

Epping Forest Local Plan Submissions – Land north of Chigwell Rise, Chigwell

I act on behalf of the owners of the above property, that is shown on the attached map (Appendix A) that they have purchased privately, partially to remove the use of the land for car boot sales.

The site extends northwards from Chigwell Rise and to the west as far as Rodings Lane and to the east to the end of Lee Grove. The land is Green Belt in the adopted Local Plan but in our view, does not meet the tests for the designation of Green Belt land. It does not contribute to the setting on Chigwell and has been used in part historically by the MoD, has been used for car boot sales that caused traffic and amenity issues, grazing of horses and contains a house towards the west side of the wider area. It has not been used for agricultural purposes.

We note that the site was considered by Arup as part of its assessment within their Site Selection Report (2016) for work in conjunction with Nathaniel Lichfield and Partners on the Strategic Land Availability Assessment (SLAA.) Drawing EFDC-S2-0002-Rev1 within that report identifies a number of sites that are located in the south west of the District around Chigwell and in the vicinity of the M11 corridor.

On this drawing the site is identified as part of parcel SR-0133i that extends from Rodings Lane to the north to the underground line to the south. The parcel excludes the existing house that is located within the south west corner of the subject site.

The consultant's assessment of the site referred to as 'New Barns Farm, off Chigwell Rise, Chigwell (North of Underground line and east and west of M11) (also partly in Chigwell Parish)' is then found under this reference where it sets out an extended form of RAG score for the site and some more detailed text. We are unclear why the subject site has been linked to New Barns Farm and the land is unrelated and is in fact separated by Chigwell Rise.

The assessment considers the site against 32 criteria, including environmental, sustainability, land quality, landscape and other considerations. One criterion is not relevant so there are 31 criteria against which the site is judged. In these criteria the site only returns 3 criteria with a Dark Brown score. These relate to the following: level of harm to the green belt; impact on agricultural land; and distance to oil and gas pipelines.

In respect of the majority of the criteria the subject site returns a neutral score or a beneficial score with a limited number of light brown scores. Even on some of these such as 'Impact on BAP Priority Species or Habitats' the commentary is that 'Features and species in the site may not be retained in their entirety but effects can be mitigated'.

Based upon the assumptions within the assessment the total area reviewed is considered to have the potential to deliver 862 dwellings; not an insignificant number.

The work by Lichfield's then appraises the site in their SLAA (2016) and the site is considered in their Appendix 5 Summary Site Appraisals. The subject site appears as part of the wider land parcel on page 136 of the document. The site table suggests that the site was first assessed in 2012 and updated in 2013, but as the heading to the table indicates "The sites have been assessed at a given point in time. In some instances, the assessment will now be out of date and circumstances on the site may have changed. To indicate when a site was assessed (and updated if applicable) a column has been included in the below table to set out the year at which the assessment was undertaken. Where a site assessment has been updated, the site in question has not been revisited and updates have been based on additional information provided by the Council". We consider that this is a fundamental flaw in the assessment given the draft plan is designed to cater for housing need over a prolonged period and therefore housing sites up to 2033.

The table indicates that the site is suitable for residential development; is likely to be available in the future; although its achievability is stated to unknown or marginal. However, the final 'headline assessment' is 'Developable' and the first summary of the key factors is that 'site is suitable but within the Green Belt'. Whilst there are other key factors only the Gas Pipeline buffer and the former Gun Emplacement Site comments are actually relevant to the subject site. In this respect the commentary states "North part of east site contained a former military Gun Emplacement Site & Farm so could be feasible to develop (Amber)"; this being in the main the subject site. This is a much more positive response to the subject site than in the wider area.

Had the Council and its consultants undertaken a more refined approach to site selection and therefore site assessment we consider that the subject site, save for the pipeline, as a constraint would have scored significantly higher.

I now turn to address the suggested constraints in both the Lichfield's table and the Arup assessment.

Gas Pipeline Buffer

There is a gas distributor station on the south side of Rodings Lane, that is linked to the long-distance gas line that crosses the M25 to the north east and passes close to Abridge and then runs parallel to the M11 and though the subject site. Whilst this is a constraint to development on that part of the site or within the buffer zone it also conveniently divides the site into two parcels. An access road and landscaped area could span the buffer zone leaving the land to either side for residential development. It is not a total constraint to delivering housing here.

Agricultural Land

The subject site is shown on the national agricultural land classification maps as Grade 2 land. This is based upon the latest 1985 online maps. However, in reality the site to the knowledge of the land owner has not been used in the recent past for agricultural purposes and therefore makes no contribution to the availability of such land in this part of the Country.

It has been used for the keeping of a few horses but most intensively for car boot sales within the permitted development legislation over many years.

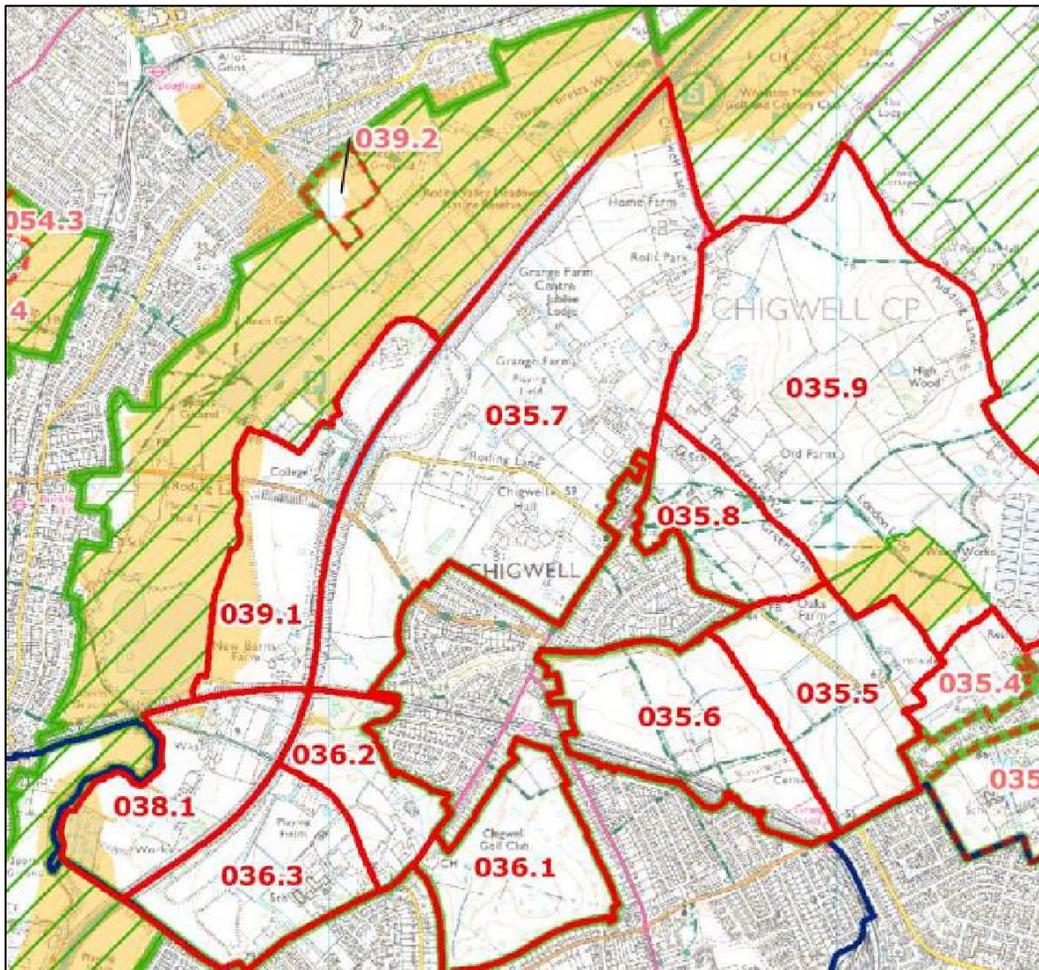
The subject site therefore does not contribute to the agricultural land supply and I consider if assessed today would not be considered Grade 2 land. Development of the site for residential purposes therefore would not give rise to the loss of valuable agricultural land.

Harm to the Green Belt

The site forms an extensive area of wide Green Belt. As discussed below the Council's consultants separately undertook a review of Green Belt land throughout the District. This included the land within a much wider parcel for assessment purposes and with a somewhat throw-away comment suggested that their conclusions on the very large parcel would be equally applicable to any smaller sub-parcels in the Roding Land/Chigwell Rise area.

I conclude that this is wrong and that it is not possible to reach those same conclusions, particularly in respect of Green Belt Purpose 2 – the prevention of the coalescence of settlements. Lichfield’s in their SLAA assessment concluded the subject site was at least an Amber site, rather than a Red/Dark Brown site, so the evidence is conflicting.

Different consultants (LUC) were appointed by the Council to undertake a two stage Green Belt boundary review. The subject site forms part of the larger parcel 035.7 in the Stage 2 Assessment and extends both to the north and south of the subject site.



In respect of the features used to define the parcel these are stated as “The motorway forms a strong boundary to the west; the railway line forms a strong boundary to the south and Chigwell Lane forms a strong boundary to the north” and no anomalies were identified with the assessment parcel.

Their assessment of the parcel at Stage 2 is that it performs a strong purpose in two of the five Green Belt tests, moderate in one of the five, no contribution in one other and was not assessed in the fifth one. The table states under the heading 'Consideration of alternatives parcel boundaries' "No reasonable alternative boundaries that would significantly alter the assessment have been identified. Alternative boundaries may be drawn along Roding Lane and Chigwell Rise to create smaller parcels; however, the smaller sub parcels would not perform differently against the Green Belt purposes".

I strongly disagree with this assertion that by defining alternative smaller parcels the result would be the same and is another example of a flawed approach to the assessment. Through being smaller parcels around Roding Lane some of the reasoning for the 'Strong' purpose attributed to the wider parcel under 'Purpose 2 - Prevent neighbouring towns from merging' and 'Purpose 3 - Assist in safeguarding the countryside from encroachment' would simply not arise.

The subject site would not lead to the coalescence of settlements as its firstly is located to the east of Roding Lane and therefore does not abut the M11 here. The M11 of course in its own right prevents the settlements being able to be physically joined. So the subject site cannot fail the test under Purpose 2. In respect of Purpose 3 the subject site is not attractive countryside. The land in the main is open land with limited landscape features. There is a large woodland copse but that is excluded from the subject site. The only other trees are around the former MOD site or at the junction of Roding Lane and Chigwell Rise. There is already housing to the south side of this part of Roding Lane and on both sides of Lee Grove. Development here would be a natural extension of the 'large village' in a westerly direction, whilst maintaining the countryside to the north and south and the separation across the valley to the west.

In their Stage 2 Assessment report and in their summary of findings in Table 4.1 the consultants attribute 'very high' harm to the Green Belt derived from two scores of Strong, one of Moderate and one of no contribution. However as indicated above I consider that the large parcel size approach here is flawed and had they looked at smaller parcels in the vicinity of the subject site and somewhat ironically the two roads that they refer to – Roding Lane and Chigwell Rise – the results would have been very different.

Map 2.5 (page 50) of the Submission Local Plan identifies those proposed Green Belt Boundary Alterations to be taken forward through the Plan. These includes two small boundary changes and one larger change in Chigwell. Draft Policy SP6 deals with the Green Belt and states:

"A. Green Belt

The general extent of the Green Belt is set out in Map 2.5. The detailed boundaries and inset settlements are defined in Chapter 5 and shown on the policies map. The openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy and Policy DM 4".

Changes Sought

That Map 2.5 be amended to exclude the subject site from the Green Belt

Chapter 5 of the Submission Local Plan deals with Places and Policy P7 specifically with Chigwell. Part B of the Policy suggests 11 sites that could provide housing to contribute towards the housing need in the District. Only two of these sites will make any significant contribution to housing need in the District - CHIG.R4 Land between Froghall Lane and railway line – Approximately 105 specialist homes and CHIG.R6 The Limes Estate – Approximately 100 homes. The remainder of the sites are in the main smaller sites, more associated with windfall provision.

Further development of The Limes Estate allocation through Part G of the Policy must however come forward through a Strategic Masterplan. Further Part H of the Policy states "The Strategic Masterplan shall be regeneration-led and the development brought forward towards the end of the Plan period". Therefore the site is not available for delivery now or in the next five year period.

Given the flawed approach to the assessment of the site and its 'contribution' to the Green Belt purposes the subject site should be included through Policy P7 for residential purposes. The site has a gross area of around 8ha. Allowing for the buffer zone associated with the gas pipeline the net developable area of 7.1ha. At a density of 30dph the site could make a significant contribution to housing supply in Chigwell and Epping generally; around 210 dwellings.

As a result, as well as including the site within Policy P7 - Map 5.13 Site Allocations in Chigwell will need to be amended to include the site as a 'Site Allocations'.

Changes Sought

That Policy P7 be amended to include the subject site as a housing allocation and also that Map 5.13 be amended to be consistent with the policy

The Councils Representations form sets out three specific questions that I respond to below.

6. Please give details of why you consider the Submission Version of the Local Plan is not legally compliant, is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance, soundness of the Local Plan or compliance with the duty to co-operate, please also use this box to set out your comments

The plan has been prepared on a flawed evidence base. The SLAA is not based upon up to date site assessments; the work by Arup' incorrectly assessing the subject site and its alleged constraints; and the work by LUC also seeks to apply conclusions on large areas on land to unquantified smaller parcels by derivation rather than proper and formal assessment. Had they undertaken the appropriate assessment I would have expected the subject site to be designated for housing in the Submission Plan.

7. Please set out what change(s) you consider necessary to make the Submission Version of the Local Plan legally compliant or sound, having regard to the test you have identified in the question above (Positively prepared/Justified/Effective/Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the Submission Version of the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To make the plan sound the evidence base would need to be revisited and undertaken in a proper and robust manner, taking into account smaller parcels of land. At present the evidence base does not support the Submissions Plan's approach to its housing designations, particularly in the Chigwell area.

The subject site is available, achievable and deliverable in the five-year period and can therefore contribute in a short time frame to housing need in the District. The plan should therefore include the site as part of the housing allocations in Chigwell.

I have set out above the changes that would need to be made.

9. If you wish to participate at the hearings, please outline why you consider this to be necessary

It is important to discuss through the examination all of these points and how the plan is flawed in its evidence base and therefore its approach to Green Belt release. In addition to this statement I would wish to participate in the discussions on the Green Belt and Housing land delivery. The absence of the subject site from inclusion within the Submission Plan will need to be discussed as part of the housing need, supply and designations at the examination.

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Appendix A Site Location Plan

