

## **1. INTRODUCTION**

- 1.1 This Statement is submitted by Meridian Hill (Chigwell) Ltd (Participant Ref 19LAD0102) and relates to Matter 4: Spatial Strategy / Distribution of Development.
- 1.2 Meridian Hill (Chigwell) Ltd have an interest in the former landfill site at Hill House Farm, Chigwell. The site abuts the existing built up area and it is in close proximity to existing local facilities, services and public transport. It is owned by Essex County Council. This site is promoted for residential development of c100 dwellings, provision of a Care Home and public open space. The site is available, and is deliverable in the short term.

## 2. MATTER 4: THE SPATIAL STRATEGY / DISTRIBUTION OF DEVELOPMENT

### Issue 1:

*3. Conversely, will the level of growth proposed elsewhere in the district be sufficient to support the vitality and viability of individual settlements over the Plan period?*

- 2.1 It is not considered the level of growth proposed elsewhere in the district is sufficient to support the vitality and viability of the individual settlements over the Plan period. This is particularly the case for Chigwell. Chigwell was previously indicated to provide 430 homes in the Draft Local Plan, but it was subsequently reduced within the Pre-submission version to 376 new homes (Policy SP2).
- 2.2 This figure doesn't reflect Chigwell's sustainability credentials, and it could accommodate additional growth. In addition to this, the proposed allocations set out in policy P7 will make a limited contribution to the vitality and viability of the settlement over the Plan period. The small minor developments are unlikely to make any significant contribution to providing a sustainable, inclusive and mixed community as required by the NPPF 2012 Paragraph 50.

### Issue 2:

*2. How was the settlement hierarchy set out in Table 5.1 page 114 defined, and is it justified? Has the settlement hierarchy informed the distribution of development and if not, what is its purpose?*

- 2.3 The Local Plan Paragraph 5.7 sets out that the Settlement Hierarchy Technical Paper (EB1007) informed the Council's approach to settlements in the District, however this is not considered to be fully justified, particularly in relation to Chigwell. In addition, it does not appear this informed the distribution of development, as set out in Policy SP2 Spatial Development Strategy and the key evidence listed.
- 2.4 Within the Technical Paper (EB1007), Chigwell scores highly for existing services and facilities. It is identified as having a population of 12,987, and only Loughton-Debden and Waltham Abbey have higher populations. It has a number of education and health facilities, including secondary schooling, along with local retail shops, banks and pubs/restaurants. It also has a number of community facilities including places of worship, community hall, leisure and recreation facilities and a library. Importantly it has regular bus services and a loop branch for the Central Line.

- 2.5 The Technical Paper identifies that Towns are locations which score 21+, whilst larger villages are designated based on scores of 14-20. Chigwell misses out by a single point (scoring 20) to be considered a town, and is classified as a larger village along with North Weald and Theydon Bois which perform significantly less well, scoring 15 and 17 respectively. It appears to us that settlement scores fall into three clusters – low, middle and high scoring – and that Chigwell and Buckhurst Hill are more closely aligned with towns than they are with the villages of North Weald and Theydon Bois. Roydon, which scores 14 points is more closely aligned with North Weald and Theydon Bois than Chigwell is, yet Roydon is categorised as a small village.
- 2.6 Although North Weald scores 5 points fewer than Chigwell, North Weald is allocated 1,050 homes. It is clear that Chigwell performs significantly better than other larger villages and this should be reflected in the distribution, with a higher level of development, and it should also be designated as a Town. This would accord with the NPPF 2012 which is clear (Paragraph 17) that planning should focus significant development in locations which are sustainable.

*4. Is it justified for North Weald Bassett (NWB) as a Large Village to be allocated more development than the Towns of Loughton, Waltham Abbey and Ongar? More generally, would the proposed growth of NWB be disproportionate, particularly when development at nearby Thornwood and Hastingwood is taken into account?*

- 2.7 It is not considered justified for NWB to be allocated more development than Chigwell. As identified above, Chigwell is a highly sustainable location and provides a range of services and facilities. In particular, it has excellent public transport links with the Central Line loop, bus services and a secondary school.
- 2.8 North Weald has no direct access to the underground, and it has no existing secondary school. This is not considered to accord with the NPPF which states (paragraph 35) that plans should exploit opportunities for the use of sustainable development, and development should be located where practical to have access to high quality public transport facilities. In addition, it is clear that Chigwell performs significantly better, particularly in terms of public transport modes, than other Larger Villages and also the towns of Chipping Ongar, Epping, and Waltham Abbey.

**Issue 4:**

*1. Paragraph 14 of the NPPF generally requires that a Local Plan should meet the objectively assessed development needs of the area. However, it also confirms (via footnote 9) that Green Belt is one of the constraints which indicates that development should be restricted. How has this tension been resolved in favour of the conclusion that there are exceptional circumstances to justify the alteration of Green Belt boundaries? In particular:*

*a. How do the specific development needs of the District weigh against the importance given to Green Belt protection?*

2.9 There have been no alterations to green belt boundaries within Epping Forest since the adoption of the 1998 Local Plan. The Council acknowledge this and that there is very little land remaining in the District that is not already developed. It is supported that development needs can only be met through a review of the Green Belt, given the development constraints, the affordability issues within Epping Forest, and that housing needs are expected to continue to rise.

*b. What would be the consequences of not releasing Green Belt land to help meet development needs?*

2.10 Not releasing sufficient Green Belt land to meet the current and future development needs would have significant consequences for the district for a number of reasons.

2.11 The rate of delivery in Epping Forest has been significantly low over a number of years, and this is directly linked with the majority of the district being covered by Green Belt, and the very limited availability of previously developed land within urban areas. If the Council did not release Green Belt land at this stage, this would result in a continued low delivery rate, and the district would not meet its development needs.

2.12 This in turn would result in numerous adverse implications including:

- Affordability is a significant issue within the district already. The ratio of median house prices to median earnings in Epping Forest is 14.49, second only to St Albans in terms of affordability in the East of England<sup>1</sup>. If development needs are not met, demand will further outstrip supply, forcing house prices higher, further worsening affordability and more people will be forced into requiring affordable housing.
- People will be forced to live further away. This would result in increased commuting, much of which is like by car, and would not meet sustainability objectives, including increasing carbon emissions.
- This approach doesn't support the local economy, which is intrinsically linked to housing delivery. If sufficient homes are not provided for the labour force, the local economy is likely to suffer.

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<sup>1</sup> Table 5c Ratio of median house price to median gross annual (where available) workplace-based earnings by local authority district, England and Wales, 1997 to 2017, MHCLG

*c. Have alternatives to Green Belt release been fully considered:*

- 2.13 Given the extent of housing need within Epping Forest, and the constraints of the Green Belt, there are limited alternative opportunities to come forward. This is evident through the low delivery rates over previous years, as discussed above.
- 2.14 It is not considered that any other authority within the HMA could have accommodated some of the housing need on non-Green Belt land. The authorities within the HMA made a commitment to meet their individual needs within their administrative boundary, and it appears that Epping Forest sought assistance from the HMA, and Harlow confirmed it could not make provision for any additional need.

*2. Are the changes proposed to the Green Belt boundary informed by a robust assessment of the contribution made by individual sites to the purposes of the Green Belt (EB74A-B; and EB705A-B)? How were the findings of the Green Belt Review weighed in the balance with other planning considerations in the site selection process?*

- 2.15 Whilst the Council have undertaken a Green Belt Review, it is clear that this has adopted a strategic level of reviewing large parcels of land and it does not go far enough. It assesses broad parcels of land that contain disparate land uses and character that necessarily results in broad generalisations and cautious assessment of each parcel's contribution to the Green Belt purposes. It fails to review and assess individual smaller parcels of land and their contribution to the Green Belt and whether such smaller parcels could be released without significant harm to Green Belt purposes. Sufficient flexibility should be planned for at this stage, particularly given the constraints in Epping Forest, and the acknowledgement that a release of Green Belt land is necessary.
- 2.16 The Landscape Partnership (TLP) was instructed to undertake an independent critique of the Council's Green Belt Review. This critique was included as part of our Regulation 19 Representations.
- 2.17 TLP concluded that the methodology used for the Review is brief and in many places there is ambiguity as to its subsequent application. The following observations are made in relation to Green Belt Stage One:
- No formal decision had been made as to what would constitute exceptional circumstances.
  - No specification is provided as to how assessment parcels have been identified.
  - Purpose 1: No mapping is provided to illustrate the extent of the large built-up areas, and thus the boundary that is being protected against sprawl.
  - Purpose 2: It is not clear as to which towns a parcel is considered to form a gap between. No guidance is provided as to whether the nature, scale or value of routes between settlements are considered in the assessment, or as to what reduction in a gap would constitute compromising separation.

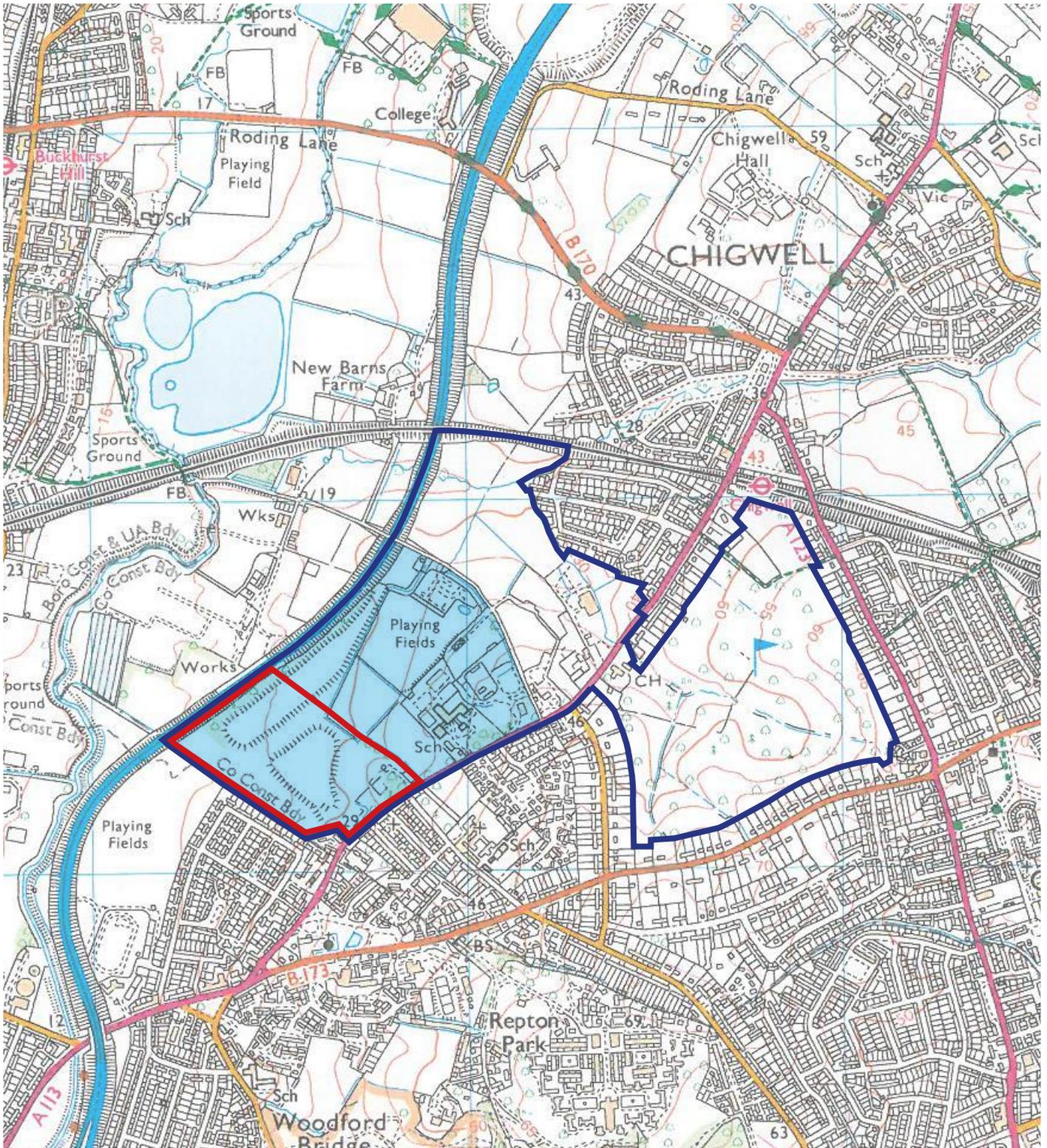
- Purpose 2: Some of the assessment criteria appear to be high thresholds to cross, e.g. should a piece of land that is not of critical importance to forming a gap, that has defensible boundaries present, and that could accommodate some development without compromising the physical or visual separation of towns be considered to make as much as a 'Moderate' contribution to this Green Belt purpose.
- 2.18 A more detailed methodology was used for the second stage of the Review. The stated aim was to identify areas where the Green Belt policy should remain, any historic anomalies in the existing boundaries, and areas where development would be least harmful in Green Belt terms. It included an assessment of the harm to the Green Belt if land within were to be released to accommodate new development.
- 2.19 Although sub-divided parcels were considered at Stage Two, TLP found that the parcels assessed still contained a disparate number of characteristics and thus any conclusions as to their contribution to the Green Belt purposes can only be a balanced average for the parcel as a whole; to be informative, individual areas within the parcel need to be assessed for their contribution. This is particularly evident for the Meridian Hill (Chigwell) Ltd site which fell within Parcel 036.3 (see appendix 1). Despite the parcel including a reduced area than that considered as part of the Stage 1 assessment, it still included extensive areas of over tipping and regenerating scrub at the site, a school, a gas transmission station, residential development and agricultural land.
- 2.20 The Stage Two Review has demonstrated that much of Green Belt within the Epping Forest area fulfils its purposes well. However, within the study area there are variations in the contribution that different parcels of land make to the five identified Green Belt purposes, with the result that some parcels contribute less to the purposes than others. It is considered that Parcel 036.3 is one such parcel, and if it were released from the Green Belt, there would be overall Low harm to the Green Belt purposes. The Stage Two Review concluded that the resultant harm to the Green Belt purposes if Parcel 036.3 was released from the Green Belt would be Very High. However, TLP's critique shows that the parcel, and the Hill House Site in particular, makes a Weak Contribution to Purpose 1 and 3, a Relatively Weak contribution Purpose 2, and no contribution to Purpose 4. Parcels, such as this, with no Strong, Relatively Strong or Moderate contribution to any purpose, are considered to have the potential to cause Low harm to the Green Belt purposes should the land be released from the Green Belt.
- 2.21 The Stage Two review recommends that: "*separate evidence on landscape character and quality should be applied in order to distinguish between areas that are more and less sensitive to development in landscape terms*". However, landscape values, and whether the site is suitable and available, do not form considerations of whether the sites should continue to be protected by Green Belt. This was recently reaffirmed at the Welwyn Hatfield Examination, discussed further below.

- 2.22 Notwithstanding this, it is not considered the landscape character has been assessed accurately in terms of sensitivity. Again this is evident within Parcel 036.3, where the landscape of the Hill House site only has limited visual influence in the wider landscape; it is strongly influenced by former land uses (e.g. the pronounced man-made topography) and the neighbouring urban streetscape; and that it displays few of the key characteristics of the Roding Valley countryside (e.g. a patchwork of gently undulating, mostly arable, fields delineated with mature hedgerows). Further, only the south-eastern portion of the site would be developable. The landform on the north-western boundary would be retained and extended and as such (together with the retained and supplementary vegetation) would largely screen views of the proposed development from points to the west. As such, it is likely that the site is one of the areas that is *“less sensitive to development in landscape terms”*.
- 2.23 With regard to meeting development requirements and changes to the Green Belt through the Local Plan, Paragraphs 5.5 to 5.7 of the Stage Two Review states this should include:
- “...i. demonstration of exceptional circumstances, such as unmet housing or employment land needs, that cannot be met elsewhere; and*
- ii. consideration of the need to promote sustainable patterns of development...”*
- 2.24 A common interpretation of the policy position is that, where necessitated by development requirements, plans should identify the most sustainable locations, unless outweighed by adverse effects on the overall integrity of the Green Belt according to an assessment of the whole of the Green Belt based around the five purposes.
- 2.25 The Council's approach is similar to that undertaken by Welwyn Hatfield Council in their Green Belt Review. During the Local Plan Examination, the Inspector (Appendix 2) outlined that he did not consider the development strategy put forward to be sound, in part because there was insufficient justification for the failure to identify sufficient developable sites which could be released from the Green Belt.
- 2.26 The Inspector went on to confirm that *“a finer grained approach would better reveal the variations in how land performs against the purposes of the Green Belt”*, and that openness considerations *“...should not be concerned about the character of the landscape.”*
- 2.27 The Inspector continued that *“the extent to which the Green Belt would be compromised by the loss of the parcel either in part or its entirety or in combination with other parcels is clearly the fundamental issue to be analysed”*.
- 2.28 In accordance with this, it is considered that Epping Forest should undertake a further, more detailed review of Green Belt Review boundaries, adopting a finer grained approach. This would provide differentiation in the smaller parcels and would enable the Council to identify whether smaller parcels of land could be released from the Green Belt, whilst ensuring an overall low harm.

*5. Having regard to paragraph 85 of the NPPF, and to the potential for an increased level of housing need in the District to be identified in the future, how has the Council satisfied itself that Green Belt boundaries will not need to be altered at the end of the Plan period? Is it necessary to identify areas of safeguarded land between the urban area and the Green Belt?*

- 2.29 It is not considered the Council has satisfied itself that Green Belt boundaries will not need to be altered at the end of the Plan period. The land identified by the Plan would not be sufficient to address the OAN should it increase, and also it would not be sufficient to sustain future housing growth, of which the Council acknowledge an upward trend of housing needs, nor sufficient to meet needs beyond the end of the plan period.
- 2.30 The NPPF 2012, Paragraph 85, requires planning authorities to satisfy themselves that green belt boundaries will not need to be altered at the end of the plan period. If there is likely to be a shortfall, sufficient land and/or safeguarded sites should be identified at this stage. Therefore it is considered necessary to identify areas of safeguarded land between the urban area and the Green Belt. It is considered that additional opportunities exist that could come forward without significant detriment to Green Belt purposes.

# **APPENDIX ONE – GREEN BELT REVIEW PARCEL 036.3 SITE CONTEXT PLAN**



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N12629 Hill House Farm, Chigwell

**Key**

-  Green Belt Review: Stage One - Parcel DRS-036
-  Green Belt Review: Stage Two - Stage Two Parcel 036.3
-  Hill House Site

**Site context**

**Figure 01**  
Scale 1:15,000 @ A4

January 2018



## **APPENDIX TWO – WELWYN HATFIELD INSPECTORS GREEN BELT NOTE**

## **WELWYN/HATFIELD LOCAL PLAN EXAMINATION** **GREEN BELT REVIEW**

### Context

I have set out below some initial thoughts that relate to the soundness of this plan and in particular discussed the scope of additional work that the Council may wish to consider undertaking, in order to expand the findings of its Green Belt review. The purpose of this additional work, which involves expanding the Green Belt data base, is to enable the making of more informed judgements on the soundness of different development strategies in a Green Belt context.

My final conclusions regarding the plan's soundness and procedural compliance will be given in a report to be produced following the assessment of all of the evidence, including that to be produced for and at the forthcoming Hearing sessions and after consultation on the proposed Main Modifications.

Nevertheless, having regard to the criteria for soundness and to assist at this stage, I provide a brief explanation as to my current thinking on the Green Belt and related matters below. These may well alter in the light of evidence that emerges during the examination of the plan and including the consultation process. My views given below are based on my professional knowledge and experience in a spirit of helpfulness and my current understanding of the plan. They are given without prejudice to my final conclusions on soundness that will appear in my report. This will cover all main soundness issues that arise during the examination as well as those referred to below.

### Background

The plan as submitted does not provide sufficient housing development proposals to enable sufficient dwellings to meet the Full Objectively Assessed Housing Need (FOAHN), prepared on behalf of the Council prior to its submission of the plan, to be built. Subsequently, a revised FOAHN assessment based on the 2014 household projections, prepared by the Department for Communities and Local Government, suggests a much higher FOAHN. The National Planning Policy Framework says at paragraph 47 that Local Planning Authorities should ensure that their Local Plan meets the FOAHN in the housing market area. If this cannot be achieved, particularly in the context of the current housing crisis and the Government's desire to boost the supply of housing, then there needs to be very sound reason(s) for not doing this.

The Council has suggested that it is unable to meet its housing need because of Green Belt restrictions among other concerns. In my concluding remarks to the Hearing sessions into Strategic Matters, I pointed out that I did not consider the development strategy put forward in the plan to be sound, in part because there was insufficient justification for the failure to identify sufficient developable sites within the Green Belt. That is largely because the phase 1 Green Belt Review was at such a strategic level as to render its findings on the extent of the potential harm to the purposes of the Green Belt, caused by development within the large parcels considered as a whole, debatable when applied to smaller individual potential development sites adjacent to the urban areas. It goes without saying that a finer grained approach would better reveal the variations in how land performs against the purposes of the Green Belt. Such an approach is also more likely to reveal opportunities as well as localised constraints, both of which might reasonably be considered further.

Additionally, the phase 2 Green Belt Review, which did look at a finer grain of sites, does not appear to have examined all of the potential development sites adjacent to the urban areas. Furthermore that study, which combined a more refined examination, of the contribution that sites made to Green Belt purposes, with an overall examination of development considerations, appears to have incorporated an examination of landscape character into the consideration of openness. Openness considerations in a Green Belt context should only be concerned about the absence of built development and other dominant urban influences. They should not be concerned about the character of the landscape.

The actual development strategy finally arrived at is a matter for the Council, providing it is arrived at in a way that is objective and rational. However, if that strategy fails to meet the FOAHN and assuming that all realistic development opportunities outside of the Green Belt have been put forward in the plan, then it is effectively saying that there are no exceptional circumstances justifying a further release of additional land from the Green Belt and that presumably means for as long as current national green belt policy and its interpretation prevails. That may be the case but unless all of the Green Belt has been forensically analysed in some detail then it is difficult to prove.

#### Essential areas to retain

In some circumstances the impact of development on the Green Belt's purposes will cause such harm to the Green Belt that it outweighs all the other considerations and leads directly to the finding that exceptional circumstances could not exist. In many cases that may not be the case and a review of the Green Belt boundary may be justified in principle. In such circumstances, the impact on Green Belt purposes is just one of many factors to be weighed in the balance. However, given the importance of Green Belts in current national policy, any harm to the Green Belt should none the less be given appropriate weight in the process. Unfortunately, there is no clear ranking of considerations either with respect to the different Green Belt purposes or with regard to all the relevant considerations used to determine the suitability of land for development in National Policy. The weight to be given to the different considerations is therefore a matter of rational professional judgement.

In that context it seems to me that there must be a limit beyond which the development of undeveloped land between settlements, be they neighbouring towns or nearby smaller settlements, should not proceed. Exactly what that is in terms of distance is debatable and it could well be different in the context of the merging of neighbouring towns to the context of maintaining the settlement pattern. I note that the Council has referred to a kilometre, whereas other studies have used a mile and even five kilometres in the context of neighbouring towns. What is significant however is perception and a kilometre gap with limited development in a landscape of rolling topography, where the settlements are not visible one from the other, is probably more valuable than five kilometres in flat country with more sporadic urban development in between and such that the settlements are clearly visible one from the other.

The perception of distinct separation will also vary between the distance experienced by walkers on public footpaths and that experienced by cyclists on bridleways or drivers on the roads connecting the settlements. Following on from that the fundamental consideration is whether the development would individually or cumulatively fundamentally compromise the gap.

Given that 'maintaining the settlement pattern' is a local consideration and not one of the five Green Belt purposes it is arguable whether or not it should be given the same weight as the others but that again is a matter of rational objective judgement. It is also worth bearing in mind, when deciding which settlements and gaps to apply this consideration to that the Hertfordshire Structure Plan, when discussing 'maintaining the settlement pattern', refers to distinct and diverse communities each capable of supporting an appropriate range of housing, employment, leisure and shopping facilities.

#### Countryside encroachment

In the context of assisting in the safeguarding of the countryside from encroachment, it is again openness that is the most important consideration. It is therefore not simply the countryside characteristics of a particular site but how that site contributes to the wider countryside with which it is a constituent part. The extent of that countryside is largely determined by topography, woodland and major physical features that close off views.

Whether or not a particular site has limited urban development on it now is not the critical consideration. Even if it has but it is experienced by users of the countryside in the context of a wider group of sites, its loss from the countryside to extensive built development may be more harmful than another site with no development but which because of topography etc. has no direct relationship with the rest of the nearby countryside. In this context the analysis of some of the larger potential development areas as single sites may not be appropriate. Parts of them may contribute more to the value of the surrounding countryside than the analysis to date suggests.

#### Scope of the analysis

As well as NPPF 85 the analysis should also be undertaken in the context of paragraphs 79, 80 and 86. It should also use the existing Green Belt purposes assessments, particularly the basics of the Green Belt elements of phase two, which following a review of its methodology and a reality check of its findings could be built upon by extending the sites considered to all those abutting urban areas and even sites beyond these if the analysis suggests that adjacent sites abutting the urban area could be developed and there is an overall need for more sites. The extent to which the Green Belt would be compromised by the loss of the parcel either in part or its entirety or in combination with other parcels is clearly the fundamental issue to be analysed.

#### Essential areas to be otherwise retained

There are of course sites, which for other purposes are unlikely to ever be developed. I would include the statutory conservation sites, land potentially at risk of flooding, and the major heritage assets in this category but the final choice should be a rational value judgement on the importance of the protection. It nevertheless seems pointless to me to carry out a detailed Green Belt assessment for such sites however they are defined.

In the context of defining essential areas to be retained, the extent to which the study would be expected to cover all of the Green Belt within the Borough largely depends upon the anticipated outcomes. If it can be confidently assumed that land could be found for a dwelling requirement of at least 20,000 together with necessary supporting infrastructure then the study could confine itself to those

parts of the Borough adjacent to the urban areas and only the gaps between the towns and other settlements with distinct communities considered in the context of what is essential to be permanently retained. 20,000 would allow for the identification of some safeguarded land to be used for development after 2032.

If this quantum of development is unlikely to be achieved adjacent to the urban areas without unacceptable harm to the Green Belt or other considerations then the study would need to assess other locations that are large enough to accommodate new settlements of a sufficient size to be genuinely sustainable and without compromising fundamentally the purposes of the Green Belt and the need for openness. Given the configuration of the Green Belt within Welwyn/Hatfield and the location of settlements in adjacent districts this would not be an easy task.

In circumstances where the FOAHN is unlikely to be met then there would need to be further analysis of the areas of open countryside within the Borough to assess which areas are essential to retain given their importance and value to the residents of the nearby settlements as a visual as well as a physical recreational amenity. The comparative findings would need to be clearly set out.

#### Other studies

I have been unable to identify another Green Belt study that could be used as a template, partly because to date I have been unable to identify another authority that has recently been unable to meet its FOAN solely because of the unsoundness of further releases from the Green Belt. However, I consider the ones undertaken for Windsor and Maidenhead, Cheshire West and Chester and Tewkesbury, Gloucester and Cheltenham to be useful examples of ones undertaken in areas where the Ips were eventually able to meet their FOAHN by releasing land from their Green Belts. There are no doubt others

#### Demonstrating exceptional circumstances

The Calverton court case gives a legal interpretation of the soundness of the approach identified and used by the Greater Nottingham Authorities. More than anything it confirms that whether or not exceptional circumstances exist to release land from the Green Belt is largely a matter of rational judgement between competing considerations whereby different weight is given to them to arrive at an objective decision.

Mr Boulton was correct when he referred to the need to set out the exceptional circumstances that justify the release of each major site or group of sites in a particular locality from the Green Belt. That is because the overall circumstances, including the value of a site to the Green Belt will not be the same for each site. Even the weight given to the FOAHN shortfall could vary the smaller it is and assuming that one can differentiate between different groups of sites that could potentially be released from the Green Belt.

*Mel Middleton*

INSPECTOR

December 2017