

Land East of Rayleigh Road Appeal - Reference APP/M1520/W/24/333879

Thank you Sir/Madam for allowing me to speak at this hearing, particularly as now a General Election has been called I am technically no longer here as the MP but as a deeply concerned local resident. I do not have a legal background or any specific qualifications related to planning, but I have been the MP for Castle Point for the past 14 years, and as the Member of Parliament, I opposed the previous draft local plan precisely because it included Green Belt sites like this one, that are central to the semi-rural character of our local area, whose development would put unacceptable strain on local infrastructure, and crucially whose visual amenity and environmental value residents truly treasure.

Indeed the last draft local plan was withdrawn by Castle Point Borough Council precisely to prevent the development of this site and other large single plots of Green Belt around the Borough. In withdrawing the last draft plan, I know several Councillors and the large numbers of the concerned public were of the understanding that it would no longer carry weight in planning decisions. I therefore am very disappointed, and not a little surprised on behalf of residents that the developers refer constantly to the withdrawn plan throughout their case. I will expand further on matters related to this point later in my submission.

Sir/Madam, before I present my substantive arguments against the Appellant's case detailed in this appeal, I believe it is important for this hearing to understand that residents have suffered from this site being under the constant threat of development for long since before I became their MP in 2010. I know the strength of feeling against this application, and this hearing need look no further than the no less than 806 individual public comments it has received from concerned residents. I want to take the opportunity to thank all those residents who took the time to write in to show their strength of feeling, and to explain how this application will affect their everyday lives.

Sir/Madam, it is my sincere hope that this appeal is soundly rejected and that local residents can finally have the certainty and peace-of-mind that this wholly Green Belt site will be preserved for the future.

The arguments I wish to make against this appeal and in many instances the specifics of the Appellant's case, fall around seven key areas:

- 1) The highly dangerous, and as I will evidence wholly incorrect, assertion made by the Appellant that this site, and indeed consequently every single Green Belt site in the Borough no longer enjoys the protection of Green Belt status afforded to it in the adopted 1998 Castle Point Local Plan.
- 2) The fact that in my belief the Appellant has not proven that special circumstances exist that would outweigh the very strong protections for Green Belt enshrined in Government planning policy and the highly ill-judged assertion made by the Appellant that the harms to the purposes of the Green Belt have been 'overstated'.
- 3) The status of the proposed development site regarding the withdrawn local plan.

- 4) The assertion by the Appellant that the reduced local annual housing need figure released by the Council in November 2023 and referenced in the planning officers report regarding the application, should be discounted.
 - 5) The strain this specific application would place on the already overloaded junction of Rayleigh Road, Daws Heath Road, and Hart Road, known locally as the Woodmans Arms junction.
 - 6) Environmental impact on air quality, wildlife and the nearby triple SI areas.
- and
- 7) The unfairness of the application that seeks to exploit Castle Point Borough Council's current lack of a draft local plan when it is actively in the process of developing a new one

I also Sir/Madam, wish to mention something that I don't believe has received enough attention throughout this whole process, and that is the potential impact of this development on those, who in the worst possible circumstances, are attending the Little Haven's Children's Hospice directly next to this proposed development site.

- 1) Firstly, I am utterly horrified at the assertion by the Appellant that as policy GB1 was not saved by the former Secretary of State for Communities and Local Government Hazel Blears in 2007, that the relevant Green Belt designation and protections contained within the adopted 1998 Castle Point Local plan do not apply.

Sir/Madam, in September 2015 I sat in this very chamber, and actually in this very seat I believe and made a lengthy submission on behalf of residents in the four day planning appeal, an appeal for a proposed circa 265 home development on Green Belt South of Jotmans Lane in Benfleet. After a lengthy legal battle we were successful in that appeal and I refer you to the decision notice now.

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- * The appeal reference was APP/M1520/A/14/2216062, and in the decision notice from the Secretary of State, a decision notice incidentally legally tested at appeal, Sections 10-11 state:

"In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the saved policies of the Castle Point Borough Council Local Plan (LP), adopted on 17 November 1998. Policy GB1, which dealt with control of development in the Green Belt, was not saved. The Secretary of State has taken into account the Court of Appeal's decision that notwithstanding the failure to save LP Policy GB1, the Green Belt designation, shown on the Proposals Map, persists."

This in itself references section 5.1 and 5.2 from the inspectors report accompanying the decision notice which states:

"The statutory development plan for the area includes the saved policies of the Castle Point Borough Council Local Plan, adopted on 17 November 1998. The appeal site lies within the boundaries of the Green Belt, as defined on the Proposals Map. The Saving Direction, dated 20 September 2007, did not include Policy GB1 which dealt with the control of development in the Green Belt. The Court of Appeal decided that notwithstanding the failure to save LP Policy GB1, the Green Belt designation, shown on the Proposals Map, persists. In the absence of any Local plan policy controlling development in general in the Green Belt, the Council makes no reference to the development plan in its reasons for refusal, nor does it rely on it in evidence. Instead, the Council has been largely guided by the approach set out in the National Planning Policy Framework, and the subsequent Planning Practice Guidance."

Incidentally the Court of Appeal decision referred to in that decision was a successful decision against a planning appeal for land at Glebelands in Thundersley which the Council, myself and hundreds of local residents fought against a few years before then.

Sir/Madam, the reason why that decision is particularly relevant is that again, here for this appeal right now, the Council also makes no reference to the 1998 development plan in its reasons for refusal, nor does it rely on it in evidence. The great emphasis that the Appellant has placed on the fact that GB1 from the 1998 plan was not saved is a complete red herring and I contend irrelevant to the core arguments surrounding this case.

I am deeply worried that a ruling that accepts the relevance of their contention on this point would set a dangerous precedent completely at odds with the sentiment behind the Secretary of State's decision on the Jotmans appeal in 2017 that would have serious consequences for any future appeals regarding land in Castle Point designated as Green Belt in the 1998 adopted plan, which incidentally is ALL of the land that local residents and the Council identify as Green Belt.

The core argument regarding Green Belt, should be that of the protection afforded to it by the National Planning Policy Framework, and I turn to that subject now.

- 2) Sir/Madam, Paragraph 11 of the National Planning Policy Framework which discusses the 'Presumption in favour of sustainable development' which I also understand is referred to as 'the tilted balance' discusses the weight of various factors that decision makers should consider in circumstances such as this.

Footnote 7 for that paragraph lists types of protected areas or assets of particular importance that provide a clear reason for refusing the development. The second clear example on that list after Sites of Special Scientific Interest, is land designated as Green Belt.

The site is indeed in Green Belt and section d, subsection 1 of this paragraph clearly applies. According to the 'tilted balance' detailed in the NPPF, planning permission does not have to be granted, and the Development Management Committee of Castle Point were acting in accordance with the NPPF when they refused this application.

The Council in their original report regarding the planning application for this site has eloquently stated that although nobody can contest the Council has unmet housing need and that has to be given weight when determining if very special circumstances to justify development exist, this has to be weighed against harm to the Green Belt caused by this application in particular.

I agree with the Statement of Common Ground between the Appellant and the Council that this site encompasses three of the five functions of Green Belt,

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another; in this case Thundersley, Daws Heath and the large settlement of Rayleigh
- (c) to assist in safeguarding the countryside from encroachment;

I would also argue that preservation of this site would fulfil another function, and that is encouraging the recycling of derelict land or land in need of urban regeneration, within the Borough. Although the supply of such land is limited, it is in keeping with Government sentiment and indeed the wishes of Castle Point residents that all brownfield land be prioritised first and foremost to meet local housing need.

The fact that development would be detrimental to the Green Belt functions of checking of urban sprawl in Castle Point and encroach into the countryside are relatively straight forward and the Council have done a good job in their case of articulating these points. However, I would like to reinforce the argument that this development would lead to the effective merger of Daws Heath and Rayleigh.

Currently, the urban extent of Rayleigh and Thundersley are merged, with the urban development in Thundersley of the 'racecourse estate' extending up to the A127, the effective boundary between Castle Point Borough and Rochford District. The connection between settlements of Thundersley and Rayleigh to the West of the Rayleigh Road is approximately 200 metres at its shortest width along Sandown Road.

If the appeal site is realised, it would mean a continuous urban connection between the Stadium Way trading estate and Daws Heath of approximately 250m (by my eye). The Stadium way periphery runs up to the boundary of the A127 and is already merged with urban extent of Rayleigh to its north. This development would not just mean the merger of the urban extents of Daws Heath and Rayleigh, but would also weaken the argument against development along the rest of the ribbon of Green Belt on the northern end of Castle Point that prevents Rayleigh from merging into settlements of Castle Point, as it would more than double the extent of urban connection between the districts. That consideration I believe should be afforded the maximum possible weight in this appeal.

I also take issue with the weight the Appellant gives to their intention to 'give land' for the use of nursery and healthcare facilities, as opposed to actually providing those facilities. The need for such facilities will be increased immediately if the houses are built. Having supported the development of the new special school in Rayleigh on land similarly safeguarded, I know how much of a long and uncertain process that can be to actually see those new community buildings realised and operational. 'Providing the land' gives no immediate benefit to the community that could be weighed against the harms caused by

the loss of Green Belt. Providing those buildings arguably would, but that is not what the Appellant is offering in their application.

Looking at the Appellant's assessment of the specific harms to Green Belt contained in their planning statement, they state *"Whilst there would be some identified harm to the purposes of the Green Belt it is clear that the development of the site will create a new defensible boundary to the east of the site, which would prevent further development sprawling to the east, this is reinforced by the presence of the Little Haven Nature Reserve."* I will talk more about Little Havens later, but first of all I take issue with the logic that the harm of sacrificing a perfectly defensible Green Belt boundary to build 455 homes, is any way lessened by a supposedly equally defensible Green Belt boundary that would be created beyond the new development. It would be like Great Britain invading Northern France and stating the Seine would be just as strong a national a boundary as the English Channel!

Since 2010 Government's approach to Green Belt development has always been clear to me and many residents, but it has always baffled and frustrated me how often it seems to get muddled in town halls and developer offices up and down the country. In late 2023 the Government stated in its response to the consultation on amending planning policy, "National policy continues to expect that Green Belt boundaries can only be altered where exceptional circumstances are fully evidenced and justified, and that this should only be through the plan-making process."

The Appellant's statement on the harms to the Green Belt from the development of this site actually quotes the inspectors report into the WITHDRAWN draft local plan, which brings me to my next point.

- 3) A lot of the Appellant's arguments regarding the harm to Green Belt being outweighed by other considerations refer to the withdrawn local plan and conclusions drawn by the Inspector at examination that specifically refer to the site as HO13 in the context of the wider plan. Indeed the Appellant states in their Planning Statement for this appeal, *"The inspector considering the now withdrawn local plan concluded, at paragraph 92 of their report with regard to site HO13, "Whilst there would be harm to the Green Belt, the Policy requirements would serve to reduce that harm.""* As the plan has now been withdrawn it stands to reason that no policy requirements reducing that harm were withdrawn with it.

The Statement of Common Ground for this application however, agreed by the Council and the Appellant states this. "The parties agree that the policies of the withdrawn local plan, including policy HO13 (land east of Rayleigh Road) can be afforded NO WEIGHT in the determination of this appeal". Whilst it is regrettably acknowledged by the Council and the Appellant that the evidence base for the withdrawn plan remains relevant, as policy HO13 cannot be afforded weight, I contend that neither should the specific conclusions that refer to that specific policy either.

- 4) Sir/Madam, I now wish to move onto the subject of the Local Housing Needs Assessment released by the Council in November 2023. This report by Opinion Research Services considers the housing needs for Castle Point for the period 2023-2043 to identify the size,

type and tenure of homes that would be needed in the future, and the housing needs of different groups, including affordable housing.

This report identified an annual housing need of 251 homes, as opposed to need of 351 homes derived from the Standard Methodology.

This is relevant, as if the findings of the report were applied it would severely dampen the argument put forward by the Appellant that this site is necessary because the Borough has such a high housing need.

Having released this report a month earlier, the Council, quite correctly in my view, referred to its new Local Housing Needs Assessment in its report to the planning committee during the original application.

I am therefore concerned that the Appellant and the Council seem to agree in their Statement of Common Ground that the housing need figure of 351 should be used. The Appellant has stated that they intend to submit evidence to this enquiry to back up this assertion. Sir/Madam, going through the documents submitted in support of arguments by the Appellant to justify this, the only relevant document I could find was the email from Liam Ryder representing the Appellant to Terrance Gardiner at Castle Point Borough Council on 6th December, listed as document 3.53 in the Core documents list.

The email seems to request a copy of the report but, does not include any further correspondence related to it.

It is a shame that residents and myself have not had sight of the actual evidence beyond this before the hearing to comment on it.

In the Appellant's planning statement they write, and I quote:

"At a meeting of Special Council on 15 June 2022, a decision was taken by members to formally withdraw the local plan. Whilst the local plan can therefore be afforded no weight in the decision making process, the evidence base remains the most up to date assessment of housing need and potential housing supply in the borough."

Although I have no doubt it was true at the time of writing, what is certain is that the Council's new Local Housing Needs Assessment is the most up to date assessment of housing need available to this hearing.

I would ask you Sir/Madam to give the matter of whether or not the lower annual figure in the council's Local Housing Need Assessment should apply your utmost consideration as it is very pertinent to the weight of the Appellant's case.

- 5) I now wish to move onto strain the development will put on the Rayleigh Road junction known as Woodmans Arms. All vehicles entering or exiting the proposed development site via the two access points identified by the developer are likely to put further unacceptable congestion on the A129 Rayleigh Road around the

Woodmans Arms and Rayleigh Weir junctions. Both junctions are already severely overcapacity at peak times and frequently congested throughout most of the day. Rayleigh Wier is the southern boundary of the Rayleigh Air Quality Management Area, and several concerns have been raised about the nitrogen dioxide levels in the area. Adding further congestion to Rayleigh Wier and the A129 is only going to exacerbate the problem and I cannot see any specific mitigation measures included in the proposal.

Sir/Madam, I am pleased that the hearing is having a site visit on the last day of the appeal. I would recommend you spend 20 minutes during the evening rush-hour standing by the Woodmans Arms and witness the queues extending halfway along Rayleigh Road to Vic House Corner in the South, back to Triton Way in Thundersley and traffic at standstill all the way up to and back from Rayleigh Weir. I have yet to see a traffic study on paper ever reflect the reality on the ground and I guarantee to this inquiry you will not at the Woodmans Arms junction either.

- 6) I also wish to comment on the likely impact of this development on the environment. Sir/Madam, I know that several environmental and wildlife groups, and many residents with a deep interest in preserving local nature have very eloquently made their case against the development of this site in their comments to the original application, and I ask you to give them your utmost consideration.

I would particularly draw your attention submission of the Essex Badger Group to original the application which I know many local residents are concerned about. I do not see any sufficient mitigation in any of the documents to allay their concerns and would ask that it is given particular weight by this inquiry.

The documents for the case contain many concerns relating to individual species of wildlife and I would not have the time to discuss them all individually.

Picking one however, that I do not believe has received sufficient attention is the nearby colony of rare Heath Fritillary Butterfly which is particularly endangered and that makes its home on the nearby triple SI site. This is one of many rare and endangered species in the vicinity of this proposed development and in the view of myself and many others, the potential impact on them has not been thoroughly considered enough and any risks to their preservation should be afforded great weight by this inquiry. If they are overlooked, the potential impact for local biodiversity and the unique wildlife balance of the area could be truly catastrophic and irreversible.

- 7) Moving on to the timing of this appeal, it is clear that the Appellant is looking to exploit the fact that while the Council do not have a published draft local plan in place that can be afforded legal weight in planning appeals, they are vulnerable to piecemeal speculative development on the Green Belt. The Council have made it clear that they are working on a plan and are due to release a draft of it in the coming months.

The Council have, as allowed and encouraged by the Government, come up with a draft report into their own housing need that will become part of the local plan evidence base.

The Council will have the opportunity to apply constraints as they see fit and select development sites they deem appropriate to meet that need where possible.

According to the Local Development Framework, a draft of the plan will be put together for public consultation in the next few months. I find it morally objectionable that the Appellant, through submitting this appeal, are looking to subvert the democratic will of ^{local}my residents expressed through their Councillors now, based on evidence that is years old and I have no doubt out of date.

I urge this enquiry to let my residents have their voice heard through their elected Councillors as to the future shape of the Borough they live in through the development of a local plan and not allow opportunistic developers to deprive them of that voice through speculative planning applications such as this.

Finally, I want to conclude my comments by mentioning the potential impact of this development on the Little Haven's Children's hospice immediately to the East of the proposed development.

I fully appreciate that the judgement of the inquiry will have to be solely based on the planning arguments around the case. However I would invite the inquiry to quietly pause for a moment to think about the potential impact of this development on those families who find themselves staying at that truly wonderful facility in the most tragic of circumstances. During the site visit, if there is time and if it is appropriate, I would urge the inquiry to pay a short and unintrusive visit to the grounds. It will be impossible not to be moved. The most unique and special feature of the hospice, apart from the excellent care provided by the staff, is the immense sense of tranquillity abundant there, due in no large part to its rural setting and the design of the wider hospice grounds. I fully appreciate the development includes mitigation measures to limit the noise disturbance that the hospice may experience during the construction of the development and its inhabitation afterwards and I thank the developers for this consideration. However no mitigation is perfect and I would argue that any noise or other disturbance that would afflict the hospice and its grounds is unacceptable and respectfully urge the enquiry to consider that also in its deliberations.

Sir/Madam, I am grateful for you giving me the opportunity to speak on behalf of local residents in Daws Heath, Thundersley and indeed across the whole of Castle Point. I urge you wholeheartedly to reject this appeal and preserve this important local Green Belt site, and with it the semi-rural character of the Borough of Castle Point. Thank you.