

# EPPING FOREST DISTRICT LOCAL PLAN

## SUBMISSION VERSION - DECEMBER 2017

### CHAPTER 3 Strategic Policies - SP2 SPATIAL DEVELOPMENT STRATEGY 2011 to 2013

And

### CHAPTER 5 Places - Policy P10 NAZEING

#### 1.0 Introduction

1.1 These representations are submitted on behalf of **the owners of the proposed housing allocation site NAZE.R2 known as The Fencing Centre, Peck's Hill, Nazeing**. Whilst the owners welcome designation of the site for housing they have concerns with regard to:-

- a) The reduced state of the allocated land compared with the Regulation 18 draft (policy P10);
- b) The failure to have regard to government advice when re-defining the inner Green Belt boundary around the proposed allocation site;
- c) The proposed increase in housing density; and
- d) The difficulty of providing a scheme at the density stated which is compatible with the local context.

1.2 Having regard to the broader context of the Submission Plan, therefore, objections are raised in respect of its:-

- (i) Failure to meet the District's Full Objectively Assessed Housing need (FOAN) based on the population and household projections published in June 2016 by the Office of National Statistics and DCLG.
- (ii) Failure to have properly assessed the needs of the settlement of Nazeing and its correct position in the settlement hierarchy.
- (iii) Failure to follow central government advice when re-defining the Green Belt boundary around the proposed housing site NAZE.R2.
- (iv) Failure to deliver the quantum of development proposed due to site constraints.

1.3 These representations address the issue of "soundness" having regard to the tests set out in paragraph 182 of The National Planning Policy Framework, namely whether the Plan is:-

- **Positively Prepared**- the Plan should be prepared based on a strategy which seeks to meet the objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. **It is the position of the site owners that the Plan does not meet the full objectively assessed need for housing across the District.**

- **Justified-** the Plan should be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence; to be adequate, the evidence base must be robust, assessments should be founded upon a cogent methodology, undertaken in a transparent manner and fully documented at key stages. Professional judgements require justification and site-selection decisions must be clearly explained. **The site owners object to a reduction in the size of the site allocated for housing compared with the draft allocation at Regulation 18 stage on the basis that this has not been properly justified.**
- **Effective-** the Plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities. **It is the position of the site owners that the density of development proposed for their land is not in keeping with the character of this part of the settlement.**

And

- **Consistent with national policy-** the Plan should enable the delivery of sustainable development in accordance with the policies in The Framework. **It is the position of the site owners that the modest size of the housing allocation to Nazeing is not consistent with The NPPF policy to allocate housing to sustainable settlements where it will enhance or maintain the vitality of the rural community. As explored in Section 3, Lower Nazeing provides a good range of services and has a strong employment base, making it suitable for a higher allocation. Additionally, the re-defined Green Belt boundary in the vicinity of the site is not consistent with advice at paragraph 85 of The Framework.**

1.4 In this representation I firstly address the issue of the failure to Plan for the District's FOAN. I then explore the approach taken to the quantum and distribution of proposed housing in Nazeing before putting forward reasoned arguments for a reversion to the modified Green Belt boundary shown in the Regulation 18 Plan and an increase in the size of the housing allocation for NAZE.R2 from 29 to 33.

## 2.0 Not Positively Prepared

2.1 The Submission Plan is not based on the most up to date population and household projections. As stated at paragraph 2.17 a Memorandum of Understanding (MoU) has been agreed with the four District and two County Councils comprised in the SHMA. The document, which was signed in March 2017, clearly states (paragraph 2.3) that *“This Memorandum of Understanding is designed to address the distribution of OAHN as defined by the 2015 SHMA”*. At paragraph 2.4 it states that *“The purpose of this MoU is to ensure that the West Essex/East Herts authorities working together fulfil the following requirements:-*

- (i) To meet in full the Objectively Assessed Housing Need of the West Essex/East Hertfordshire HMA, as addressed by the joint SHMA 2015 within the HMA.....”*

Epping Forest District’s OAN as identified in the 2015 SHMA was for about 11,400 dwellings to 2033, representing an annual average of 518. However, the housing need established by the 2015 SHMA has been superseded by a document issued in July 2017 entitled “West Essex and East Hertfordshire Strategic Market Housing Assessment - Establishing the Full Objectively Assessed Need” produced by ORS. As set out in Figure 5 (Full Objectively Assessed Need for Housing by Local Authority 2011-33) this increased the OAN for both authorities. That for EFDC rose from about 11,400 to approximately 12,573 or an annual average of 572.

2.2 Thus, the statement at paragraph 2.15 of the Submission Plan that *“The 2015 Strategic Housing Market Assessment (SHMA) gives an up to date and policy compliant assessment of housing need over the Housing Market Area (HMA) for the period 2011-2033”* is demonstrably incorrect. The addition of the sentence *“Further partial updates were also undertaken in 2016 and 2017”* is meaningless and indeed, potentially misleading, when no further information is provided at this point in the Plan with regard to the updated requirement.

2.3 As part of the MoU it has been agreed that each constituent authority should meet its own identified need. Thus East Herts has planned for its higher figure of 18,396 (increased from 16,189) and even this number is anticipated to increase again following advice from the Inspector conducting the EIP when Main Modifications are published in spring.

2.4 The Council has failed to carry out a thorough analysis of all of its Green Belt land to determine what areas are required to remain permanently open. Hence it cannot cite the existence of Green Belt as a reason not to meet its FOAN. (See paragraph 2.43 of the Submission Plan)

2.5 Advice at paragraph 47 of The NPPF is very clear that in order to boost significantly the supply of housing local planning authorities should, inter alia, *“identify and update annually a supply of deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for*

*land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land*". The Housing Trajectory at Appendix 5 indicates a total housing supply (recorded and projected) of 13,152 over the Plan period. Applying a 5% buffer to the FOAN of 12,573 gives a figure of 13,202 which is 50 more than the Housing Trajectory suggests is achievable. Increasing the buffer to 20% (which is arguable the more appropriate level to be provided) gives a requirement of 15,088. This is almost 2,000 dwellings more than the Plan provides. There is no suggestion from Table 2.3 of the Plan that any size of buffer has been applied. It is thus clear that the Submission Plan fails in a fundamental requirement to boost significantly the supply of housing across the District.

2.6 Moreover, several settlements have received significantly reduced housing allocations in the Submission Plan compared with the Regulation 18 version, one of which is Nazeing. The overall number of dwellings allocated in the Regulation 18 version was 10,980 but the Submission Plan reduces this to 9,816 representing a reduction of some 1164 or just over 10%. There is no clearly identifiable explanation within the Plan for this reduction which, as above, appears to fly in the face of government's desire to "*boost significantly*" the supply of housing.

### 3.0 Quantum of Proposed Housing in Nazeing

- 3.1 The site owners raise objection to the assessment of Nazeing as a “small village” which they consider is fundamentally flawed and has resulted in a disproportionately small amount of new housing being allocated to the village.
- 3.2 The Adopted District Plan (Epping Forest District Local Plan 1996 and Alterations 2008) does not provide a Settlement Hierarchy for the District. A retail hierarchy is set out in which Nazeingbury Parade is classified as a “local” retail centre.
- 3.3 The “Community Choices Issues and Options for the Local Plan” consultation undertaken in July 2012 explored options for allocating in the region of 450 to 690 homes to the village depending upon which of two key spatial options (identified as “Possible Opportunity Areas”) in the form of NAZ A and NAZ B were chosen. The larger figure would come from NAZ A to the south of the village whilst NAZ B was identified as potentially suitable for 3.2ha of employment land in addition to about 450 homes. The document noted that the parish had a population of about 4,000 making it similar in size to Theydon Bois.
- 3.4 Reference to the fact that Nazeing was to be regarded as a “small village” emerged in the Draft Local Plan consultation version 2016. This had a consequential effect upon the quantum of development it was proposed to take with its draft housing allocation reduced from a range of between 450 to 690 down to just 220. Objections were raised to this during the Regulation 18 consultation on behalf of the site owners because of:-
- a) Failure of the analysis undertaken to determine The Settlement Hierarchy to pay due regard to the existence of employment opportunities within the District’s settlements;
  - b) Inaccuracies in the Appraisal Sheet contained within the Settlement Hierarchy Technical Paper in respect of Lower Nazeing; and
  - c) Lack of any weighting given to facilities.
- 3.5 The Settlement Hierarchy Technical Paper September 2015 recognised that there is no set methodology for establishing a hierarchy and that a wealth of information exists which can be used to determine how settlements function in relation to each other and hence their place within a District’s hierarchy. This is accepted and it is acknowledged that any hierarchy will thus be based on an element of subjective judgement. The approach chosen was to analyse each settlement against five key categories of
- Education
  - Health
  - Transport
  - Retail and

Community Facilities.

Objection was raised to the fact that this analysis omitted any reference to the existence of employment opportunities within each settlement. Given that the Paper acknowledged that roughly half of the District's resident working population commute to London this was a surprising omission. Provision of housing alongside employment opportunities in order to help reduce the need to travel should be a key plank in the provision of sustainable development in any District and particularly in an area with such high levels of out commuting.

3.6 Lower Nazeing contains probably the highest levels of employment of any of the District's villages. Together with Roydon and Waltham Abbey it is the main centre within the Lee Valley of the horticultural industry. Horticulture and agriculture together provide just under 5% of the District's employment, a significant proportion by modern standards. There are three very large horticultural sites in Nazeing – Valley Grown Nurseries in Paynes Lane, Tomworld at Shottentons Farm off Pecks Hill/Sedge Green and UK Salads in Netherhall Road – employing significant numbers of people. For example, Tomworld has 80 staff and this figure is due to double on completion of the fourth phase of its expansion.

3.7 In addition to horticulture there are other important employment centres, the largest being Hillgrove Business Park located on the north side of Nazeing Road which is the base for some 36 companies. Hoe Lane in Nazeing is another significant centre for employment with several industrial units on farms as well as larger sites at Birchwood Industrial Estate and Millbrook Business Park. Unfortunately there appears to be nothing in the Council's evidence base which quantifies employment within the parish but based on the number of active companies it will almost certainly be significantly higher than most other rural parishes within the District. The fact that no consideration has been given to the size of the local employment base when assessing the position of Lower Nazeing within the Settlement Hierarchy is therefore considered to be a serious deficiency which goes to the heart of the soundness of the Plan.

3.8 The Submission version of the Plan recognises the importance of these industrial estates by according them a formal policy designation under Part C Employment Sites of Policy P10 Nazeing. This lists seven existing employment sites –

- (i) NAZE.E1 – The Old Waterworks
- (ii) NAZE.E2 – Land west of Sedge Green
- (iii) NAZE.E3 – Bridge Works and Glassworks, Nazeing New Road
- (iv) NAZE.E4 – Hillgrove Business Park
- (v) NAZE.E5 – Birchwood Industrial Estate

(vi) NAZE.E6 – Millbrook Business Park and

(vii) NAZE.E7 – Land at Winston Farm

in accordance with Policy E1 which are to be retained and enhanced for employment purposes where proposals for the redevelopment, renewal, intensification, or extension of existing employment sites and premises for their existing use will be encouraged.

3.9 It was pointed out in the response to the Regulation 18 consultation that the Appraisal Sheet contained within the Settlement Hierarchy Technical Paper in respect of Lower Nazeing included several inaccuracies. For example, in respect of education the web site for Nazeing Primary School says that it takes children from 4 years yet no recognition is given in the Appraisal to the existence of a nursery/childcare. In respect of community facilities there are a number of halls including St Giles Church Hall, Congregational Church Hall, Bumbles Green Leisure Centre and the hall at Nazeing Primary School all of which function as community halls yet no recognition was given to the existence of these facilities. Existence within the parish of Lee Valley Regional Park with its extensive range of outdoor recreation facilities was also ignored. The Qualitative Analysis of Lower Nazeing noted, inter alia, that *“There are a number of services and facilities present that would also serve the wider rural area including smaller settlements such as Bumble’s Green and Nazeing village”*. It further records that Lower Nazeing has bus services connecting it to the higher order settlements of Waltham Abbey, Broxbourne and Harlow. Looked at in the round, therefore, it is considered that the evidence base justifies the designation of Lower Nazeing as a Large Village, and this is clearly what it is.

3.10 A further deficiency in the analysis is the lack of any weighting being given to facilities. This is particularly relevant under the heading of Retail where no additional weighting is given if more than one retail facility exists. Thus, the existence of a parade of shops in the heart of the village which provides a good range of convenience goods shopping including a minimarket, butcher, baker/sandwich shop, hot food take away, dry cleaners, news agent, hairdresser/beauty parlour and a pharmacy is scored just one point in the same way that a village with only one shop has been scored one. This approach misrepresents the true sustainability credentials of a settlement.

3.11 It is interesting to note that Nazeing Parish Council’s web site includes the following statements:-

*“Nazeing is said to be one of the largest villages in the UK. It is a hive of activity where business is concerned and boosts many good pubs, beautiful churches and excellent leisure facilities such as golf, sailing, walking, cycling etc. Nazeing is within walking distance from the London Olympic White Water Rafting Centre at Lee Valley Park in Waltham Abbey. There is a railway station 2 miles away at Broxbourne and, of course, Lee Valley Regional Park which stretches an incredible 26 miles along the leafy banks of the river Lee from Ware, through Nazeing, to the Thames at*

*East India Dock Basin*". This description, written by local people, is hardly supportive of the District Council's categorisation of the settlement.

3.12 Having regard to all of the above it is considered that Nazeing should be re-classified as a Large Village together with Buckhurst Hill, Chigwell, North Weald Bassett and Theydon Bois. In terms of population Lower Nazeing had a figure of 3874 at the 2011 census. If the populations of Broadley Common & Epping Upland are added this gives a parish population of 5844. This is larger than both Theydon Bois (4062) and North Weald (4477) both of which are classed as "large villages".

3.13 On the basis of its classification as a Small Village a total of 220 new dwellings were identified in the Regulation 18 version spread across six sites, vis:-

- i) SR-0011 (land at St. Leonard's Road) – approximately 64 homes
- ii) SR-0150 (The Fencing Centre, Peck's Hill) – approximately 33 homes
- iii) SR-0300a (land south of Nazeing) – approximately 29 homes
- iv) SR-0300b (land south of Nazeing) – approximately 21 homes
- v) SR-0300c (land south of Nazeing) – approximately 38 homes
- vi) SR-0473 (St. Leonards Farm, St. Leonards Road) - approximately 33 homes

3.14 The December 2017 Submission Plan does not set out a Settlement Hierarchy as such or provide any explanation as to the analysis underlying the distribution of housing across the District. There is no explanation for the decision to reduce the housing allocation to Lower Nazeing from 220 to 112. Paragraph 5.134 of Chapter 5 Places states that "*Policy SP 2 sets out the estimated likely number of homes the Council will plan for in Nazeing over the Plan period. The provision of approximately 122 homes has been informed by the aspiration for Nazeing to function as a small centre which is able to support the needs of the local community*". Given that the Regulation 18 version had also identified Nazeing as a "small village" this statement goes no way to explaining the significant reduction in housing numbers.

3.15 That apart, an allocation of such a relatively small number of dwellings to what in reality is a large village with an extensive employment base is not in conformity with advice in The NPPF (paragraph 55) which encourages the allocation of housing to the more sustainable settlements. Planning Practice Guidance issued in May 2016 states that "*It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability and the role of housing in supporting the broader sustainability of villages and a smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities*".



3.16 Having regard to the above, the site owners raise strong objection to the assessment of Nazeing as a “small village” and the consequential disproportionately small amount of new housing being allocated to the village.

## **4.0 Re-Defined Green Belt Boundary Proximate to NAZE.R2**

4.1 Paragraph 85 of the National Planning Policy Framework provides clear guidelines to local planning authorities for defining Green Belt boundaries. These are to:-

- Ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- Not include land which it is unnecessary to keep permanently open;
- Where necessary, identify in their plans areas of “safeguarded land” between the urban area and the Green Belt in order to meet longer-term development needs stretching well beyond the plan period;
- Make clear that the safeguarded land is not allocated for development at the present time.
- Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

4.2 In this section I address the second and sixth of these bullet points, namely to not include land which it is unnecessary to keep permanently open and to define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. In as much as the other bullet points are relevant to my clients’ site they are covered by Section 3 above regarding the ability of Nazeing to accommodate a greater quantum of development than the 112 homes now allocated.

4.3 The total land owned by J W Fencing at Peck’s Hill is 1.46ha. The site is located on the northern edge of the built up area of Nazeing, approximately 900m from the signalised junction in the centre of the village. It has a wide frontage onto the east side of Peck’s Hill. Access is currently taken into the northwest corner of the site from the outside of the bend where Peck’s Hill runs into Sedge Green, and thus benefits from good visibility. The northern boundary is for the most part coterminous with a ditch which flows westwards, other than near the top corner where the site boundary steps in around a pumping station. A public footpath (Nazeing 03) runs along this northern boundary. The western end of the southern site boundary abuts the residential curtilage of no. 40 Peck’s Hill before veering south to follow the rear boundaries of nos. 40, 38 and 36 Peck’s Hill. It then turns due east again to follow the elongated boundary of no. 32a. That boundary is defined only by a 1.2m high post and wire fence. The eastern boundary abuts another ditch line with a northward flowing stream together with a narrow belt of woodland which continues southward to link into the parcel of woodland that fronts Maplecroft Lane.

4.4 The front part of the site is open and used for vehicle parking. There are two buildings located proximate to the northern boundary – the reception centre/retail outlet for small items and a timber store. Immediately south of this store there is an almost continuous line of buildings stretching to

the boundary of no. 40 Peck's Hill. These date from the 1960's when the site was originally developed as a horticultural nursery. Another large building sits at right angles to the rear of this line of buildings. Additionally there are some shipping containers used to provide secure storage for propane gas and similar volatile substances and some fuel tanks. The westernmost two thirds of the site fronting Peck's Hill is in use for the sale and display of garden products and particularly fencing, wooden sheds, summer houses etc. All of that part of the site is hard surfaced (concrete, compacted gravel etc) with the northern and eastern boundaries defined by 2m steel security fencing. There is additional hard standing to the rear of no. 40 Peck's Hill which dates from the time the full site was in use as a nursery. This is not immediately apparent because of material that has been tipped on top of it. The extent of the hard standing is illustrated on JWF/01 which is taken from The Phase 1 GeoPhysical Report which has been commissioned to support a planning application. It is understood that the rear part of the site was used actively when the nursery was operational and the totality of the site is rated for commercial use. The grass sward which has developed over time is kept mown to prevent any risk of fire given the combustible nature of the items stored on the front part of the site. This area can only be accessed through the fencing centre and it is essential that vehicular access is available to the rear part of the site.

4.5 The Regulation 18 draft allocation recognised that the site functions as a single unit and proposed a housing allocation across the full site. Draft Policy P10 Nazeing proposed an allocation of approximately 33 dwellings on the site (then referenced as SR-0150) representing a density of 23 dwellings per ha or just under 10 to the acre. Such a density was considered suitable for a site on the periphery of the village and in keeping with the immediate area. It also had regard to the fact that there is a requirement for an 8m wide buffer from the edge of the water course along the full extent of the northern and eastern boundaries.

4.6 At paragraph 5.178 within the section on Nazeing in the Regulation 18 Plan it was stated that *"The supporting text to draft policy SP5 confirms that in order to deliver the Local Plan Strategy the Council proposes to alter the Green Belt boundary. Indicative alterations to the existing Green Belt boundary around Nazeing are proposed to the north, south and east of the settlement to remove the proposed site allocations from the Green Belt. The proposed indicative alterations to the Green Belt boundary are illustrated in Figure 5.19"*. Unfortunately Figure 5.19 was drawn at such a small scale (1:20,000) that it was not possible to identify the proposed Green Belt boundary around the site but the inference was that it would follow the site boundaries.

4.7 Drawing a new inner Green Belt boundary along the northern and eastern edges of the site to follow natural features, including a water course and a public footpath along the northern boundary and a water course and established tree/hedge line along the northern and eastern boundaries, would have been in accordance with the policy requirement to define boundaries clearly, using physical features that are readily recognisable and likely to be permanent. However, when the

Regulation 19 Submission Plan was published it reduced the extent of the allocated site by removing the open land sited beyond the security fence. The reason why this land has been “fenced off” was purely to prevent access into the larger part of the site where products (mainly made from timber) are stored. This has reduced the extent of the allocation from 1.46ha to 0.86ha. and the estimated quantum of housing from 33 to 29 based on a quite significant increase in density from about 23 DPH to 35DPH. Work to date suggests that it is not possible to achieve this quantum of development and create a layout that is compatible with the local context. This means that contribution to housing numbers will be less than envisaged in the Plan. Additionally, another critical issue in terms of this representation is that the eastern edge of the redefined inner Green Belt boundary as now proposed will not relate to any physical features.

4.8 Additionally, reducing the extent of the allocation site will leave a small parcel of land in my clients’ ownership to which access must be provided to allow for maintenance etc. Access can only be taken via the residential development on the allocation site. This small parcel of land will make no contribution to the wider Green Belt, nor to Green Belt purposes. Hence it is unnecessary to keep it permanently open. Moreover, it will serve no practical purpose. Given the level of housing need within the District, combined with the good sustainability credentials of Nazeing as a sizeable settlement, it is submitted that the full extent of the objectors’ land should be re-allocated for housing, as envisaged by the Regulation 18 Plan.

**Attachment:-**

JWF/01 Plan taken from Phase 1 GeoPhysical Report

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**January 2018**