



CAMPAIGN TO PROTECT RURAL  
ESSEX  
President: Lord Lieutenant of Essex  
Chairman: David Knight  
Vice Chairman: Patricia Moxey

RCCE House  
Threshelfords Business Park  
Inworth Road  
Feering  
Colchester CO5 9SE  
Tel/Fax: 01376 572023

Email: [office@cpre-essex.org.uk](mailto:office@cpre-essex.org.uk)  
Web: [www.cpressex.org.uk](http://www.cpressex.org.uk)

**EPPING FOREST DISTRICT COUNCIL: Examination of the District Local Plan, 2011 – 2033**

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**PRE-HEARING STATEMENT ON BEHALF OF CPRE**

**MATTER 5 – SITE SELECTION & VIABILITY**

**EPPING FOREST DISTRICT COUNCIL: Examination of the District Local Plan, 2011 – 2033**

Site Selection

### **Issue 3: Have the Plan’s new employment allocations been chosen on the basis of a robust assessment process?**

1. The selection of the proposed employment sites in the Local Plan have not been chosen on the basis of a robust assessment process. This can be demonstrated by review of the selection of the Quinton Hill Farm (WAL.E8) site in Waltham Abbey which is wholly unsuitable for the B8 use for which it is identified in the Local Plan. Detailed below is a brief summary of the key issues relating to the selection of this site.
2. From a review of the background documents relating to the Local Plan it is difficult to understand the basis for assessment of the proposed Dowding Way (WAL.E8) site as being suitable for removal from the Green Belt. The site was assessed in a number of different documents for different reasons. The initial evaluation was for a mixed development of housing and employment. There does not seem to be any explanation in the Local Plan or associated background documents for the decision making process that subsequently changed the allocation of the site to potentially allow a development of 40,000m<sup>2</sup> of industrial floor space. Based on the response from the public consultation 85% of those who provided a response to the Draft Policy relating to Waltham Abbey disagreed with the site selections proposed.<sup>1</sup> If the initial consultation had presented the WAL.E8 site as being intended for large-scale industrial development, it is highly likely that there would have been even less public support.<sup>2</sup>
3. As a further consequence, the basis for the consultation and representations is questionable since previous revisions of the draft Local Plan indicated both that the WAL.E8 site proposals were for a mixed development and also that the site ranked highly for Green belt and would be unlikely to be selected for development. Of the 61 sites reviewed, the Stage 1 assessment ranked the Dowding Way (WAL.E8) site joint 4<sup>th</sup> and in the highest 50% of sites indicating that it should not be developed<sup>3</sup>. The Stage 2 assessment dispensed with the numerical scoring methodology in favour of a more vague “level of harm” approach (i.e. from none to very high). However, the conclusions of this report stated that: “*the relatively poor performance of the land against Green Belt purposes is not, of itself, an exceptional circumstance that would justify release of the land from the Green Belt.*”<sup>4</sup>

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<sup>1</sup> EFDC Draft Local Plan Consultation Report (2017), 15.5.2

<sup>2</sup> EFDC Draft Local Plan Consultation Report (2027), 9.2.2 [LL note: “Generally, respondents disagreed with increased employment development if it was to take place in the Green Belt”]

<sup>3</sup> Report on Site Selection, Ove Arup & Partner, September 2016

<sup>4</sup> Green Belt Assessment Stage 2 Report prepared by LUC, August 2016, 5.7

4. Lack of effective consultation is also apparent from the manner in which EFDC framed the site of WAL.E8 for removal from the Green Belt. EFDC identified the site as earmarked for B1 / B2 / B8 employment uses following lobbying from the landowner. The use of these terms are not familiar with the general public and consequently the actual proposed land use was not made clear in the consultation documents. Most significantly the proposed B8 land use involves substantial HGV traffic in an area that already suffers from severe traffic congestion nearby Junction 26 of the M25. Had the public been made aware of the B8 nature of the WAL.E8 site development it is highly likely that serious objections would have been raised. Should there be any doubt about this conclusion then reference should be made to the substantial opposition and petition of over 1,000 signatures made in protest against the recent planning application of the WAL.E8 site.
5. The current Adopted Local Plan states generally that B8 warehousing is considered inappropriate on the grounds that the larger distribution facilities have a low employment density and such developments would not be in accordance with the intentions of the Plan<sup>5</sup>. Furthermore, B8 employment uses are typically low paid (at or near minimum wage). Whilst EFDC efforts to increase allocation of land for employment use should be encouraged it is clear that B8 use is inappropriate in an area that already suffers from lack of social housing. The salaries on offer from B8 employment would prohibit the workers from either buying or private renting accommodation in the Epping Forest district and they would be wholly reliant on social housing.
6. Further evidence of the contradictory nature of the site selection undertaken in the Local Plan can be seen in the documents preceding the selection of the WAL.E8 site. The Stage 2 Assessment identified certain major anomalies defined as: “*significant built development which, as a result of its scale, form and density, detracts from land’s contribution to Green Belt purposes*”.<sup>6</sup> The site of the Sainsbury’s depot next to the WAL.E8 site was identified as a major anomaly with the following comments: “*The parcel contains the large Sainsbury’s depot building, associated car / lorry parking and residential development. Although separated from the rest of Waltham Abbey by the M25, the built development lacks openness and the parking areas are too contained by development to retain any open relationship with the countryside*”.<sup>7</sup> It must be noted that the Sainsbury’s development was only permitted due to the site being on contaminated land and even then required substantial S106 contributions including construction of the A121 link road and provision for housing on the site.

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<sup>5</sup> Epping Forest District Adopted Local Plan: January 1998, 10.46

<sup>6</sup> Green Belt Assessment Stage 2 Report prepared by LUC, August 2016, 3.28

<sup>7</sup> Green Belt Assessment Stage 2 Report prepared by LUC, August 2016, Table 4.3, parcel ref 59.3

7. The Sainsbury's planning permission required the proposals to comply with appropriate landscaping policies with particular importance to ensure that the "*open, landscape-dominated vistas along Sewardstone Road and to the south of Quinton Hill Ridge are maintained*"<sup>8</sup>. The proposal to develop the WAL.E8 site, also known as Quinton Hill Farm, is in direct contravention of this EFDC policy stated in the current Adopted Local Plan.
8. The WAL.E8 site is in conflict with policies requiring employment locations to be nearby public transport hubs. The WAL.E8 site is on the edge of town and not served by any rail or bus routes. The developer has proposed an on-demand bus service which would be inadequate and in any case would only be Section 106 funded for an initial period of two years. The developer intends to allow for 150 car parking spaces plus parking for 80 vans and 45 HGVs with provision for future expansion. The developer has estimated that over 700 HGV trips per day will be made to the WAL.E8 site once operational. This additional traffic will negatively impact air quality in this area which recordings have shown already exceed legal standards.
9. The WAL.E8 site is 750m west of the Epping Forest Special Area of Conservation (SAC). The Epping Forest 2017 Habitats Regulations Assessment stated: "*Proposed Growth throughout Epping Forest District as a result of the site allocations could not be dismissed from potentially posing likely significant effects upon Epping Forest SAC as a result of increased air pollution.*"<sup>9</sup> The HRA summary added: "*Epping Forest SAC is known to be adversely affected by relatively poor local air quality alongside the roads that traverse the SAC and this has been demonstrated to have negatively affected the lichen communities of the woodland. The nature of the road network around Epping Forest SAC is such that journeys between a number of key settlements around the Forest by car, van or bus effectively necessitate traversing the SAC.*"<sup>10</sup>
10. The Local Plan has already been the subject of a Judicial Review. Amongst a number of grounds for challenge it was found that EFDC failed to publish the Appendix B reasoning for site selection. This was eventually published on 14 March 2018 after closure of the consultation period. Reasons given for not selecting the Theydon site, as referred to in the Judicial Review, included: "*concerns around the overall scale of growth proposed in Theydon Bois, which is located in close proximity to the Epping Forest SAC, and the potential effects arising from recreational pressure and air quality. The Conservators identified the need for a SANG [Suitable Alternative Natural Greenspace] to compensate for the scale of growth,*

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<sup>8</sup> Epping Forest District Adopted Local Plan: January 1998, 5.116

<sup>9</sup> Epping Forest District Council HRA (Aecom), Non-Technical Summary, Nov 2017, 3.12

<sup>10</sup> Epping Forest District Council HRA (Aecom), Non-Technical Summary, Nov 2017, 3.14

*which may adversely affect the deliverability of the site*<sup>11</sup>. These are in fact identical reasons that apply to the WAL.E8 site and the basis of objections from EFDC as evidence in the Judicial Review to support the removal of the Theydon Bois site from the Local Plan. In view of this, it would be irrational to approve development on the WAL.E8 site.

11. In addition it is particularly relevant to note that the reasons given by EFDC in the Judicial Review for non-selection of the Forrester's Site in Theydon Bois apply equally as reasons why the WAL.E8 site is not suitable for development: *"close proximity to the Epping Forest SAC, and the potential effects arising from recreational pressure and air quality"*<sup>12</sup>.
12. In the Judgement it was observed that: *"the expressed reasons for the proposed decision [to remove the Theydon Bois site] ... are not that the local plan is "sound", but the imperative to submit the plan to the Secretary of State before 31 March 2018"*<sup>13</sup>.
13. To summarise the above points the requirement for the Local Plan to be "sound" is set out in the Planning and Compulsory Purchase Act 2004<sup>14</sup>. The 2004 Act contains no definition of the term "sound". The term is defined in paragraph 182 of the NPPF which includes the following: *"Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence..."*<sup>15</sup>. The above analysis of the background of the site selection process, and in relation to the WAL.E8 site in particular, clearly demonstrates that the proportionate evidence does not exist and reasonable alternatives were not considered by EFDC.

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<sup>11</sup> Report on Site Selection, Ove Arup & Partner, Issue V3, March 2018

<sup>12</sup> R (CK Properties (Theydon Bois) Ltd v Epping Forest District Council [2018] EWHC 1649 (Admin) (18)

<sup>13</sup> R (CK Properties (Theydon Bois) Ltd v Epping Forest District Council [2018] EWHC 1649 (Admin), 70

<sup>14</sup> Planning and Compulsory Purchase Act 2004, Section 20(5)(b)

<sup>15</sup> National Planning Policy Framework, paragraph 182