



THE RT. HON. PRITI PATEL MP
WITHAM

HOUSE OF COMMONS
LONDON SW1A 0AA

Tel: 020 7219 3528

E-mail: withamp@parliament.uk

Website: www.pritipatelmp.com

The Rt Hon James Brokenshire MP
Secretary of State for Housing, Communities and Local Government
Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF

Our Ref: ZA51955

9 July 2019

Dear James,

Planning Inspectorate Call In No. APP/Z1510/V/17/3180729 - Planning application 16/02156/OUT | 120 Dwellings | Land North East Of Gleneagles Way, Hatfield Peverel, Essex.

Planning Inspectorate Call In No. APP/Z1510/V/17/3180725 - Planning application 16/01813/OUT | 140 dwellings | Land Off Of Stone Path Drive, Hatfield Peverel, Essex.

Planning Inspectorate Appeal No. APP/Z1510/W/16/3162004 - Planning Application 16/00545/OUT | 80 dwellings | Land Off Of Stone Path Drive, Hatfield Peverel, Essex.

I have seen the decisions and reports issued in relation to the above referenced planning applications covering two sites in Hatfield Peverel and am appalled and disgusted by the decision you have reached. By granting planning permission for development on both of these sites you have undermined the local community's efforts to establish a Neighbourhood Development Plan and sounds the death knell through the heart of the Government's localism agenda. Your Ministry can no longer talk up the virtues of localism and local planning when it approves appalling decisions like these ones.

As you know from my extensive correspondence and comments in the House of Commons about these sites, there is widespread local opposition to development on these two sites. Local residents have been supportive of sensible and reasonable development taking place in Hatfield Peverel and as a result a number of sites delivering over 200 new dwellings are already coming forward. The additional 260 dwellings that these two sites at Stone Path Drive and Gleneagles Way would provide cannot be accommodated within the village. The pressures on our highways infrastructure and on public services and the cumulative impact of these developments was not fully considered or reflected by you or by the Planning Inspector.

This is an uplift in population numbers of more than 1,000 people. The GP surgery cannot cope and the local schools are close or at capacity already. This ill-thought through decision will have a significant and profound long term impact on this community.

The community in Hatfield Peverel have not only been accommodating to some reasonable growth in the village, as you know, they have also put together a Neighbourhood Development Plan. However, its progress has been hampered by delays caused by Braintree District Council and by challenges put forward by the speculative developers who want to develop these two sites. Their deliberate actions to frustrate and delay the Neighbourhood Plan process and prevent the additional planning protections that would be applied is a clear abuse of process. It is disappointing that by granting consent for these sites you have turned a blind eye to these outrageous practices that undermine local democracy and decision-making.

You will also know from my previous correspondence of the concerns that I have over the pre-application consultation processes for these sites and I provided you with substantive evidence demonstrating in the case of the Stone Path Drive site that the pre-application consultation conducted by Gladman was a complete sham. Once again, by reaching this decision you have dismissed those concerns and continued to allow the planning system to be abused by speculative developers who make no contribution to enhancing the communities that they build in.

Under a Conservative Government local communities doing the right thing should be at the centre of decision-making; not be subject to this outrageous top-down approach to planning which you are presiding over.

Having read through the three decision documents, your letters and the Planning Inspector's reports I am extremely concerned that a serious mistake has been made in granting planning permission. The conclusions reached are not sound and based on false premises and assumptions which are simply flawed.

First, on the five year supply position, this is the main reason why the Planning Inspector recommended that planning permission be granted and your decision in both of these cases. You have concluded that Braintree District Council have a 4.15 year position, below the five year threshold. In reaching this conclusion you have considered the evidence that came through during the enquiry into these planning applications. You will note that during the enquiry Braintree District Council claimed they did not have a five year supply, despite the fact that there was evidence that they did and subsequent to the enquiry their monitoring statements have shown a supply position in excess of five years.

I have read through your letters which make the same points in respect of the five year supply position. In the letter you sent covering the Gleneagles Way planning application (paragraphs 34 to 43) and the letter for the 140 dwellings at Stone Path Drive planning application (paragraphs 38 to 47) you explain that 10 sites in the Braintree District Council five year supply position have been removed by you. Those sites are listed in an Appendix. However, no reasons or justification have been provided for their removal.

Their removal was not explained in the Planning Inspector's report as this is subsequent to it being produced as the Inspector's report relates to an enquiry which took place over one and half years ago. Moreover, it is likely that Braintree District Council may dispute their removal.

Given how important the five year supply position is to the decision on all three of these planning applications it is perverse and unacceptable for you to have removed ten sites without any explanation or detail. It is also disappointing that in advance of reaching this decision to remove those sites you have not consulted or queried the matter with the residents and interested parties who are objecting to these development proposals.

Consequently, I would like you to provide a full explanation as to how you calculated the five year position, which sites were included and which sites were excluded and why. Without that knowledge and information it is difficult to understand how you reached your decision and the significant weighting you applied to the five year supply position. I note that your cover letters refer to you "attach[ing] great weight to the provision of housing." I do not believe that you and the Inspector can justify this assessment on the five year supply position and therefore the weighting applied by you and the Inspector is flawed and unreasonable.

Moreover, the Inspector's reports, paragraph 889 in relation to the Stone Path Drive 140 dwellings application and paragraph 536 of the Gleneagles Way application, state that the sites are deliverable within five years commenting in both reports that: "It must be assumed therefore that the whole site could be developed within five years."

However, there is no justification given for this assumption. Neither Gladman, who will not develop the Stone Path Drive site nor David Wilson Homes could give assurances that these sites would be developed out within five years. Considering your willingness to discount other sites from the five year supply which may be more advanced than these two it is contradictory, inconsistent and unreasonable for you to conclude that Gleneagles Way and Stone Path Drive can make a contribution to the five year supply by being developer in full.

I also believe that your and the Inspector's conclusions and weighting applied to the draft Neighbourhood Plan was flawed and unreasonable. In the decision made by Inspector Parker in the original appeal on the 80 dwellings proposal for the Stone Path Drive site, more weight was applied by that Inspector to the Neighbourhood Plan than was applied by you and by the Inspector in this case. However, since the Inquiry in December 2017 and despite the deliberate and vindictive manner in the Neighbourhood Plan has been challenged, it has advanced. It is clear from your letter and the Inspector's report that the current advanced status of the Neighbourhood Plan has not been adequately considered.

I would therefore welcome an explanation from you as to why you have not thoroughly considered the current status of the Neighbourhood Plan. The progression of the Neighbourhood Plan has been delayed by a combination of the inaction of Braintree District Council and vindictive challenges. It is therefore unreasonable and unacceptable for you and the Inspector to punish the residents of Hatfield Peverel who have worked so hard to put their Neighbourhood Plan together.

I would also welcome from you an explanation as to your assessment of the public transport links and connections in Hatfield Peverel. Your letter on the Gleneagles Way application (paragraph 30) and on the Stone Path Drive application (paragraph 34) comments that you are: "of the view that Hatfield Peverel still demonstrates good public

transport links." However, neither your letter nor the Inspector's report explains what constitutes "good public transport links." The local community is extremely concerned about the lack of local bus services while train services from Hatfield Peverel railway station are extremely limited.

Moreover, it is extremely concerning that both you and the Inspector have dismissed concerns about the impact on school places of the cumulative impact of new development in Hatfield Peverel, including the Stone Path Drive and Gleneagles Way sites.

At a time when Government is encouraging people to walk to school and reduce car travel to schools it is alarming that these proposals will not provide safe walking routes to schools. As you know new families moving into the new developments in Hatfield Peverel cannot, in the first instance, be accommodated in primary schools in the village. Moreover, there is not a secondary school in the village.

It is also important to note that the junction from the A12 slip road by Gleneagles Way is extremely dangerous and neither your decision nor the Inspector's report acknowledge the significance of this danger and risk and the development proposal does not contain sufficient measures to address this situation, especially when the Gleneagles Way site and the Stone Path Drive site will generate extra traffic.

Consequently, due to the unreliable nature of public transport in Hatfield Peverel, these developments would lead to pupils either being driven to schools in Witham or walking on a dangerous route. In the reports from the Inspector (paragraph 486 in the Gleneagles Way report and paragraph 842 of the Stone Path Drive report) state in relation to school travel:

"That is most likely to manifest itself through additional journeys to school, either by bus or private car. In my judgement it is very unlikely that any pupils would walk to schools in Witham. The walk is by the A12 and unpleasant in my view and likely to be perceived as dangerous even if, in fact, it is not."

The Inspector is wrong to suggest that the route is not dangerous to walk. However, the fact that the report acknowledges that these developments will create additional journeys is noteworthy and it remains concerning that both you and the Inspector would approve two development sites which would have these deeply unpleasant consequences on young school pupils and conflict with Government policy on school travel arrangements.

Moreover, also in relation to schools, it is extremely disappointing that no funding support will be provided by these developments for the additional school places which will be created. The reports from the Inspector (paragraph 485 in the Gleneagles Way report and paragraph 841 in the Stone Path Drive report) comments on the pooling restrictions which appear to have prevented payments being made. However, you have announced reforms to the Regulations that impact on pooling.

Consequently, it is appalling that this decision has been reached, which leaves Essex County Council without the resources from these developments to address the additional school places these developments will generate. I would, therefore, welcome from you an

explanation as to why you think it acceptable for the developers to be let off of the hook and get away with not making a contribution for education-related places.

I am also disappointed that both you and the Inspector have downplayed the impact on local health services. While the NHS has requested a financial contribution based on a formula, it is quite clear that the surgery in Hatfield Peverel cannot accommodate the significant increases in population the development of these two sites combined with other developments in Hatfield Peverel will cause. Neither developer provided any substantive evidence to demonstrate that the surgery could be reconfigured to accommodate the population increases. As such, I would welcome a detailed explanation from you on why you find these contributions acceptable and if you could explain what can be done to accommodate the health needs of Hatfield Peverel's growing population.

These two developments would also have an extremely detrimental impact on the landscape of the village. They extend the settlement boundary, in contravention to the current Local Plan, emerging Local Plan and draft Neighbourhood Plan. The impact on the landscape at Stone Path Drive is significant and the impact on Gleneagles Way and coalescence with Witham has not been adequately addressed or considered by you nor by the Inspector.

The decision you have taken to grant consent for development on both of these sites is outrageous and it is unclear why you think this decision is justifiable and defensible.

Since taking office you have advocated localism and the importance of neighbourhood planning. You have commented on how Neighbourhood Plans can have greater weight in the planning process. In your speech to the County Councils Network in November 2018 you stated:

"...we've already seen how neighbourhood plans can transform communities - and help alleviate the housing crisis in the process."

(<https://www.gov.uk/government/speeches/county-councils-network-keynote-speech>)

While in your speech to the Locality Convention, also in November 2018, you stated:

"...we're giving communities more control over the decisions that matter to them. Nowhere is this more evident than on housing. We're giving local people a bigger say over the future of their communities through for example, neighbourhood plans. Residents all over the country - including here in Bristol - are seizing the powerful opportunity they offer to decide where new homes, green spaces and other facilities should go and how they should look and feel."

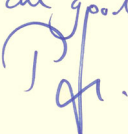
(<https://www.gov.uk/government/speeches/locality-convention-2018>)

However, despite this positive rhetoric, when you have had a real opportunity to demonstrate the Government's commitment to localism and to show support for Neighbourhood Plans you took the decision to betray the localism agenda. The community in Hatfield Peverel thought they were doing the right thing in developing a Neighbourhood Plan and accommodating new housing development sites in the village. But these decisions have betrayed them and let them down. How can any other village

working on a Neighbourhood Plan trust the Government when you are making decisions that actively go against communities in this way.

The community in Hatfield Peverel deserve a full and thorough response from you and you should reflect on the way your decisions risk ruining Hatfield Peverel putting huge burdens on our infrastructure and public services and undermine trust in the planning process and localism.

Yours ever,

with our good wishes


Rt Hon Priti Patel MP
Member of Parliament for Witham