



PEACOCK+
SMITH

Fernbank Nursery, Lower Nazeing

Epping Forest Local Plan EIP

EIP Statement Matter 5

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Matter 5: Site Selection and Viability

1. This Hearing Statement is made for and on behalf of Stallan Nazeing Limited, and responds where necessary to the relevant questions set out within Matter 5 of the Inspector's Matters, Issues and Questions (November 2018). The following responses should be read in conjunction with the representations upon the submission version of the Epping Forest Local Plan which were submitted in January and May 2018.
2. Matter 5 includes consideration of the 'Omission Sites', which have not been included as allocations in the Submission Local Plan. As highlighted in our previous representations, the omission of Site 0160: Fernbank Nursery, Lower Nazeing, from the proposed allocations represents a missed opportunity to provide land for housing which would also enable the expansion of the existing settlement in a sustainable manner which brings an under-utilised site into active use.
3. According to Paragraph 35 of the NPPF, there are a number of tests that need to be satisfied if a plan is to be considered sound. The most relevant of these are whether the plan has been **positively prepared**, the strategy is **justified**, policies are **effective** and deliverable over the plan period, and whether the plan more generally is **consistent with national policy**.
4. Our client is concerned that the draft Local Plan and elements of it have not been properly justified and do not represent the most appropriate strategy when considered against reasonable alternatives and based on proportionate evidence. This is evident in the allocation of greenfield land to the south of Lower Nazeing for housing. These sites are entirely undeveloped and despite their proximity to the existing settlement, there are considerable issues associated with the capacity of existing infrastructure and whether this would be sufficient to provide for the expansion of the settlement in this area. It is our view that these sites, along with others in the district should not be identified for development ahead of other sites, including that at Fernbank Nursery which, by virtue of its location and condition, clearly represents a more appropriate site for new housing. In our view, insufficient justification has been provided for the

allocation of these greenfield sites ahead of those that clearly have potential to come forward for development during the plan period.

5. For the avoidance of doubt, these representations are primarily concerned with Issue 1 of the Inspector's Matters Issues and Questions, i.e. *Have the Plan's housing allocations been chosen on the basis of a robust assessment process?* It is notable that the Inspector has sought clarification as to whether the Plan's housing allocations have been chosen on the basis of a robust assessment process. The specific questions put to the Council as part of Question 1 are:
- a. How was the initial pool of sites for assessment identified?*
 - b. How was the Site Selection Methodology (SSM) utilised in the Site Selection Report 2018 (EB805) established and is it robust?*
 - c. What is the relationship between the SSM and the sequential approach to site selection set out in Policy SP2(A)?*
 - d. What was the role of the Sustainability Appraisal in selecting between the various sites?*
 - e. Was any other evidence taken into account in the site selection process? In particular, how has the historic environment been taken into account? Have Historic Impact Assessments been undertaken as recommended by Historic England and, if not, is this necessary?*
6. In response to Part 'a' above, it is anticipated that the Council will have identified a wide range of sites for assessment in order to establish which would be the most appropriate for residential development. This is evident from the Evidence Base which has examined a broad range of locations.
7. It is acknowledged by all parties that in order to meet objectively assessed housing need in the district, there is a need for sites to be identified through the local plan process which are currently in the Green Belt, and that the need to provide additional housing on the scale envisaged represents the 'exceptional circumstances' required to justify the revision of Green Belt boundaries. The Council have clearly assessed a wide range of sites including previously developed and greenfield sites.

8. In respect of Part b above, it is evident that aspects of the site selection process including the Evidence Base and the Site Selection Report have resulted in greenfield land in areas outside of existing settlements being identified as proposed allocations, while other more suitable sites appear to have been omitted from the process.
9. A number of these could be considered less suitable for development and therefore more sensitive to the impact of new development. As highlighted in our representations, the process through which sites outside of existing settlement boundaries have been selected for allocation relied upon the findings of the Epping Forest Green Belt Assessment: Stage 2 (2016). While this appeared to have a reasonably robust methodology to assessing the relative importance of parcels of land in relation to the five purposes of the Green Belt¹, there are areas of this that raise particular concerns that its findings and recommendations do not accurately reflect the importance of some sites in terms of their value to the purposes of the Green Belt.
10. The key concern with the process of assessing the various land parcels as to their suitability for development is the 'sensitivity testing' which the authors of the report considered necessary in order to differentiate between areas of land with seemingly similar scores arising from the assessment process. However, since this process involved completely discounting the results of the assessment of all land parcels against the third purpose of the Green Belt, the results of the process have been skewed to such an extent that it has resulted in changes to the relative performance of sites against the primary Green Belt objectives set out in National Planning Policy.
11. As a result of the use of the skewed sifting process referred to above, the findings of the Green Belt Assessment have been translated into the Site Selection Report (a fact that only became evident upon publication of the full results of the process), the justification for the allocation of certain areas of land can be considered to be flawed. This is the case at Lower Nazeing where the 'Southern expansion' option was found to be more favourable than the 'Western intensification and infill' option, primarily as a result of the findings of the 'sensitivity testing' process. Had this testing not taken

¹ As previously set out in Paragraph 80 of the NPPF, and which now appear in Paragraph 134 of the NPPF.

place, the relative performance of these strategic expansion options would have resulted in the 'Western intensification and infill' option performing more favourably than the 'Southern expansion' option. Since the latter has ultimately been proposed for allocation in the draft Local Plan, we are concerned that the full range of Green Belt purposes have not been taken into account. As such, this key piece of evidence has been based on a flawed assessment of the relative level of harm to the Green Belt that would result from their development.

12. As reflected in our representations submitted in May 2018, it is also relevant that notwithstanding the concerns outlined above, the scale of housing provision set out in the Local Plan to account for the under-delivery of housing in previous years. It is therefore considered that additional sites should be identified and if necessary allocated for residential development in order to better reflect the scale of housing need. In setting the framework for development in the district until 2033, the Local Plan needs to ensure that there is both a sufficient number and range of sites identified for development. There must also be flexibility to ensure that there is not an over-reliance on a small number of sites being delivered in order to meet housing needs in the district.
13. Given the number of sites currently proposed for allocation which will require extensive infrastructure provision, phasing and further assessment prior to bringing these forward, there is clearly a need to identify a wider range of sites in a range of locations in order to account for the fact that not all sites identified may be deliverable. This is evident in the proposed allocation at land to the south of Lower Nazeing where the realisation of plans for the 'Southern expansion' area is dependent on the provision of significant areas of infrastructure in advance of this delivering new housing. As the only proposed allocation of any scale or significance in or around Lower Nazeing, there would be a reliance on this site if the scale of housing proposed in this area of the district is to be delivered.
14. It is not our intention to comment further in relation to Parts c, d and e of Question 1 or any subsequent questions. The primary areas of concern relate to the Site Selection

Methodology and how this has been used to justify the inclusion of some areas of land as allocations for development and omitting others without sufficient justification.

15. For the avoidance of doubt, we are not seeking to make representations in relation to questions 2, 3, 4 or 5 (under Issue 1). These are not areas that have previously been raised in previous representations.

Summary and Conclusions

16. As set out in our supplementary representations (May 2018), it is not considered that a sufficiently robust justification has been provided as to why certain sites, particularly greenfield sites outside of existing settlement boundaries, have been allocated for housing. More specifically, insufficient justification for the allocation of sites which are clearly of a more greenfield nature, and less well-located in relation to existing housing than the site at Fernbank Nursery.
17. Based on a locational rating, originally derived from the Green Belt Assessment and subsequently arrived at through an assessment of strategic options for the expansion of the settlement, as well as a limited number of selected criteria (i.e. flood risk, relative harm to the Green Belt, and the condition of agricultural land), none of which relate to the sustainability of the location, the environmental quality of the site, or the potential for enhancement, a number of sites, including Fernbank Nursery have been discounted from the site allocation process prematurely and without proper consideration.
18. Since this was based on the flawed findings (of the 'sensitivity testing' undertaken in the Green Belt Review), and a 'sifting process' (Stage 3 and 6.3 Assessment of the Site Selection Process), this is not considered to represent a full or sufficiently-well-rounded assessment of the development potential of sites. It is therefore considered that the omission of this site from those proposed to be allocated for housing at this stage of the process has not been adequately justified.
19. Notwithstanding the above, the scale of the proposed allocations in the district is not considered sufficient to account for the current level of housing need and to fully

address the issues arising through the underprovision of housing in recent years. The allocation of Fernbank Nursery would contribute towards meeting this housing need and its development would not significantly compromise the openness of the Green Belt or the purposes of including land within it.

20. It is considered that the Fernbank Nursery site should be excluded from the Green Belt and allocated for residential development to ensure that sufficient land is identified in the Local Plan to meet the objectively assessed needs that are not currently provided for. The site is considered deliverable, self-contained and with clear, defensible boundaries, and subject to the removal of the Green Belt designation, it is considered to be entirely appropriate site for redevelopment as housing.