*” in this case (see above). Even if there were, and they were taken together with *all* of the “*other considerations*” the Applicant might claim are relevant and exist, they cannot begin to outweigh the harm that granting the Application and creating the Development would do. The Application should therefore be refused, because to grant it would be to act in a way that was inconsistent with BBC’s commitments and policies (see paragraphs 6) to 9) above) *and* those of the Government (see paragraph 11) above).

The Brentwood Local Plan | Other matters

13) According to the NPPF, “*Planning law requires that applications for planning permission be determined in accordance with the [BLP], unless material considerations indicate otherwise.*”¹⁹

14) In the BLP, BBC describes Brentwood as “*a ‘Borough of Villages’*”, before adding that:

- a) **BBC “will continue to maintain [the] village character [of the Borough], ensuring development respects and enhances these environmental qualities”;**²⁰
- b) BBC has developed and adopted a “*spatial strategy*” which “*seeks to preserve [the] historic development pattern and character of [the Borough’s] villages.*”²¹
- c) BBC has developed, adopted, and committed itself to pursuing, these “*strategic objectives*”;²²
 - i) **SO1. BBC will “Manage Growth Sustainably, by directing development to the most sustainable locations along identified transit growth corridors, ensuring that the**

¹⁵ See paragraph 150 of the NPPF in its current form; and paragraph 147 of the NPPF in its proposed amended form.

¹⁶ See paragraph 154 - 156 of the NPPF in its current form; and paragraphs 151 -157 of the NPPF in its proposed amended form.

¹⁷ See paragraph 152 of the NPPF in its current form; and paragraph 149 of the NPPF in its proposed amended form.

¹⁸ See paragraph 153 of the NPPF in its current form; and paragraph 150 of the NPPF in its proposed amended form.

¹⁹ See paragraph 2 of the NPPF.

²⁰ See page 29 of the BLP.

²¹ Paragraph 4.11 of the BLP.

²² Paragraphs 3.7 to 3.11 of the BLP.

characteristics and patterns of our different settlements are protected and enhanced to provide a strong emphasis on 'sense of place' to be enjoyed by people living, working and visiting Brentwood;” and

- ii) **SO4. BBC will “Deliver [a] Beautiful, Biodiverse, Clean and ... Functional Natural Environment, where resources are carefully managed to avoid adverse impact on, and to provide net gains for, the borough’s natural environment and biodiversity; and where our natural heritage is protected, and ecosystem services are restored [and] enhanced ...”**

15) Brentwood has 2 “Growth Corridors”;²³

- a) the “Central Brentwood Growth Corridor”, which runs through Brentwood, Mountnessing, Ingatstone, and “along the A12 corridor”; and
- b) the “South Brentwood Growth Corridor”, which comprises the West Horndon Village, the Dunton Hills Garden Village, and junction 29 of the M25 (the Brentwood Enterprise Park).

16) In the BLP, BBC states that “**Development in areas outside these growth corridors will be limited, to retain the local character ...**”;²⁴

17) The Development would plainly be:

- a) inconsistent with the “village character” of the Borough (in general); and the local character of (i) Horseman Side and the wider parish of Navestock; and (ii) St Vincent’s Hamlet and the surrounding areas (in particular);
- b) inconsistent with the preservation of the “historic development pattern and character of [the Borough’s] villages” (including those of Horseman Side, Navestock and St Vincent’s Hamlet);
- c) nowhere near the “most sustainable locations along identified transit growth corridors”;²⁵
- d) inconsistent with the delivery of a “Beautiful, Biodiverse, Clean and ... Functional Natural Environment [which] avoid[s] adverse impact on ... the borough’s natural environment”; and
- e) far from “limited”.

18) It is not just the Development that is inconsistent with the BLP. The Applicant’s approach to community consultation and engagement has been inconsistent with the BLP too. So, for example, the BLP explains:

- a) on page 93, as part of “**Strategic Policy BE14: Creating Successful Places**” that “**Proposals for major development should be supported by an area specific masterplan [although that has not happened in this case]. Design proposals will be expected to ... demonstrate early,**

²³ Paragraphs 3.12 to 3.15 of the BLP.

²⁴ See, also, the equivalent points made in and by (i) “Strategic Policy PC01: Safeguarding Employment Land” (on page 134 of the BLP); (ii) “Policy PC02: Supporting the Rural Economy” (on page 138); (iii) “Strategic Policy PC03: Retail and Commercial Leisure Growth” (page 139); and (iv) “Strategic Policy PC04: Retail Hierarchy of Designated Centres” (page 141 *et al*).

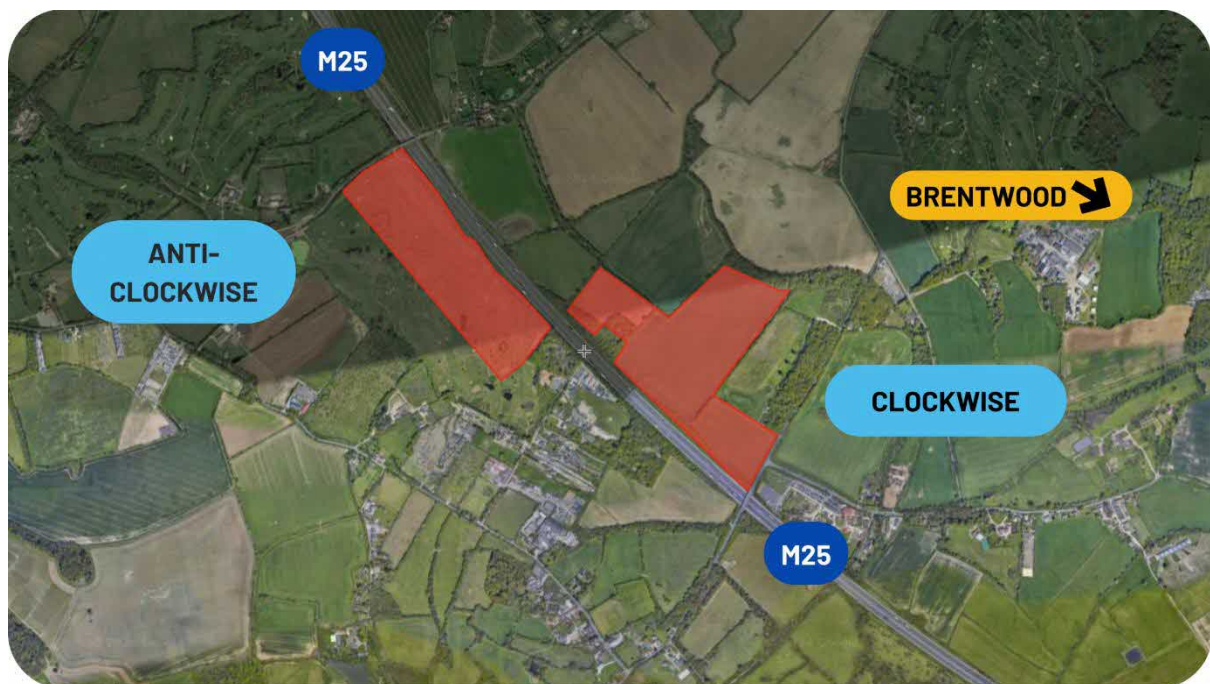
²⁵ See, also, paragraph 7.6 of the BLP which explains that, “Support will be given to proposals that secure job growth with ‘high value’ business and retail. This will be secured by ... e. enhancing and protecting the important role of small and medium sized commercial enterprises; f. directing major new retail, office and leisure investment to the boroughs Designated Centres, g. supporting the borough’s rural economy and growing agricultural enterprises; ... and h. maximising the value of existing and future public transport, [and] walking and cycling network[s], to support economic activity”. The Development will also be inconsistent with each of these things.

proactive, inclusive and effective engagement with the community and other relevant partners”; and

- b) in paragraph 5.125, “*The NPPF is clear that **applicants will be expected to work closely with those directly affected by their proposals** to evolve designs that take account of the views of the community. Therefore, **early discussion with the Council and the local community** about the design of emerging schemes **is important** for clarifying expectations and reconciling local and commercial interests. **Applicants that can demonstrate early, proactive, inclusive and effective engagement with the community will be looked on more favourably than those that cannot.***”

19) Here is a summary of what has happened, so far, from an Applicant / Navestock community engagement perspective:

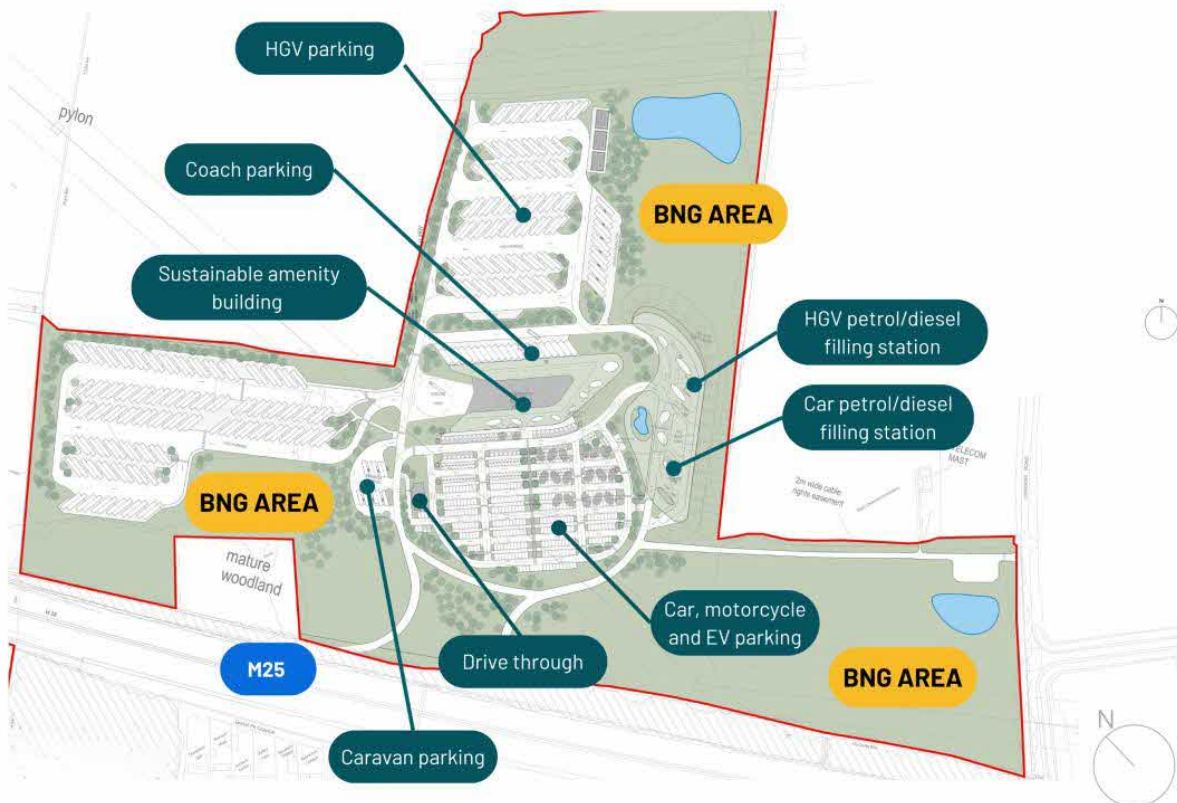
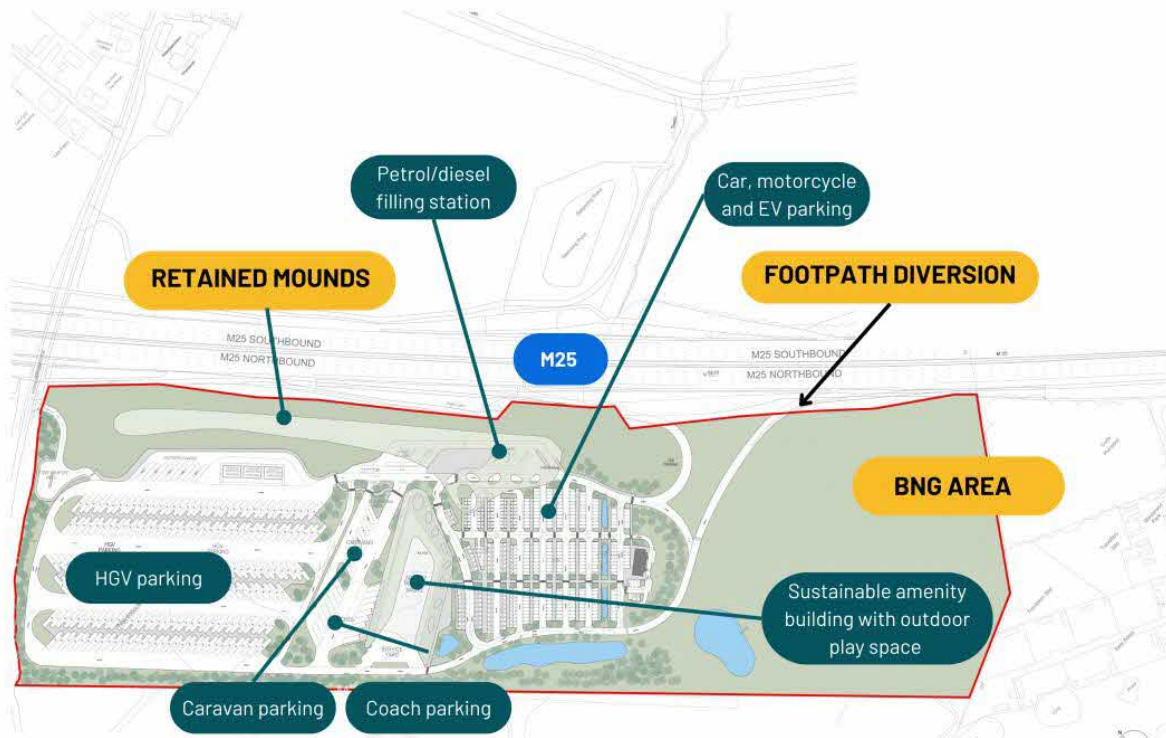
- a) postcards were delivered to some (but not all) of the properties in Navestock in early May 2024;
- b) these cards were size A6 (approx.). They gave some brief information about the Development; included a Site Map; invited people to visit a website to find out more and give feedback; and invited them to visit “an exhibition” between 3.30pm and 7.30pm on Monday 20 May 2024;
- c) the postcard’s Site Map is below. The Map is so poor that, in May 2024, few people realised the Development would be on the Priors Golf Course and Hill Farm sites. (This is more apparent, looking at the Map with today’s knowledge, than it was at the time);



- d) the 2021 Census shows that one-third of Navestock’s 648 residents are over 60;²⁶ and local knowledge firmly suggests that a material proportion (i) do not have internet access; and/or (ii) would find it difficult or impossible to get to the Village Hall for personal mobility reasons;
- e) the Applicant’s website had 6 short pages that were more promotional, than informative; included a series of images, and not much text; and the Site maps were still poor (see below).

²⁶ See: https://citypopulation.de/en/uk/eastofengland/admin/brentwood/E04003946_navestock/

(Blown up to this scale, it is (i) just possible to see the names of the Horseman Side properties adjacent to the northbound site; and (ii) still difficult to properly locate the southbound site);



- f) although the website purported to use a survey to ask for feedback, it was impossible to give meaningful feedback in this way because:
 - i) almost every question asked the reader about their preferences for, and their expectations of, a 21st century MSA, in circumstances where that MSA was *intended to be* (1) more environmentally friendly, (2) more professional business traveller friendly, (3) more family friendly, and (4) more pet friendly, than a typical 20th century MSA;
 - ii) almost every question had to be answered by choosing from an Applicant-friendly / Applicant-PR-useful list of answers; and
 - iii) the opportunity to give honest feedback was restricted (from memory) to a single question, where the space for comments was limited.

20) You should not therefore be surprised if the Applicant's data shows that:

- a) those who visited the website left after a minute or two (the pages were so short, and the promotional images so numerous and large, that a visitor who spent a minute or two on the site would have all the information there was);
- b) the number of people who started the survey was low, and the number who finished it was lower still (this is inevitable, given the features described in 19)f(i) and (ii) above);²⁷
- c) those who fully or partially completed the survey thought an MSA built for the mid-21st century needed (for example) (1) more EV chargers; (2) more energy-efficient, heating and lighting systems; (3) to use more down-lighters and other techniques to reduce light-pollution; and (4) to collect, use, and reuse, more rainwater, than an MSA built for the late 20th century instead.

21) In addition:

- a) many of us work; and many of those who do, work in the City – we could not therefore attend an exhibition on a Monday, if it closed at 7.30pm. You should not therefore be surprised by the Applicant's assertion that the number of people who visited the exhibition was low;²⁸
- b) you will have seen, from the comments of those who did attend,²⁹ that (1) (like the website) the "exhibition" was more promotional than informative; (2) although some people asked reasonable and predictable questions, the Applicant's representatives could not answer them;³⁰ and (3) the exhibition was arranged, presented, and delivered, in a way that made it difficult to express any reservations, concerns, or worries about, and/or to object to, the proposals;
- c) the Application was submitted on 23 July, and validated on 29 July 2024.

²⁷ Many of those who fully or partially completed the survey felt manipulated by it because it allowed, invited and encouraged them to say (for example) that mid-21st century MSAs need plenty of EV chargers, without asking them (or giving them a meaningful opportunity to say) whether they thought (A) the M25 needs more service stations; (B) (if so) whether the M25 needs more MSAs between junction 23 (South Mimms) and Junction 30 (Thurrock); and (3) (if so) whether this Development will be in the most useful place and/or on an appropriate site.

²⁸ Monday 27 May 2024, was a bank holiday. Many working people took the week before the bank holiday (including Monday 20 May) as holiday, and uses the bank holiday weekend as a holiday extension. Some people could not therefore attend the exhibition for that reason.

²⁹ I was not able to attend.

³⁰ For example, I understand that the Applicant's representatives were asked, by those who were able to attend, (i) to give a better explanation of the purported needs that are said to justify the building of 2 MSAs in the Green Belt; (ii) how they would ensure the wildlife and other tunnels under the M25 would be retained and protected; and (iii) how they would manage the flood risk created by up to 45 hectares of run-off rain water.

22) We cannot therefore see how the Applicant can “*demonstrate early, proactive, inclusive and effective engagement with [our part of] the community,*” in the period before the Application was submitted.

23) Since then:

- a) the Applicant and Navestock Parish Council (NPC) have had a Zoom meeting.

This was arranged at NPC’s request, and took place in early August 2024. At least as far as we are aware, the Applicant has not said anything about this meeting in public; and NPC did not say anything about it either, until it held its next ordinary pre-scheduled meeting on Tuesday 17 September 2024. At that point, NPC described the meeting as “a presentation” with few opportunities to ask questions, which did not give them any information they did not already have from the Applicant’s website and exhibition;

- b) the Applicant has held a “Public Drop-In Session.” This took place in Navestock Village Hall between 4pm and 7pm, on Monday 9 September 2024. The comments in paragraph 21) above also apply here;³¹
- c) 29 people went to the “Drop-In Session.” One of the people listed below spoke to every other attendee, as they left. During those conversations, all 29 said they objected to the Applicant’s proposals; and 24 of them signed a petition to formally record their views. The majority also regarded the “Drop-In Session” as more promotional, than consultative or informative; and some said they had asked the questions they asked in May, and the Applicant was still unable to answer them (for more on this, see footnote 30 above).

24) In the circumstances:

- a) we do not think you can properly reach the conclusion (as the Applicant suggests) that local residents are untroubled by the Applicant’s proposals;
- b) it seems to us that the Applicant should be “*looked on [less] favourably than*” an applicant who could “*demonstrate early, proactive, inclusive and effective engagement with [our part of] the community*” – something the Applicant plainly cannot do (see paragraph 18) above).

The Brentwood Infrastructure Delivery Plan (the BIDP)

25) (As you know), the BIDP:

- a) takes a detailed look at the Borough’s existing infrastructure, and the ways in which BBC hopes and expects the Borough will change and grow in the period to 2033;
- b) is intended to give BBC an “*understanding of [its] infrastructure deficit in the context of the Local Plan growth;*” and “*provides a schedule of infrastructure requirements to help support new development growth.*”³²

26) Although it is clear that, when BBC prepared and adopted the BIDP, it carefully considered:

- a) the M25;
- b) the need for, and the potential impact of, significant improvements at junctions 28 and 29;

³¹ For example, some of us were on holiday during the week of the Drop-In Session.

³² See paragraph 1.4 of the BIDP.

- c) the potential impact of the Lower Thames Crossing (**LTC**) (if built);
- d) the Borough's parking needs; and
- e) the Borough's electric vehicle charging needs;

the BIDP's "*infrastructure deficit*" and "*infrastructure requirements*" do not mention, or even begin to suggest that, the Borough needs (or, by 2033, might even begin to need) any MSAs.

27) The BIDP does, however:

- a) mention the importance of the Metropolitan Green Belt, "*green infrastructure*", "*open spaces*", "*green and blue corridors*", and "*green surfaces*";
- b) describe "*green infrastructure*" (including open spaces, golf courses, and grasslands) as "*important socially, economically and environmentally*" because this infrastructure provides "*space for eco-systems to develop and habitats for wildlife*"; and "*natural spaces for accommodating climate change, including areas for flood alleviation cooling urban heat islands*"; and
- c) emphasise "*the need to improve the linkages between formal and informal open spaces ... and ensure that strategic green corridors are protected and where opportunities arise ... green infrastructure provision is enhanced*".

28) Given both:

- a) the importance of the Green Belt, "*green infrastructure*", "*open spaces*", "*green and blue corridors*", and "*green surfaces*;" and
- b) the absence of (i) a MSA "*infrastructure deficit*;" or (ii) a MSA "*infrastructure requirements*,"

it is difficult or impossible to see how the Development can be anything other than BIDP-inconsistent. The Application should therefore be refused.

The National Planning Policy Framework (the NPPF)

29) (As you know), the NPPF (a) "*sets out the Government's planning policies for England*;" and (b) is "*a material consideration in planning decisions*."³³ (As you also know), the Ministry of Housing, Communities & Local Government is consulting on possible changes to the NPPF.³⁴

30) In so far as it is relevant for present purposes, the NPPF explains that:

- a) "***Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:***
 - a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

³³ See paragraphs 1 and 2 of the NPPF.

³⁴ The consultation paper is available at: https://assets.publishing.service.gov.uk/media/66acffddce1fd0da7b593274/NPPF_with_footnotes.pdf

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”³⁵

(a), b) and c) together, **Test A**).

The Development does not meet any part of Test A. The Application should therefore be refused.

- b) “*Significant development should be focused on locations which are or can be made sustainable, through **limiting the need to travel and offering a genuine choice of transport modes**”³⁶ (**Test B**).*

Test B *could be partially met if* the new MSAs were *at* a motorway junction, instead of *between junctions*. Even then, Test B would only really be met if a visitor could reasonably get (*and reasonably be expected to get*) to the proposed MSAs on foot, by cycling, and/or by using public transport. In practice, it will be so difficult to get to these MSAs on foot and/or by cycling that it will be unusual for anyone to do so. Getting there by public transport will be even harder, and rarer still. (The MSAs will not be on (or near) any bus routes; and the trains to and from Harrold Wood and Brentwood do not run overnight. The train stations are also several miles away.)

These things matter because the Applicant is expecting that:

- i) the Sites will support 400 “full-time equivalent” jobs – i.e., some jobs will be part-time, so more than 400 people will work on the Sites;
- ii) the Sites will be used by people who live, and (separately) people who work, in Brentwood, Pilgrims Hatch, Harold Wood, Romford and the surrounding areas, (for example) to charge their electric vehicles; and
- iii) the people referred to in (i) above, and some or all of those referred to in (ii) above, will access the Sites using the Horseman Side and Chequer’s Road entry and exit points (the **Local Entry and Exit points**), instead of the M25.

The Applicant is also expecting that some emergency vehicles *and* some delivery vehicles will use the Local Entry and Exit points, as well.

The Sites will operate 24 hours a day, 7 days a week, for 365 days.

There will therefore be hundreds (and perhaps thousands) of Local Entry and Exit point visits every day, at all times of the day and night; *and*, every time this happens Test B will not be met.

Test B will also not be met:

- i) when a vehicle enters the Sites from the M25 and leaves using a Local Entry and Exit point, because (for example) (i) the M25 is too slow moving, or at a standstill; and/or (ii) they are coming from, or going to, a place that is more easily reached using a Local Entry and Exit point, than by using the M25; and/or

³⁵ See paragraph 103 of the NPPF. If the Government’s changes are implemented, paragraph 103 will become paragraph 101. That aside, it will remain the same.

³⁶ See paragraph 109. If the Government’s changes are implemented, paragraph 109 will become paragraph 107. That aside, it will remain the same.

- ii) when a vehicle uses a Local Entry and Exit point to enter the Sites to get onto the M25, instead of using junctions 27, 28 and/or 29 to do so.³⁷

These things matter because:

- i) these visits will materially increase the number of trips on local roads;
- ii) these visits will be at all hours of the day and night, both to suit the shift patterns of the Site-based employees, *and* because the M25 is permanently and consistently in use;
- iii) (as the BIDP notes), *“It is generally acknowledged that congestion on the M25 ... is commonplace, especially at peak times,”* so the incentive to use the Local Entry and Exit points and the Sites to get onto and/or off the M25 will sometimes be high;³⁸
- iv) the incentive to use the Local Entry and Exit points will also be high every time someone in (say) Brentwood wants to use the on-Site facilities to (for example) charge their vehicle, because their choice will be to:
 - (1) use junction 28 to get onto the M25; charge their vehicle on the northbound site; leave the northbound site via the M25; use junction 27 to leave the M25; and return to Brentwood - a journey of about 30 miles; or
 - (2) use a Local Entry and Exit point to get to a charger, charge their vehicle, and exit by the same means – a journey of less than 10 miles.

The Development will not therefore meet Test B very often, if it meets it at all. The Application should therefore be refused.

- c) ***“Planning policies should ... provide for any large-scale transport facilities [such as roadside services] that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy.”***³⁹

“Planning policies ... should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages ...”⁴⁰

(together, **Test C**).

Although the BLP and BIDP make it clear that:

- i) junction improvements are required at each of junctions 28 and 29 of the M25;
- ii) (if built), the LTC will connect Essex and Kent in a way that increases the traffic flowing between them; and

³⁷ Some motorway service providers try to reduce local road impacts of these kinds by using (for example) barriers, automatic number plate recognition cameras, and warning signs. These things only work to a very limited degree because (for example) (i) the barriers are too often broken; (ii) the service station operators either do not have the power to fine those who use the local entry and exit points, despite the warning signs and cameras, or they choose not to exercise them because the extra local traffic, business and footfall are useful from a Site profitability perspective; and (iii) the incentives to use the local entry and exit points are so great that these kinds of deterrent are largely ineffective.

³⁸ See paragraph 3.12 of the BIDP.

³⁹ See paragraph 110.e) of the NPPF. If the Government’s changes are implemented, paragraph 110 will become paragraph 108. That aside, it will remain the same.

⁴⁰ See paragraph 113 of the NPPF. If the Government’s changes are implemented, paragraph 113 will become paragraph 111. That aside, it will remain the same.

iii) large scale transport and related requirements have therefore been considered by BBC and its planners, in detail,

neither the BLP nor the BIDP “provide[s] for any [roadside services]” or “overnight lorry parking facilities” in the Borough. This can only be because (a) the Borough does not need them; and (b) a need of that kind is not expected to emerge during the life of these plans. (See also paragraphs 16) and **Error! Reference source not found..**)

Test C is not therefore met; and the Application should be refused.

- d) “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe in all tested scenarios”⁴¹ (**Test D**).

Traffic and Transport were scoped out of the Environmental Impact Assessment. No-one therefore knows whether the Development *could* meet Test D. However, for the reasons given in this letter, it is more than reasonable to suppose (in the absence of expert evidence to the contrary) that this Development will have both (i) “an unacceptable impact on highway safety;” and (ii) “severe” “cumulative impacts on the [local] road network” (see, for example, paragraph 30)b) above, and paragraphs 31) to 35) below.)

If that is right, Test D is not met, and the Application should be refused.⁴²

- e) “***The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence***”⁴³

For simplicity, and so that you can more easily see the strongest possible case *from the Applicant’s perspective*, the text shown below is in the form in which it will appear, if the Government’s proposed changes to the NPPF are adopted, in full. For conciseness, we have included our analysis within the text, in each case, in square brackets, beginning “**NB**”. (The emphasis in bold and/or underlined in this section is mine.)

“... ***Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. [NB There are no relevant plans. It follows that there are no “fully evidenced and justified” “exceptional circumstances.” The relevant Green Belt boundaries cannot therefore be changed.]***

*Exceptional circumstances include ... instances where an authority cannot meet its identified need for housing, commercial or other development through other means. [NB The BLP and BIDP plainly show that **BBC can meet its identified needs by other means**. The Applicant’s needs, NH’s needs (if any) and the DoT’s needs (if any) are **not BBC’s needs**. They cannot therefore be relied on to justify plan changes in the future.]*

⁴¹ See paragraph 115 of the NPPF. If the Government’s changes are implemented, paragraph 115 will become paragraph 113, and the words underlined in this extract will be added to it. These things aside, it will remain the same.

⁴² The Applicant has described a 3-year strategy, which it hopes will encourage those who work on the Sites to car-share; and/or walk, cycle and use other sustainable means of transport to get to work. This seems hopelessly unrealistic, when one considers how far people will have to travel to get to their on-Site places of work. For example, Pilgrims Hatch is 3 or 4 miles away, and the train stations at Harrold Wood and Brentwood about 4 and 6 miles away respectively. These distances are too great to walk; and most people would regard them as too far to cycle, especially when they would have to use narrow, hilly, unlit roads, at all times of the day and night, to and from their places of work.

⁴³ See paragraph 142 of the NPPF. If the Government’s changes are implemented, paragraph 142 will become paragraph 139. Otherwise, it will remain the same

*[If there were relevant and exceptional] circumstances [BBC] should review Green Belt boundaries and propose alterations to meet [its] needs in full, **unless** the [plan] review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of the plan as a whole. [NB Changing the Green Belt in the ways the Applicant would like, would “fundamentally undermine the function of the Green Belt.” This is because, for example, the Green Belt is so narrow in the areas where the MSAs will be built; and the MSAs are so large, that the Green Belt will be permanently severed at the Sites; and that “would fundamentally undermine the function of the Green Belt across the area of the plan as a whole”]*

*Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to **[the Green Belt’s] intended permanence in the long term, so they can endure beyond the plan period....** [NB there are no “strategic policies” which “establish the need for any changes to the Green Belt boundaries”. If, despite these clear and incontrovertible facts, the Application was granted, and the MSAs were built, the Green Belt would be severed – i.e., the Green Belt would not survive to the end of the plan period, never mind “beyond” it, as the NPPF requires.]”⁴⁴*

...

“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. [NB granting the Application would be wholly inconsistent with each of these things]”⁴⁵

(Taken together, **Test E.**)

This analysis shows that Test E is not met. The Application should therefore be refused.

- f) *“Planning policies and decisions should contribute to and enhance the natural and local environment [and] prevent ... new ... development ... contributing to ... unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.”⁴⁶*
(**Test F.**)

This Development will not “contribute to [or] enhance the natural [or] local environment”. It will, however:

- i) **pollute the local air** - this will happen because (1) there will be a material increase in the number of vehicles using local roads to get to and from the Local Entry and Exit points (see paragraph 30)b) above); and (2) hundreds of vehicles will be parked on, and/or moving slowly around, the Sites at any one time. Every vehicle on the Site will increase the air pollution on and near the Site, because the Site is barely used by vehicles today;⁴⁷
- ii) **pollute the local rivers and streams** – this will happen because over time, petrol, diesel, oil, and other pollutants will leak from vehicles when they are parked, and/or being

⁴⁴ See paragraph 145 of the NPPF. If the Government’s proposed changes are implemented, this paragraph will become paragraph 142 of the NPPF. It will also be amended as shown.

⁴⁵ See paragraph 150 of the NPPF. If the Government’s proposed changes are implemented, this paragraph will become paragraph 147 of the NPPF. It will also be amended as shown.

⁴⁶ See paragraph 180 of the NPPF.

⁴⁷ Note that, according to paragraphs 8.71-8.75 of the BLP, “Development proposals should ... reduce the population’s exposure to poor air quality, particularly for those groups who are most vulnerable to its impacts such as children and young people and older people”. Note too that more than 1/3rd of Navestock’s inhabitants are over 60.

refuelled, on the Sites; these leaks and spills will gradually leach into the soil and underground aquifers; and, from there, they will gradually make their way into local rivers and streams;

- iii) **make the local winter floods worse than they already are** – (in common with much of the surrounding area, and for example), Horseman Side is built on heavy clay. During the autumn, winter, and spring, the clay absorbs water until it cannot absorb any more. After that, rain falling on the surrounding fields runs onto and down the roads. When the rain is heavy, the roads flood both (1) on Horseman Side, around the junction with Old Road; and (2) at the bottom of Dytchleys Road. These floods occur several times a year, and usually last for several days. The northbound Site will exacerbate these floods, by creating *up to* 20 hectares of run-off surface water - water that would have (1) been partially absorbed by the higher ground on which the Northbound site will rest; and/or (2) drained away in other directions, if the Northbound site was not there;
- iv) **create noise pollution** – this is inevitable when so many vehicles will be visiting and using the Sites. It is also likely to be especially bad, when one is closest to the Sites, given the number of on-Site refrigeration systems the Applicant is expecting to have in constant use;
- v) **create light pollution** – this is inevitable, because (a) *up to* 45 hectares of land will be lit or floodlit; and (b) at the moment, the Site is entirely unlit and the local roads are unlit too.

The Character of the Surrounding Neighbourhoods and Parishes

- 31) The Navestock Parish is surprisingly large (it covers 6.9 square miles), but only 648 people live here.⁴⁸ So the population density is very low. The greatest part of the land in the parish is used for agriculture, and almost all of the rest is used for residential purposes.
- 32) The countryside in and around the parish is very open. This is (in part) because Navestock does not have a centre. Rather, its homes have been built in small groups (for example, along Horseman Side, and Navestock Side); or in more isolated locations.
- 33) The roads in and around the Parish that are most likely to be affected by the Development include:
 - a) Horseman Side – unlit; only a single-lane wide in places; twists, widens, and narrows, in ways that often make it difficult for 2 vehicles to pass; has “blind corners,” a “blind junction,” and “concealed entrances;” floods in winter; is sometimes used for fly-tipping (for more about Horseman Side, **see the measurements and photographs in Schedule 1 and Schedule 2 to this letter**; and, for the relevance of fly-tipping, see the last part of paragraph 38) below and footnote 55 below);
 - b) Old Road – unlit; most of this road is only a single-lane wide; sometimes used for fly-tipping;
 - c) Tan House Lane – unlit; sometimes used for fly-tipping;
 - d) Dytchleys Road – unlit; narrow at the bottom of the hill; floods in winter; often used for fly-tipping;
 - e) Sabines Road – unlit; most of this road is only a single-lane wide; sometimes used for fly-tipping;

⁴⁸ According to the 2021 Census. See: https://citypopulation.de/en/uk/eastofengland/admin/brentwood/E04003946_navestock/

- f) Murthering Lane – unlit; some of this road is only a single-lane wide; often used for fly-tipping;
 - g) Coxtie Green Road – (between Chequers Road and St Vincent’s Hamlet) unlit; only a single-lane wide; vehicles often pull out onto Coxtie Green Road, when turning left out of Chequers Road, without looking to the right or stopping, causing accidents and creating “near-misses;” sometimes used for fly-tipping;
 - h) Chequers Road – unlit; of normal width; very busy; badly littered; sometimes used for fly-tipping;
 - i) Wheeler’s Lane – unlit; narrow in places; hilly;
 - j) Goatswood Lane – unlit; of normal width; badly littered; sometimes used for fly-tipping.
- 34) There are no pavements or cycle-lane on these roads (or anywhere else in the parish). The majority of them are, however, wide enough to be used regularly by *confident*:⁴⁹
- a) walkers (both alone and with dogs);
 - b) runners (both alone and in pairs);
 - c) horse riders (both alone and in pairs);
 - d) horses with small carriages (both alone and in small groups); and
 - e) cyclists (both alone, and in small and large groups).
- 35) The Development will:
- a) increase the volume of traffic passing through the parish (see paragraph 30)b) above);
 - b) materially increase the risk of road traffic accidents, between vehicles and walkers, runners, horses, cyclists, *and* other vehicles;⁵⁰
 - c) increase the traffic noise and levels of air pollution in the parish (because there will be more traffic passing through the parish; but see also paragraph 30)f) above);
 - d) turn our completely dark night-time skies, into skies that are fully or partially lit or coloured, depending on how close you are to the Sites, and the direction in which you look.
- 36) Paragraphs 31) to 35) above clearly show that:
- a) the proposed Development will be inconsistent with the character of the immediately surrounding neighbourhoods and parishes; and

⁴⁹ “*Confident*” because Horseman Side and Navestock Side (in particular) are too busy to be used for walking, running or cycling, by many of the people who live here. In fact, the majority already regard these roads as too busy, and too dangerous, for these activities because so many vehicles already travel along them at speeds that are too high for the local road conditions. Essex Police have therefore refused permission for a Community Speedwatch scheme in the parish of Navestock as they consider the roads to be unsuitable on safety grounds due the speed of traffic and the absence of foot paths. Note, too, that about 1/3rd of Navestock’s residents are over 60. Those who do walk, run, cycle, or ride their horses, here, therefore often come from busier places, such as Brentwood, Ongar, and East London because Navestock is pretty and (relatively speaking) the roads are quieter here than elsewhere.

⁵⁰ There have already been at least 2 accidents on Horseman Side this year. There have also been other accidents on (for example) Coxtie Green Road, and elsewhere

- b) the higher levels of traffic will be inconsistent with the character of the local roads, and the uses to put they are put.

37) Each of these things matters on its own terms. Each of them also matters because (for example):

- a) according to the BLP, “*Developments must not have an unacceptable impact on the transport network in terms of highway safety, capacity and congestion*”⁵¹ – and this one plainly will;
- b) the BLP makes it clear that “*Development resulting in an unacceptable impact on highway safety, or significant and harmful residual cumulative impacts on the road network will be prevented or refused on highways grounds, unless any impact will be effectively mitigated to an acceptable degree, in line with the NPPF*”⁵² – this Development will have unacceptable impacts of these kinds, and effective mitigation is impossible;⁵³
- c) according to the BLP, “*Traffic congestion and road capacity remain key issues on the borough’s transport network and the need to mitigate their impacts and to promote modal shift remains imperative, especially as growth in and around Brentwood increases*” – and this Development will hinder, rather than “*promote [the] modal shift*” required.

38) The NPPF also makes it clear that,⁵⁴ “*Planning policies and decisions should ensure that developments: ...*

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; ...*
- c) *are sympathetic to local character and history, including the surrounding ... landscape setting, ...; ...*
- f) *... create places that are safe ... which promote health and well-being ... where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”*

The Development will not “*add to the overall quality of the area;*” MSAs are plainly not “*sympathetic to local character,*” “*history*” or the “*landscape setting;*” they do not “*promote health and well-being;*” and the increase traffic passing along the local roads will almost certainly increase “*crime ... and the fear of crime*” in the locality.⁵⁵

Other matters

39) The Applicant should have been required, whether as part of the Environmental Impact Assessment scoping process or otherwise, to produce a Traffic and Transport Assessment. It has not done so.

⁵¹ See page 87 of the BLP.

⁵² See paragraph 5.104 of the BLP.

⁵³ According to the BIDP, (i) “*Brentwood has the second lowest level of cycling to work in Essex, with less than 1% of journeys to work being made by bike*” (see paragraph 3.29); (ii) this is (at least in part) because “*The current cycling infrastructure network and infrastructure within the Borough is poorly developed*” (see paragraph 3.65); (iii) “*the number who travel to work by bus*” is only 1.24% and, even if the number was higher, the Sites are not on (or anywhere near) any bus routes (see paragraph 3.36); and (iv) the number of people who travel to work by car or van is 36.62%.

⁵⁴ See paragraph 135 of the NPPF. If the Government’s proposed changes to the NPPF are implemented, this paragraph will become 132. Otherwise, it will remain the same.

⁵⁵ As BBC knows, Navestock has a longstanding and persistent fly-tipping problem. BBC believes that a material proportion of the fly-tips that occur in and around Navestock are organised crime related. The more traffic there is passing through Navestock, the more likely it is that others will see the extant fly-tips and choose to fly tip here themselves. Navestock’s farmers and others also report, on a reasonably regular basis, the breaking into of their outbuildings, and the theft of vehicles, power tools and farm machinery. Again, the more traffic there is passing through this area, the more likely it is that people will see isolated farm buildings, and other properties, see an opportunity to break in and steal, and do so.

40) We also note that:

- a) a Health Impact Assessment (**HIA**) is required for a non-residential development of this size;⁵⁶
- b) a Drainage Strategy and Flood Risk Assessment (**DS&FRA**) is required for a development of this size;⁵⁷ and
- c) *“any development requiring a new road or road access, walking and cycling facilities and public transport, will be required to have regard to the adopted Essex County Council’s Development Management Policies or successor documents [(the **Management Policies**)], in order to assess the impact of development in terms of highway safety and capacity for both access to the proposed development and the wider highway network.”*⁵⁸

It is not clear whether the Applicant has produced an HIA and/or a DS&FRA; or paid any (or any sufficient) regard to the Management Policies.

41) In the circumstances, we do not believe that you can reasonably and rationally (i.e. lawfully) grant this Application.

42) It is also clear, from the Town and Country Planning (Consultation) (England) Direction 2024 (the **Direction**), that the Development will be a “*major development*”, a “*Green Belt development*” and an “*inappropriate development*.” As a matter of law, BBC can only therefore (a) refuse the Application; or (b) consult the SOS before determining it.⁵⁹ What it cannot lawfully do, is grant the Application first; and, if it granted the Application afterwards, it would still take a series of material legal risks by doing so. The Application should therefore be refused.

We appreciate that this is an (unavoidably) long and detailed letter. If it would help to discuss it, please say and two or three of us will make ourselves available. If you have any questions, or anything is unclear, please say and we will do everything we can to assist.

Yours faithfully

Chris Finney

On my own account, and for and on behalf of each of the following:

- 1) Carol Finney, Waterhales Cottage, Horseman Side, Brentwood CM14 5ST;
- 2) Janice Forbes-Burford, The Parry, Apartment 2, Gilstead Hall, Coxtie Green Road, Brentwood CM14 5RH;
- 3) Gavin Hunt, King William the Fourth, Tan House Lane, Brentwood;
- 4) Rob Wilkinson, Coach House, Horseman Side, Brentwood, CM14 5ST;
- 5) Pet Wilkinson, Coach House, Horseman Side, Brentwood, CM14 5ST;
- 6) Rosemary Sewell, Willow Cottage, Curtis Mill Green, RM4 1HP;
- 7) Laurence Sewell, Willow Cottage, Curtis Mill Green, RM4 1HP;
- 8) Rosemarie Boyes, New Hall Farm, Horseman Side, Brentwood CM14 5ST;
- 9) Peter Boyes, New Hall Farm, Horseman Side, Brentwood CM14 5ST;

⁵⁶ See page 43 of the BLP.

⁵⁷ See page 69 of the BLP.

⁵⁸ See page 83 of the BLP.

⁵⁹ See paragraphs 2, 3, 4 and 11 of the Town and Country Planning (Consultation) (England) Direction 2024, issued by the Secretary of State for Levelling Up, Housing and Communities, using the powers conferred by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595).

- 10) Lucy Wright, Bois Hall, Dudbrook Road, Brentwood CM14 5TQ;
- 11) Daniel Wright, Bois Hall, Dudbrook Road, Brentwood CM14 5TQ;
- 12) Andrew Dean, Dabbs Farm, Mill lane, Navestock, Brentwood RM41ET;
- 13) Joanne Dean, Dabbs Farm, Mill lane, Navestock, Brentwood RM41ET;
- 14) Glenn Horton, Cedar House, Horseman Side, Brentwood CM14 5ST;
- 15) Emma Horton, Cedar House, Horseman Side, Brentwood CM14 5ST;
- 16) Tony Donnelly, Rose House, Sabines Road, Navestock RM4 1HH;
- 17) Annette Donnelly, Rose House, Sabines Road, Navestock RM4 1HH;
- 18) Robert Kennedy, White House Far, Horseman Side, Brentwood CM14 5ST;
- 19) Michelle Kennedy, White House Far, Horseman Side, Brentwood CM14 5ST;
- 20) Rebecca Kennedy, White House Far, Horseman Side, Brentwood CM14 5ST;
- 21) Emma Delea, 11 Church Road, Navestock Heath, Essex RM14 1HB;
- 22) Marc Delea, 11 Church Road, Navestock Heath, Essex RM14 1HB;
- 23) Steve Martin, Waterhales, Horseman Side, Brentwood CM14 5ST;
- 24) John Fisher, The Dairy, Shonks Mill Road, Romford RM14 1EU;
- 25) Tina Fisher, The Dairy, Shonks Mill Road, Romford RM14 1EU;
- 26) Mark Deem, Tanglewood, Raveley Road, Great Raveley, Huntingdon PE28 2QX;
- 27) Gary Hughes, 1 Sauncey Avenue, Harpenden, Hertfordshire AL5 4QG;
- 28) Margaret Gottlieb, 21 New Road, Old Harlow CM17 0DU;
- 29) Chris Massie, Black Mill, Wheelers Lane, Pilgrims Hatch CM14 5RN;
- 30) Karen Massie, Black Mill, Wheelers Lane, Pilgrims Hatch CM14 5RN;
- 31) Paul Scott, Wakefield's, Coxtie Green Road, Brentwood CM14 5RE;
- 32) Sonya Scott, Wakefield's, Coxtie Green Road, Brentwood CM14 5RE;
- 33) Suzanne Lambert, 53 Symington Way, Market Harborough, Leicestershire;
- 34) Helen Bridgeman, The Firs, Sabines Road, Navestock Heath, RM4 1HD;
- 35) Ann Smith, 21 Rainsborough Gardens, Market Harborough, Leicestershire;
- 36) Harvey Robertson, 9 Gilstead Hall Mews, Coxtie Green Road, Pilgrims Hatch, Brentwood CM14 5RH;
- 37) Nicola Robertson, 9 Gilstead Hall Mews, Coxtie Green Road, Pilgrims Hatch, Brentwood CM14 5RH;
- 38) Ashley Stringer, 17 Imperial Road, Beeston, Nottingham
- 39) Catherine Finney, 17 Imperial Road, Beeston, Nottingham;
- 40) Susan Jarvis, 16 Griffin Avenue, Upminster RM14 and 31 Carpenter Close Billericay CM12 0EA;
- 41) Melissa Mills, Green Farm Courtyard, Albyns Lane, Stapleford Tawney RM4 1RX;
- 42) Karen Garrett, 44 Priests Lane, Brentwood CM15 8BY;
- 43) Tina Page, 40 Acre Farm, Albyns Lane, Stapleford Tawney, RM4 1RT;
- 44) Denise Pitts, The Old Thatch, Curtis Mill Green, Navestock RM4 1HP;
- 45) Ronald Redman Houghtons, Horseman side, Navestock CM14 5ST;
- 46) Irene Redman Houghtons, Horseman Side, Navestock CM14 5ST;
- 47) Sheila Priest, Birches, Horseman Side, Navestock CM14 5ST;
- 48) Martin Priest, Birches, Horseman Side, Navestock, CM14 5ST;
- 49) Ray Searle, Hammonds Cottage, Horseman Side, Navestock CM14 5SS;
- 50) Julie Searle, Hammonds Cottage, Horseman Side, Navestock CM14 5SS;
- 51) Len Kemp, 15 Elmtree Avenue, Kelvedon Hatch CM15 0BH;
- 52) Xiaohui Tang, 15 Elmtree Avenue, Kelvedon Hatch CM15 0BH;
- 53) John Walker, Summers Cottage, Horseman Side, Navestock CM14 ST;
- 54) Angela Walker, Summers Cottage, Horseman Side, Navestock CM14 5ST;
- 55) Stuart Craig, Bowers Farmhouse, Tan House Lane, Navestock CM14 5SR;
- 56) Jacqueline Craig, Bowers Farmhouse, Tan House Lane, Navestock CM14 5SR;
- 57) Sue Fordham, Watton Farm, Horseman Side, Navestock CM14 5SU;
- 58) Mick Fordham, Watton Farm, Horseman Side, Navestock CM14 5SU;

- 59) Margaret Fennings, The Forge, Chequers Road RM3 7NA;
- 60) David Fennings, The Forge, Chequers Road RM3 7NA;
- 61) Peter Doughty, Ferndale, 1 Paternoster Roaw, Noak Hill, Romford RM4 1LA;
- 62) Paul Doughty, Ferndale, 1 Paternoster Roaw, Noak Hill, Romford RM4 1LA;
- 63) Sherri Maskell, Ferndale, 1 Paternoster Roaw, Noak Hill, Romford RM4 1LA;
- 64) Emily Lobley, Travellers Rest Farm, Chequers Road, South Weald CM14 5RG;
- 65) Gail Harris, Mole End, Noak Hill Road RM3 7LS;
- 66) John Harris, Mole End, Noak Hill Road RM3 7LS;
- 67) Sean Corr, Wrightbridge Farmhouse, Weal Road, Brentwood CM14 5RB;
- 68) Maureen Corr, Wrightbridge Farmhouse, Weal Road, Brentwood CM14 5RB;
- 69) Sarah Corr, Wrightbridge Farmhouse, Weal Road, Brentwood CM14 5RB;
- 70) Diana Hyland, 6 Gilstead Hall, Coxtie Green Road, CM14 5RH;
- 71) Alf Butler, 6 Gilstead Hall, Coxtie Green Road, CM14 5RH;
- 72) Barbara Farrow, 28 Wrexham Road, Harold Hill RM3 9HH;
- 73) Maria Whitelock, 1 Dacre Cottage, Paternoster Road, Noak Hill RM4 1LA;
- 74) Roger Whitelock, 1 Dacre Cottage, Paternoster Road, Noak Hill RM4 1LA;
- 75) Max Whitelock, 1 Dacre Cottage, Paternoster Road, Noak Hill RM4 1LA;
- 76) Michelle Gregory-Hall, The Poplars, Church Road, Noak Hill RM4 1JX;
- 77) Steve Hall, The Poplars, Church Road, Noak Hill RM4 1JX;
- 78) Reece Hall, The Poplars, Church Road, Noak Hill RM4 1JX;
- 79) Chelce Hall, The Poplars, Church Road, Noak Hill RM4 1JX;
- 80) Nicholas Merriman, 36 Durham Avenue, Woodford Green IG8 7NH
- 81) John Marsh, The Old Angel, Wrightsbridge Road, South Weald CM14 5RD;
- 82) Darren Batsford, 2 Chase Cottages, Navetsock RM4 1HD;
- 83) Justine Batsford, 2 Chase Cottages, Navetsock RM4 1HD;
- 84) Robert Shaw, Acorn Lodge, Church Road, Noak Hill, Romford RM4 1LD;
- 85) Nigel Davies, 10 Larchwood Gardens, Pilgrims Harch, Brentwood CM15 9NE.

Schedule 1 – Horseman Side and Dytchleys Road

Horseman Side and Dytchleys Road are not the only roads that will be materially affected by the proposed Development, if it proceeds. They are probably not the roads that will be affected to the greatest and worst extent either. They are taken here as examples for illustrative purposes (only).

Horseman Side

Horseman Side is of ordinary 2-lane width as you pass over the M25 bridge, moving towards the Alma Arms. It narrows and twists on the way down, before widening, narrowing and twisting again. The measurements and photographs below illustrate these points.

Note that the road is too narrow for 2 transit vans to pass comfortably or easily, at almost any point. In some places, the road is also too narrow for an HGV and a Mini Countryman to pass.

The following measurements were taken adjacent to the telegraph poles listed below. For the significance of the entries in **bold**, please see below:

Road position or telegraph pole marking	Width in metres	Comments
At the end of the central white lines	4.80	
The following poles are on the right of the road:		
A	4.20	
4A	4.05	
3	3.95	
2	3.76	
1	4.22	
12	3.90	
1B	4.15	
2B	5.30	This is the widest part of the road. It is 1.65 meters wider than the narrowest part of the road.
Entrance to Waterhales Farm	3.90	There is only a short distance between pole 2B and the entrance to Waterhales Farm. This point is adjacent to a large pond. If you were driving towards the M25, you would be about to enter a long bend, with poor visibility ahead.
4B	4.30	
The following poles are on the left of the road		
2	4.26	
752868	4.12	
752867	3.94	
752866 / near Sheep House Gate	4.00	
The following poles are on the right of the road		

270	4.70	
752860	3.90	
Entrance to New Hall Farm	4.10	
752870	4.10	
The following poles are on the right of the road		
CP1	3.90	
DP28	5.15	
Pole 752875 next to the Alma Arms' car park	4.40	
Between 752785 and the Old Road Junction	3.65	This is the narrowest part of the road. It is 1.65 metres narrower than the widest part of the road.
Adjacent to the pudding stone	4.80	

Refrigerated HGV's are 2.6m wide.

Transit vans are 2.47m wide (with mirrors).

A Range Rover Evoque is 1.99m wide (with mirrors).

A Mini Countryman is 1.84m wide

The result is that an HGV and a Mini Countryman cannot pass easily (if at all) at any of the points listed in bold in the table above. The same is also true for a transit van and a Range Rover Evoque.

Dytchleys Road

Dytchleys Road 4.6m wide at the end of the white lines than run down the hill from the Coxtie Green Road.

Dytchleys Road narrows as you travel down the hill. At the bottom, where it floods in winter, it is only 3.8m wide.

This road is also too narrow for 2 transit vans to pass comfortably or easily, at almost any point

Schedule 2 – Photographs of Horseman Side

Again, Horseman Side is not the only road that will be materially affected by the proposed Development, if it proceeds. It is probably not the road that will be affected to the greatest and worst extent either. It is taken here as an example, for illustrative purposes (only).

Photograph 1: View from the Horseman Side bridge over the M25, looking towards the Alma Arms and Dytchleys Road. Note how the road narrows immediately after the central white lines stop. The field entrance on the right-hand side is often used for fly tipping. More traffic is likely to enable, invite and/or encourage more litter, and more fly-tipping.



Photograph 2: this photograph was taken standing towards the lefthand side of Horseman Side, almost opposite Birch Cottage, looking towards Old Road, and Dytchleys Road. Note the “concealed entrance” sign in the hedge on the left-hand side. There are 4 concealed entrances here: (in order, and moving away from the photographer, they are) the entrance to a residential property; the entrance to the Alma Arms’ Car Park, the entrance to another residential property *and* the entrance to Old Road. In the concealed entrance section of the road (i.e., immediately after the “concealed entrance” sign), the road also narrows and twists. Too many vehicles already approach this section of the road, in the middle of the road, at speeds that are below the speed limit but too high for a road that is as narrow as this one, where visibility is restricted as it is here.



Photograph 3. This photograph was taken standing in the middle of the lefthand part of Horseman Side, about 50 yards back from the junction with Old Road, looking away from the Alma Arms and towards Dytchleys Road. Note the ‘finger post’ sign in the middle of the picture. That sign is opposite Old Road. The entrance to Old Road is completely invisible until a driver travelling towards Dytchleys Road has almost reached that sign.



Photograph 4: This vehicle is correctly positioned on Horseman Side. It is travelling away from the M25 towards Old Road, approaching New Hall Farm on the left and Birch Cottage on the right. This picture shows how narrow the road is at this point, and how difficult can be even for two correctly positioned vehicles travelling at sensible speeds in good road conditions, to pass safely.



Photograph 5: this vehicle is also correctly positioned on the road. It is travelling from the M25 towards Old Road and Dytchleys Road, approaching New Hall Farm on the left and Birch Cottage on the Right. The picture also shows how narrow the road often is, and how difficult it can be for 2 correctly positioned vehicles to pass.



Photograph 6. This picture shows a vehicle travelling along Horseman Side towards the M25, in what appears to be the centre of the road. This is the most common position for vehicles to be in on some sections of this road, because it is so narrow. So narrow, in fact, that it is sometimes difficult to avoid doing anything else.



Photograph 7: This picture was taken on Horseman Side, opposite Millenium Common, looking away from Dythcleys Road, towards Old Road and the Alma Arms. Immediately after the road turns to the left, Old Road is on the right. You can just see a Horse Carrying Vehicle approaching the junction on Old Road, from the right-hand side of the picture. Immediately beyond that, and moving away from the photographer, there are concealed entrances on the right, to a residential property, the Alma Arms' Car Park, and 4 other residential properties. There are also 3 concealed entrances to residential properties on the left.



Photograph 8. This photograph was taken standing on the right-hand side of the road, adjacent to the Alma Arms' Car Park, looking along Horseman Side towards the M25. This view is therefore slightly better than the view available to a vehicle turning right out of the Alma Arms' car park (because the drivers of those vehicles will be further to the right of this picture, than the photographer was). Note the "Slow Down" sign on the left. This was added by local residents because too many vehicles approach this part of the road, in the centre of the road, at speeds that are below the speed limit but too high for the road ahead, which twists and narrows significantly, making it difficult for 2 vehicles to pass, even if they are correctly positioned on the road. Note: there is an entrance to a residential property on the right; an entrance before the bungalow on the left; *and* another entrance to another residential property immediately opposite that one, on the right.



Photograph 9. This is the same view, taken from the left-hand side of the road, at a spot that is a little nearer to the “Slow Down” sign. The viewer can see more of the road ahead than a vehicle driver could see at this point of the road (because the picture has been taken from the far left, instead of towards the centre of the road, where the driver would be, if correctly positioned); and yet there are concealed entrances ahead, and immediately after the twist in the road.



Photo 10. This photograph was taken standing in the middle of the Old Road T Junction, as if the photographer was planning to turn right onto Horseman Side. From here, there are 5 concealed entrances – one to a property on the left; and, in order, and my moving away from the junction, one to a property on the right, followed by the Alma Arm’s Car Park, followed by the entrances to 2 other residential properties. Note that, even from here, the photographer cannot see more than a few yards up Horseman Side towards the M25. A driver of a vehicle would be able to see less, because the driver will necessarily be further back into Old Road than the photographer.

