



**Epping Forest District Council
Local Plan Examination**

**Matter Statement 15
Places and Sites**

**Responses on behalf of
LF (Waltham Abbey) Limited
Respondent Number: 19LAD0119**

April 2019

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LDA Design

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The logo for Turley, featuring the word "Turley" in a bold, dark blue, sans-serif font.

1.0 INTRODUCTION

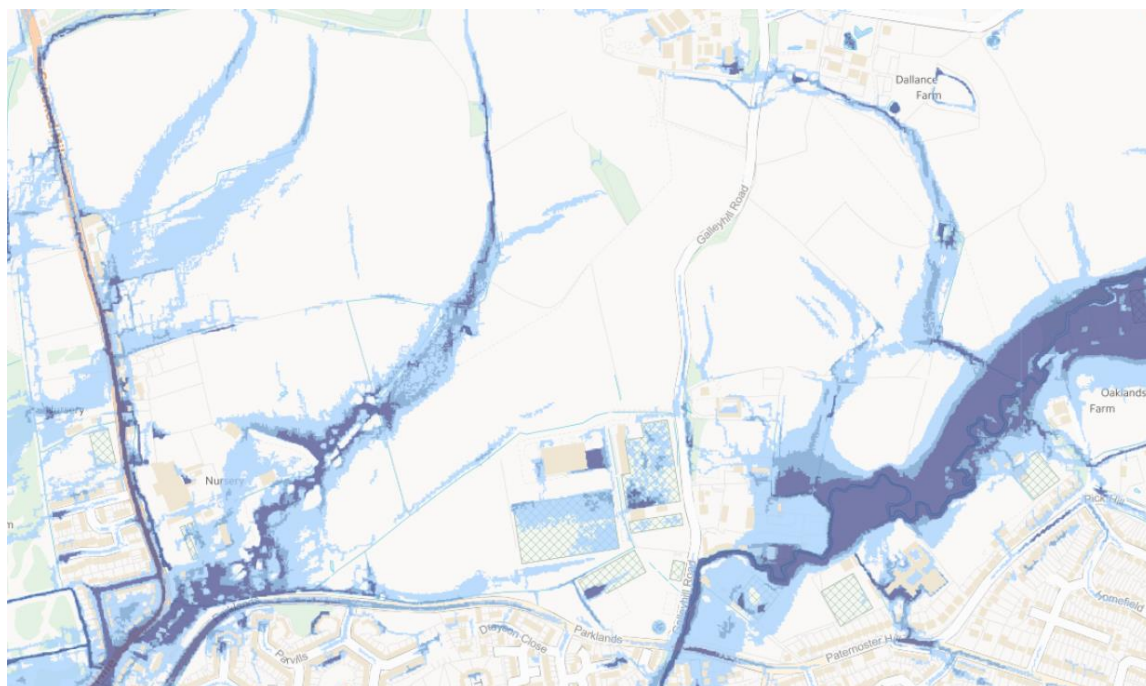
- 1.1 This Statement has been prepared by Turley, on behalf of LF (Waltham Abbey) Limited (Land Fund) pursuant to Matter 15 (Places and Sites) of the Epping Forest Local Plan Examination. Land Fund has a sole freehold land interest east of Waltham Abbey and is promoting a sustainable site, south of Upshire Road, for new residential development. Land Fund has submitted representations in connection with this site to all consultation stages of the emerging Local Plan. Further details of the proposal site at Upshire Road, including a summary sustainability appraisal, have been submitted in evidence to this Examination (Appendix 1 of our Matter 5 Statement).
- 1.2 Land Fund maintains its objection to a number of policies within the emerging Local Plan, as set out in our Matter 4 and Matter 5 submissions to this Examination. Namely; that the spatial strategy and the numerical allocations within the Local Plan are not positively prepared and are not justified, effective, or consistent with national policy. Therefore, the emerging Local Plan and a number of the residential allocations within it are not sound in their current form, without major modification. These modifications require, inter alia, the allocation of additional, highly deliverable sites to make up the shortfall between the Council's identified housing requirement for the Plan period, relative to the (2017) higher assessment of Objectively Assessed Need.
- 1.3 The primary concern relating to Matter 15 is that the residential site allocations at the Waltham Abbey Northern Masterplan Area (R1, R2 and R3) are not sound as proposed. This is mainly because the single Waltham Abbey NMA allocation has been strategically located to support the Council's preferred Spatial Strategy to concentrate development in a small number of large strategic allocations such as at Harlow and North Weald Bassett. As such, the Waltham Abbey NMA allocations do not sufficiently reflect the significant level of site specific constraints on the ground.
- 1.4 The Council has also applied an inverse logic in its approach to the allocation of land to the north of Waltham Abbey relative to the east. This is because development to the east of Waltham Abbey was rejected by reason of wider environmental impact, without consideration of a finer grain site assessment, despite a suitable unconstrained smaller site being available, south of Upshire Road, in an area where new development would have a 'very low impact' on the Green Belt. Conversely, the northern allocations were cherry picked from a much larger assessment area, which similarly had identified issues of environmental impact, but with much greater identified Green Belt harm.
- 1.5 For the avoidance of doubt, Land Fund does not seek to have the NMA allocations revoked in their entirety (see Issue 2 Q.11). However, there are key concerns with the appropriateness of the proposed northern Green Belt boundary and the permanent loss of the land to other locally important (horticultural) uses. We also have concerns with regard to the overall deliverability and the weak housing trajectory of the R1-R3 NMA allocations relative to other sites available in east Waltham Abbey, such as south of Upshire Road, which can deliver much earlier.

2.0 RESPONSE TO ISSUE ONE: ARE POLICIES P1 – P15 JUSTIFIED?

Are Policies P1 – P15 justified, effective and consistent with national policy?

Q5. Flood Risk

- 2.1 With reference to Policy P3, in particular, Part M (Waltham Abbey North Masterplan) it is essential that the acknowledged high vulnerability of the R1, R2 and R3 allocations to surface water flooding is specifically retained within Policy P3, as a key requirement of the WAN Masterplan (currently set out at bullet N xiii).
- 2.2 As identified in our submissions to the Local Plan consultation, Waltham Abbey North is not at specific risk of flooding from tidal or fluvial sources, but a large central swathe of the allocation is subject to a high and medium risk of surface water flooding, as indicated below in the most up to date Environment Agency Flood Map for Planning.



- 2.3 Consequently, a sustainable drainage strategy for this site will be challenging and will have a direct influence on the Masterplan and the developable areas of the allocation. This will be compounded by the Council's aspiration to both relocate and expand the King Harold Secondary School within the allocation boundary and the requirement to provide 5 Traveller pitches, both of which are likely to have large areas of impermeable new surfaces and will be located on currently unknown areas of the allocation.
- 2.4 As such, the generic policy requirements of both DM15 and DM16 in isolation are insufficient in this context, as the required drainage strategy for the R1 –R3 allocations may have a downward overall impact on achievable dwelling numbers.

Q6. Is it Necessary for the Maps to Show a Specific Land Allocation?

- 2.5 With reference to our answer to Q.5, the R1 – R3 allocation is effectively bisected into two separate, diagonal parcels, separated by a wide corridor of land, which is known to be at high risk of surface water flooding. As such, this likely flood corridor may not be suitable for any built development or other impermeable surfaces to avoid the risk of flooding neighbouring new dwellings and existing properties beyond the site boundary.
- 2.6 Given that non-residential uses such as new, expanded schools and Traveller pitches are proposed for the allocation (which may require more surface water attenuation than new dwellings) it is imperative that these other land uses are identified in their approximate scale and locations on the allocation sites. This level of transparency is important at this stage of the Plan making process for two key reasons:
- 2.7 Firstly, the harm to the Green Belt is not the same across the site and differs between the R1 allocation (where the harm is substantial) and the R2 / R3 allocations where the Green Belt harm is less substantial (see the evidence of Charles Crawford overleaf).
- 2.8 Secondly, the flood risk geography of the site indicates that the incorporation of such uses may impact upon the number of achievable net dwellings from the allocation.
- 2.9 Accordingly, for these reasons, the scale and locations of all proposed land uses and the scale of surface flood water constraints needs to be fully understood at this stage of the Plan process to accurately derive a dwelling total from the combined allocation, which we consider is likely to fall considerably below the 610 new homes required.

3.0 RESPONSE TO ISSUE TWO: SPECIFIC PLACES AND SITES

Are the Plan's policies for the specific places and sites within the District justified, effective and consistent with national policy; and are the site specific allocations they include justified and deliverable? (Collective response to all relevant questions and a specific response to Q.11).

3.1 The following responses primarily relate to Policy P3: Waltham Abbey and in particular the R1, R2 and R3 allocations, which constitute the Waltham Abbey North Masterplan Area. Our comments in relation to the strategic allocations at Harlow and North Weald Bassett are set out in our Matter 4 and Matter 5 Hearing Statements and the Inspector is requested to take these submissions as read in the context of this evidence.

3.2 With regard to Waltham Abbey NMA, our overall concerns with this allocation can be broadly summarised as follows:

- The overall scale of the NMA is inappropriate, having regard to the substantial harm to Green Belt Purpose 3, notably in relation to allocation R1, as set out in the evidence of Mr Crawford (see response to Q.11).
- The NMA is fragmented by multiple land ownerships and requires compliance with a Strategic Masterplan, which must be prior approved by the Council, with all subsequent applications and considered informed by a Quality Review Panel. This is likely to significantly delay the delivery of the allocation, as reflected in the weak housing trajectory expectations for delivery from this site.
- The NMA will result in the loss of high quality land identified for other uses. Notably; the permanent loss of land which has been previously identified as being valuable to the future of the local horticultural industry (the Laurence Gould Partnership 2012 Report: The Lea Valley Glasshouse Industry).
- The NMA may not be fully viable or policy compliant, as the extent of restriction imposed by the surface water flood constraint and the potential costs of relocating an expanded Secondary School / Traveller pitches to the NMA have to date not been specifically viability tested.
- There are high risks to delivery and the future regeneration of Waltham Abbey by relying on only one strategic site, which has an unacceptable level of Green Belt impact on a large area of the site and is constrained by surface water flood risk and other issues, including viability and timely land assembly.
- These risks can best be mitigated by allocating a more visually sensitive NMA by reducing its scale (by deleting the R1 component) supported by an additional smaller scale, strategic site elsewhere, which is unconstrained by any flood risk and is in single ownership so that it can fully deliver within the first five years.

Fragmented Ownership

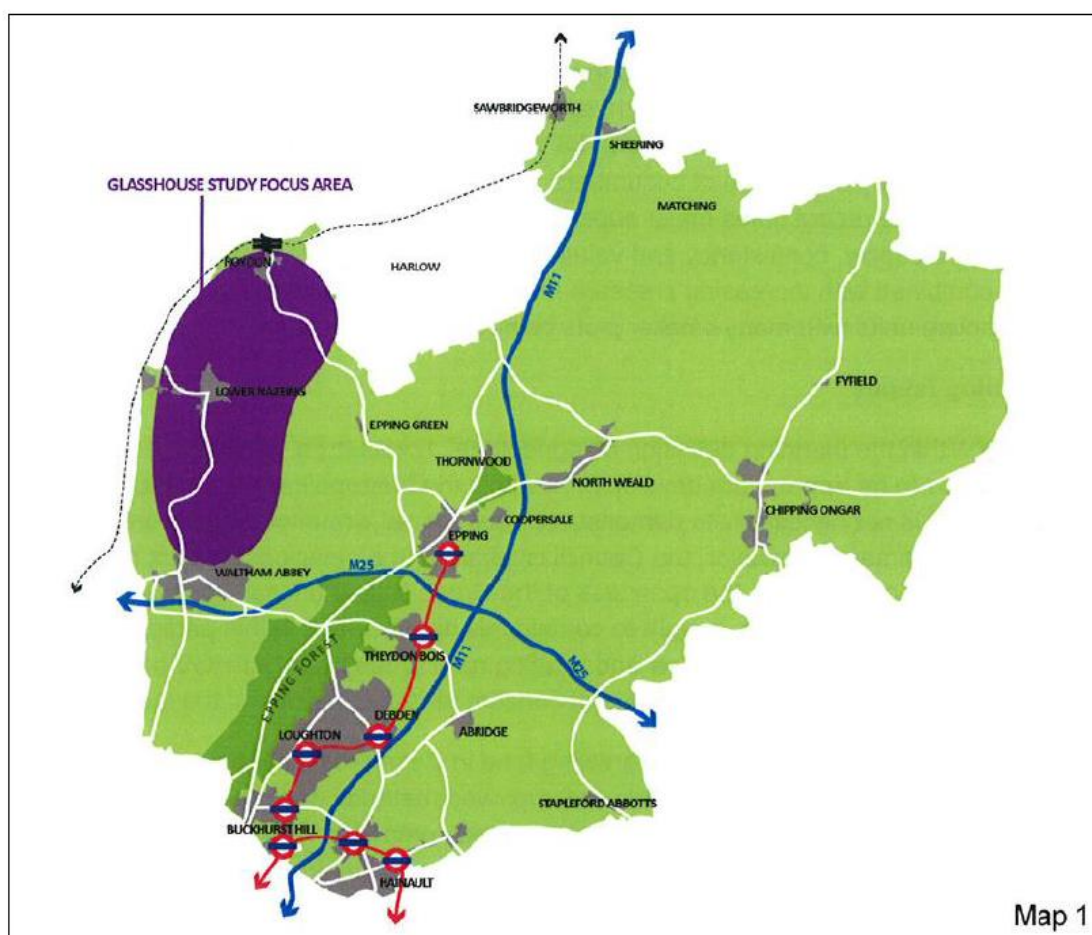
- 3.3 The Land Registry entries for the NMA allocation area, as at 13th March 2019, indicate 5 separate land parcels in three effective ownerships. At the time of writing there are no recorded arrangements in relation to any of the various sites indicating the existence of existing promotion or collaboration agreements. Details are provided at **Appendix 1**.

Land Identified for other Uses

- 3.4 In 2012 the Laurence Gould Partnership produced a report as part of the evidence base to inform a policy review in relation to glasshouse planning policies, the report was entitled: The Lea Valley Glasshouse Industry – Planning for the Future.

<http://www.efdclocalplan.org/wp-content/uploads/2017/11/The-Lea-Valley-Glasshouse-Industry-Planning-for-the-Future-Report-Laurence-Gould-2012-EB604.pdf>

- 3.5 The LGP Report assessed the following Study Focus Area and more specifically, a land parcel which fully encompassed the current Waltham Abbey NMA allocation.



- 3.6 The LGP Report made the following recommendations, the implications of which, will be further considered in context, at the forthcoming Examination Hearing.

Figure 52 – Parklands, Waltham Abbey and Galley Hill Road Policy E13 Areas

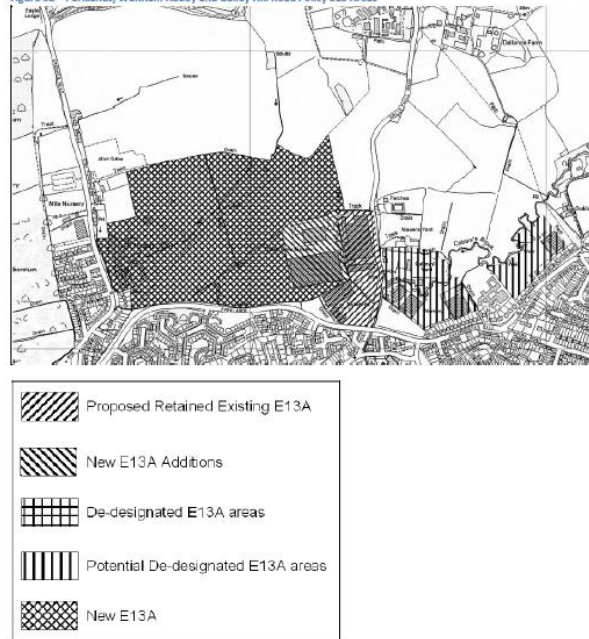


Figure 53 – Parklands, Waltham Abbey and Galley Hill New/Unused/Potential De-Designated Areas



Area A. Area would be suitable for new glass development. It is large enough, relatively flat with good access. The owner has ambition to secure residential planning consent (being adjacent to Waltham Abbey) and much of the land is let under an Agricultural Holdings Act 1986 tenancy with security of tenure and the tenant would want significant compensation to relinquish the site therefore unlikely to be available, however, this is not recommended for de-designation as, despite the lack of availability it is a logical area for glasshouse expansion. Area 25.5 hectares

Q11. Effect of WAL.R1 – R3 on the Purposes of the Green Belt

- 3.7 We respond in relation to sites R1-R3 and T1 but, since T1 is contiguous with R2, will refer only to R1-R3. The answer to this question has been prepared by Charles Crawford of LDA Design, whose credentials in relation to Green Belt were set out in our Matter 4 Statement.
- 3.8 Release of the majority of site R1 for development would cause substantial harm to Green Belt Purpose 3, assisting in safeguarding the countryside from encroachment. Release of R2 and R3 and the south-western corner of R1 would not cause significant Green Belt harm.
- 3.9 Photographs of sites R1-R3, taken from the public footpath which crosses from south-west to north-east, are shown on Figures 1-4 attached to this Statement at **Appendix 2**. Photograph locations are shown on Figure 6 (see extract overleaf).
- **Photograph 1** is taken from the south-west corner of R2 looking north-east. This area has strong urban influences including overlooking housing to the left of the view and the former nursery buildings and associated fencing left of centre. Parklands road is immediately right of the view and also has an influence. This parcel appears to have been taken out of agricultural use and has an unkempt appearance. It is predominantly level, at around 25 metres AOD. In the distance, the rising topography is prominent, including the woodland on the ridge south of Breaches Farm. Site R1 is apparent as an arable field on the lower slopes of this ridge.
 - **Photograph 2** shows the view east from where the public footpath crosses the boundary between R1 and R2. It shows the very different character of R1, which feels strongly rural, albeit the buildings of Abbey View Produce can be seen right of centre behind a substantial hedgerow. Parklands can be seen at the far right with housing on the north edge of the town. At left of centre, the photograph shows the land within R1 starting to rise up towards the ridge.
 - At around the 30 metre contour line (location shown on Figure 6), there is a clear perception that the land is starting to rise. **Photograph 3**, taken at the 35 metre contour, shows the view south and west back towards Waltham Abbey. The increased elevation of the viewpoint is apparent. Whilst the town and associated uses such as Abbey View Produce to the left and the former nursery right of centre are visible, the rural foreground provides a clear sense of separation from these more urban features.
 - **Photograph 4** shows the view across R1 from its north-eastern corner at around 42 metres AOD. The rising topography is very apparent, as is the strongly rural character, despite the prominence of the Abbey View Produce buildings 300 metres to the south.



- 3.10 Sites R2 and R3 fall within parcel 68.2 in the Council’s Green Belt Assessment, which considers the parcel to make a Relatively Strong contribution to Purpose 3. The Assessment notes that the parcel contains nurseries and glasshouses but asserts that, since these are “not inappropriate” uses in the Green Belt, they do not represent encroachment. The ribbon development along the B194 within the western edge of the parcel is considered to encroach to a small degree.
- 3.11 One of the criticisms we made in our Matter 4 Statement was that the methodology for Purpose 3 fails to take account of the fact that development outside of a parcel can have an urbanising influence within the parcel. Further, the fact that nurseries and glasshouses are “not inappropriate” in terms of Green Belt policy does not prevent them having an urbanising effect on the character of the countryside. Notwithstanding that R3 remains in agricultural use, our assessment is that R2 and R3 have an urban edge character due to the strong urbanising influences to the west, south and east, and a significant degree of encroachment on the countryside has already occurred.
- 3.12 R1 lies within Green Belt parcel 68.3 in the Council’s study, which is assessed as making a Strong contribution to Purpose 3. The Assessment notes that the parcel has “a strong rural countryside character” and refers to the undulating topography and prominent ridgeline.
- 3.13 Another criticism made in our Matter 4 Statement was that the Council’s Green Belt study fails to make a proper assessment of harm. Rather than simplistically equating harm with contribution to Green Belt Purposes, the question that should be asked is: To what degree would the performance of Green Belt Purposes be reduced if land is released from Green Belt?

- 3.14 Given the existing urban influences on R2 and R3, there is little remaining rural character within these two sites that would be lost if they were released for development. Development of R2 and R3 would increase the urban influence within the western part of R1, particularly its south-western corner which would be bounded by development on two sides. The northern and eastern parts of R1 would retain their rural character and continue to feel strongly connected to (and part of) the rising rural landscape further north and east, so the harm to the majority of R1, in terms of the encroachment of urbanising influences if R2 and R3 were released, would be modest.
- 3.15 Given the urbanising effect that development of R2 and R3 would have on the south-western corner of R1, there would be little additional harm if this corner was also released for development. The urban encroachment on the remainder of R1 would be little greater than would arise from development on R2 and R3.
- 3.16 The conclusion of our analysis is therefore that R2 and R3 could be released for development without causing significant Green Belt harm, as could the south-western corner of R1. However, release of the majority of R1 would cause substantial harm to Green Belt Purposes by reason of encroachment into the countryside.
- 3.17 The harm arising from the release of R1 is not solely due to the rising land. For example, the site promoted by Land Fund (Waltham Abbey) Ltd on the east edge of town, south of Upshire Road, also contains rising land. However, in that case, it rises close to the urban edge and is a small, local topographical feature; there is a strong existing urban influence on the character of the site, the site is well contained at its outer edge by substantial vegetation and it has no continuity with the wider landscape. Green Belt harm arising from a release of that site would therefore be modest, as in the case of R2 and R3.
- 3.18 However, in the case of the majority of R1, the harm would arise due to its distance from the urban edge, its strongly rural character, its continuity with the wider countryside and its rising topography which forms the lower slopes of a larger and more significant topographical feature, namely the ridge between Breaches Farm and Holyfield, which is the dominant feature of the wider setting of the whole town on its northern side.
- 3.19 Figure 6 shows the area we conclude could be released for development without significant harm to Green Belt Purposes. As further illustration, the photographs on Figure 5 show the view from the corner of the woodland towards the top of the ridge at around 53 metres AOD. Most of sites R1, R2 and R3 can be seen from this location, as can the existing nursery buildings and the town beyond. On the lower image, the extent we consider appropriate for Green Belt release is marked to illustrate the limited encroachment this would cause to the wider Green Belt.
- 3.20 By contrast, if the whole of R1 was released from Green Belt, development would rise up the slope to the nearest hedgeline, both left of centre and right of centre, causing substantial encroachment on the wider Green Belt through its urbanising influence.

4.0 CONCLUSIONS

- 4.1 We concluded in our Matter 5 Hearing Statement that the residential site allocations were not selected as part of a robust and objective assessment process as the selection methodology is too intrinsically bound to a politically pre-determined and sub-optimal housing requirement, with a resultant, flawed, development strategy.
- 4.2 This is evidenced in that the sieving criteria failed to consider potentially suitable sites east of Waltham Abbey by undertaking only a wider assessment without due evaluation of alternative, finer grain, available sites on their own merits. Substantive evidence has been presented to the Examination from a range of parties that the Council has failed to have due regard to deliverability, the settlement hierarchy, economic growth and the objective of sustainable development in making its strategic residential allocations.
- 4.3 This is reflected in the Council's proposed cluster of residential allocations at a single strategic location to the north of Waltham Abbey, despite its multiple land ownerships and previous identification as an important broad location to support the future of the horticultural industry. This NMA was also allocated notwithstanding the availability of less visually sensitive Green Belt land to the east of Waltham Abbey, which would have compared more favourably with the three allocated sites, had the overall assessment east of Waltham Abbey been undertaken at the appropriate scale level.
- 4.4 The Council's approach to the potential allocation of additional sites to meet the OAN continues to be negative, based on the assumption that the delivery of the Local Plan might be delayed. However in the context of Waltham Abbey we have demonstrated that there are inherent risks to achieving the required housing trajectory based on a reliance of delivery from one single strategic location which is partially constrained by surface water flood risk and is in multiple ownerships.
- 4.5 As set out in our Matter 5 evidence, it is imperative that the new Local Plan has a broad spread of allocation sites of varying scales as part of its Spatial Strategy. The current strategy is essentially too 'top heavy' with reliance on a small number of large strategic allocations which, despite evidence to the contrary from their promoters, are unlikely to make any meaningful contribution to the five year supply, if at all. The proposed Waltham Abbey NMA is a clear example of this.
- 4.6 Given the published HDT results for Epping Forest Council (see our Matter 5 evidence) following the adoption of the Local Plan and the short term immunity from the 'tilted balance' under Section 73 of the NPPF, it is highly likely that Epping Forest Council will fail to meet the 75% requirement, from October 2020, without the imminent allocation of additional, highly deliverable, sites. It is within this context that the proposed NMA allocation must be judged. To our knowledge, at the time of writing there is currently no identified developer interest in the NMA allocation. However, notwithstanding the current lack of housebuilder interest in the NMA, its fragmented ownerships and high level of landscape sensitivity, it is the site upon which the Council principally relies.

- 4.7 In contrast, the site promoted by Land Fund has already attracted significant developer interest from a national volume housebuilder, whom were attracted to the site due to its lack of any physical constraints and single ownership. Whilst negotiations are at an early stage, the interested housebuilder is prepared, without prejudice, to submit further evidence to the Examination that if the site was allocated for development they would take forward the site and would be in a position to deliver all 250 new homes comfortably within the first five years of the new Local Plan.
- 4.8 For the proposed allocation at the Waltham Abbey NMA to be sound it therefore needs to have a similar level of strong developer interest, particularly at this late stage in the Plan making process if it is to contribute any meaningful dwelling numbers to the new Local Plan in the first five years.
- 4.9 Our considered view is that the proposed allocation is however demonstrably harmful to the Green Belt in large areas of the site and is likely to take a significant amount of time to come forward. The Waltham abbey NMA therefore needs to be reduced in scale as set out in Mr Crawford's evidence and supplemented with a second, less constrained and more deliverable site, as identified in our Matter 5 evidence, in order to fully deliver on the regeneration aspirations for Waltham Abbey in the most timely manner.

APPENDIX 1

Land Registry Plan Waltham Abbey Allocated Site

APPENDIX 2

Photo Survey - Figures 1-6 LDA Design

- DWG. NO. 6813 WA 001
- DWG. NO. 6813 WA 002
- DWG. NO. 6813 WA 003
- DWG. NO. 6813 WA 004
- DWG. NO. 6813 WA 005
- DWG. NO. 6813 WA 006

Link below:

http://ican.lda-design.co.uk/%7B748905e7-1db6-4d33-b055-648a4aa2050e%7D/DrawingManager/View_issue.aspx