



## HEARING STATEMENT ON BEHALF OF LEA VALLEY GROWERS' ASSOCIATION MATTER 12: Employment

Issue 3: Will Policy E3 help to support the growth of the locally important glasshouse industry? Is the approach to this type of development consistent with that of surrounding authorities so that no disadvantage will result to operators in the District?

---

**Q1. Is the approach of having a specific policy in the Plan concerning glasshouse development different from that employed by other nearby Planning Authorities facing similar issues? What cross-boundary working has taken place in relation to this matter and is it subject to the Duty to Cooperate? Does the inclusion of such a policy have the potential to disadvantage growers in the locality?**

### Background

The glasshouses and related horticultural businesses in the Lea Valley lie mostly in the western part of Epping Forest District (in the parishes of Roydon, Nazeing and Waltham Abbey), but there are significant concentrations in the Borough of Broxbourne (BBC) and the London Borough of Enfield (LBE); these authorities are considered to be nearby LPAs facing similar issues. There are related businesses in other local authority areas further afield, but these are mainly outliers.

Several growers in EFDC have family connections with nurseries in BBC. Around 60% of business owners who own and work at nurseries in the Epping Forest District actually live in Broxbourne and Hoddesdon within Broxbourne Borough. There are other linkages between horticultural businesses in EFDC and BBC, for example nurseries in BBC supply horticultural produce to packhouses located in EFDC.

Around 80% of business owners are of Sicilian descent and Hoddesdon contains the largest concentration of people of Sicilian descent anywhere in the world outside of Sicily.

### The Approach of Other Nearby LPAs - Broxbourne

The BBC Local Plan was adopted in 2005 in accordance with previous national planning guidance. It includes no specific policies related to horticulture or glasshouses. Saved policy GBC2 says:

IN ORDER TO PRESERVE OPENNESS WITHIN THE METROPOLITAN GREEN BELT, AS DEFINED ON THE PROPOSALS MAP, PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT OTHER THAN: (inter alia) (I) THE CONSTRUCTION OF NEW BUILDING(S) FOR THE FOLLOWING PURPOSES: (a) AGRICULTURE OR FORESTRY.

Saved policy GBC3 says:

THE COUNCIL WILL REQUIRE ALL PROPOSALS FOR NEW BUILDING CONNECTED WITH AGRICULTURE OR FORESTRY, AND FOR WHICH PLANNING PERMISSION IS REQUIRED, TO DEMONSTRATE A NEED RELATED TO THE CONTINUED VIABILITY OF THE ENTERPRISE; AND TO INCORPORATE MEASURES TO MINIMISE THEIR ENVIRONMENTAL IMPACT.



BBC is now at a similar stage of local plan preparation as EFDC. The BBC Submission Local Plan (December 2017) contains no specific policies related to horticulture or glasshouses. It also contains no specific policies related to agricultural buildings or development. Therefore following adoption any planning application for glasshouses made to BBC would be assessed against the NPPF (2019) paragraph 11(d), bearing in mind that it would not be an inappropriate development in the Green Belt in accordance with paragraph 145(a).

In the 1970s there was a particular problem of dereliction of glasshouses in BBC and this led to many sites being redeveloped for housing. This trend has continued and the BBC Submission Local Plan includes several housing allocations on glasshouse sites. There has therefore been a substantial reduction in the number of commercial glasshouses in Broxbourne and that trend is continuing due to the hope value of residential development and BBC's preference for allocating glasshouse sites for residential development rather than green field sites.

### Enfield

LBE contains a concentration of horticultural nurseries and related businesses in the Crews Hill area in the north of the Borough which have some business and familial links with those in EFDC but the links are less strong than between BBC and EFDC.

The LBE Core Strategy (2010) contains no specific policies related to horticulture or glasshouses. It also contains no specific policies related to agricultural buildings or development.

The LBE Development Management Document (2014) includes policy DMD 85 which positively supports agricultural uses and development subject to limited criteria; and policy DMD 90 which sets out detailed criteria for the consideration of applications for garden centres on 'sites which have become redundant or are no longer required for horticultural uses'. It contains no policy specifically related to glasshouse development.

LBE is at an early stage of local plan preparation. A regulation 18 public consultation draft was out to consultation until the end of February 2019.

### Cross Boundary Working and DTC

In Examination Document EB119, the DTC Statement, the LPA refers to the statutory duty to cooperate and to NPPF (2012), which says "public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the following strategic priorities ... i) the homes and jobs needed in the area; [and] ii) the provision of retail, leisure and other commercial development" (paragraphs 178 & 156). The Lea Valley continues to be one of the largest food producing glasshouse areas in the UK straddling three LPA areas and glasshouse horticulture clearly falls within the category of 'other commercial development' as well as relating to 'jobs needed in the area'. The strategic cross-boundary issue of glasshouse development is subject to the duty to cooperate, which has not been met in this respect.

The only cross-boundary working on this issue that the LVGA is aware of is the work of the Lee Valley Food Task Force, referred to in the draft plan.



The LVGA accepted an invitation to attend the Food Task Force in 2014. The Lee Valley Regional Park Authority also attended the Food Task Force meetings.

‘One Epping Forest’ is the Local Strategic Partnership for the District. One Epping Forest supervised the Food Task Force. The LVGA was not aware when it accepted the invitation that the LVRPA was financially contributing to One Epping Forest.

EB119 refers to One Epping Forest at its para 3.29 and describes the membership of that group, which excludes any of the nearby planning authorities with substantial glasshouse development. In fact EB119 refers to the ‘food board’ which may be an erroneous reference to the Food Task Force but this is not clear. In any event this is the only, oblique, reference to the glasshouse industry anywhere in the Council’s DTC Statement<sup>1</sup>.

The LVRPA announced in a Food Task Force meeting that they had applied for the judicial review of an EFDC decision to grant planning for a large glasshouse development in the Park and that they were publishing proposals to use their compulsory purchase powers to buy existing glasshouse nurseries to enable them to carry out their own plans for the area.

The LVGA therefore felt it was untenable to retain its involvement in the Food Task Force, although one grower remained in a private capacity. The Food Task Force therefore had only limited grower representation.

Subsequently the LVGA was not invited to attend member or officer workshops and was excluded from attending the Nursery Workers Task force set up by officers of EFDC.

In preparing the Local Plan EFDC has given undue weight to ad hoc discussions between Mr John Houston (EFDC Local Strategic Partnership Manager) and Mr Richard Bassett (Chairman of EFDC and former Cabinet Member for Planning); and the owners of four major growing businesses who, whilst they were members of the LVGA, were not representative of the wider membership.

These findings are represented in a document produced by the Food Task Force called ‘Report from Discussions with Major Glasshouse Owners’. The LVGA managed to obtain it only through 3 FOI requests of the Council, although it is now document EB613.

#### Potential to Disadvantage Growers in the Locality

Objective C(iv) of the EFDC SVLP supports “the diversification of the agricultural economy, including the expansion of the glasshouse horticulture industry, subject to appropriate environmental considerations”. This is welcome and acceptable to the LVGA.

However, by including the detailed list of criteria in policy E3A the Plan would place applicants in EFDC at a competitive disadvantage compared with those in adjoining boroughs who would either be faced with no policy, no criteria or limited criteria. Whilst the criteria refer to issues that may be material planning considerations in

<sup>1</sup> Although the Memorandum of Understanding on the Distribution of Objectively Assessed Housing Need across the West Essex/East Herts HMA dated March 2017 refers to ‘Food production, including the Lea Valley glasshouse industry’ in its Figure 4, Key matters of strategic cross-boundary significance outside this MoU), under the heading ‘Environment’. This MoU is attached to EB119 and appears to form part of it, by way of ‘EB119’ being stamped on it.



any particular case their inclusion within the text of an adopted policy would give them added weight. Therefore despite the fine words of the objective C(iv) applicants would be in a worse position than those in the adjoining boroughs.

It is also important to recognise that growers in EFDC send almost all their produce to supermarkets and are therefore in competition with other growers across the UK, Europe and increasingly further afield into North Africa and the Middle East who also produce similar crops which can be bought by the supermarkets. Making it harder to get planning permission for glasshouses would make it harder for EFDC growers to compete effectively.

**Q2. Is the aim of the Lea Valley Food Task Force to create a production base by 2035 which exceeds 2014 production levels by at least 20% realistic? In particular:**

LVGA has no knowledge or understanding of how the 20% target was devised, whether it was based on any empirical analysis, or its provenance. It is not a figure derived from the Laurence Gould report.

The LVGA would welcome a target related to a percentage increase in production levels, but it is not obvious how the stated 20% target would be measured. The LVGA believes the target should be based on the net increase in land used for commercial glasshouse horticulture, as proposed by Laurence Gould, as this would be easier to measure and monitor.

The EFDC commissioned Laurence Gould Partnership Report: 'Planning for the Future' (2012)(EB604) set out three possible scenarios for the future growth of the glasshouse industry (p.128), based on: -

1. Continuation of current trend = demand: 35-40 ha (10 ha replacement);
2. Mostly medium scale development of existing sites = demand: 90 ha (25 ha replacement);
3. Very large single site development = demand: 100-140 ha (10 ha replacement).

But these are not referred to in the SVLP, even though they were based on empirical evidence collected by the LPA's own consultants.

**2a. Will Policy E3 enable an increase in production in the Plan area to contribute towards this target?**

The LVGA believes that with the policy as currently drafted the potential for the expansion of the glasshouse industry in EFDC would not be realised.

This is because:-

- Although policy E3 would apply to the whole District, the preference of growers is to build close to their existing production base in the west of the District, that is in the Lea Valley.
- The new Local Plan will no longer include any allocated or designated sites for horticultural development in that part of the District where glasshouses are concentrated, that is in the Lea Valley, as the predecessor did (policy E13).





- Although in theory policy E3 could be more 'flexible' in terms of the acceptable locations for new development, the reality is that there is unlikely to be a demand for glasshouses in the large rural swathe of the District beyond the Lea Valley.
- The policy E3 criteria would be more restrictive than if only NPPF paragraphs 11 and 145(a) applied.
- Policy E3 would apply stricter criteria to glasshouse development than to other forms of agricultural development, for example grain stores, many of which would be 'permitted development' and not even require a planning application.
- Policy E3 would apply criteria in EFDC which are not present in BBC or LBE planning policies and there is no specific glasshouse policy in either the Thanet District Council Draft Local Plan (July 2018), home of 'Thanet Earth' or the Stockton on Tees Local Plan (adopted January 2019), home to one of the largest tomato nurseries in the UK at Billingham, both discussed in the Laurence Gould report.

A combination of an absence of any allocated or designated sites, together with a list of strict policy criteria would make it harder to get permission for glasshouses

**2b. Is the Council pursuing any of the three growth scenarios suggested by the report of the Laurence Gould partnership, 2012; and will a criteria based policy (as opposed to a site allocations policy) secure sufficient land for future development?**

For the reason stated above we believe a criteria-based policy will provide a brake on new development contrary to objective C(iv). It is to be noted too that Laurence Gould does not recommend a criteria-based approach.

In the absence of specific site allocations a measurable target figure for new development would enable progress towards a growth target to be monitored and reviewed.

**2c. What is the Council's response to the suggestion of the Lea Valley Growers' Association that land suitable for glasshouse development is being lost to residential development and that some glasshouse sites are becoming landlocked by such development (e.g. Abbey View Produce in Waltham Abbey)?**

Abbey View Produce would be bounded by housing to the west and north (proposed housing allocations WAL.R1 and WAL.R3). To the east WAL.E6 (Galley Hill Road Industrial Estate) is allocated for Class B employment uses. Not only would there be no land for expansion of the business, but it would be even more prone to urban fringe vandalism problems than at present.

It is also pertinent to note that housing allocation SP 5.2 (Water Lane Masterplan Area) requires the demolition of a substantial area of glasshouses, some of which are viable and have scope for further expansion and development. Achieving the objective of expanding the glasshouse horticulture industry would require making up the losses resulting from the redevelopment of this area before any net increase in glasshouse area could be achieved.

**2d. Conversely, should consideration be given to releasing some derelict glasshouse sites for housing? (Reps 19LAD0062).**



The LVGA has put forward in previous submissions as part of this Local Plan making process a list of derelict sites which have little prospect for redevelopment or expansion to create viable businesses and it would be preferable for these to be allocated for housing, rather than the sites of viable nurseries at Old House Lane, or the allocations WAL.R1 and WAL.R3 at Waltham Abbey which would prevent the future expansion of Abbey View Produce.

### **Q3. How will proposals for glasshouse and associated development in the Green Belt be assessed?**

Almost all existing nurseries in EFDC's area are in the Green Belt and it is probable that any application for new development would be on Green Belt land.

New glasshouses are not inappropriate development in the GB under NPPF 145(a); and as Laurence Gould states (EB604, page 20) glasshouses are part of the distinctive characteristic of the Lea Valley having been established there for over 100 years.

### **Q4. Is it envisaged that glasshouse and associated development could take place within, or otherwise affect, the Lee Valley Regional Park? If so, does the policy offer sufficient environmental protection to the Park, particularly in respect of the potential effects of low carbon energy generation facilities and Combined Heat and Power facilities? Are modifications required to secure the necessary protection? (Reps LVRPA).**

The Lee Valley Park includes significant areas of relatively level ground potentially suitable for large scale modern horticultural developments, like that recently built by Valley Grown Nurseries in Paynes Lane, Nazeing following the LVRPS's unsuccessful legal challenge to the Inspector's decision in the Court of Appeal.

In the LVGA's view SVLP policy DM22 (Air Quality) would provide sufficient protection to the environment of the LVP and the whole District from any adverse air pollution impacts.

The LVRPA's objection is galling as the Park's facilities themselves emitted 4,258 tonnes of CO<sub>2</sub> in 2017/18 (see LVRPA Scrutiny Committee Report 22 February 2018) much of which is generated by the Lee Valley White Water Centre at Waltham Cross, immediately adjacent to Epping Forest.

This equates to over 10,000,000 annual miles of car driving and would need the annual planting of over 70,000 trees to reverse.

The large modern glasshouses built in the Lee Valley in the last 10 years are highly sustainable developments that make maximum use of solar energy and depend on recycling rainwater for irrigation. Highly efficient local energy generation projects associated with nurseries produce clean emissions and recycle CO<sub>2</sub> into glasshouses to increase plant growth and productivity.

### **Q5. Is Part B(i) of the policy clear in respect of whether or not proposals to convert existing buildings to on-site accommodation for nursery workers must demonstrate that the lack of such accommodation is rendering the use unviable?**



It was for a long time a requirement of national planning policy that the viability of an agricultural enterprise had to be demonstrated before a planning permission for new on-site accommodation could be granted. Para 55 NPPF 2012 requires that new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

But the proposed criterion turns that approach on its head and would require growers to demonstrate the complete opposite, namely that the enterprise is currently unviable and could only be made viable by granting planning permission for the accommodation.

There is also a clear policy distinction in the NPPF between new build dwellings in the Green Belt and those created by the change of use of permanent and substantial buildings. It would be unreasonable to apply a viability test in such cases and thereby add criteria not presently found in the NPPF.

It is also noteworthy that where the NPPF (2012) does specifically deal with proposals for dwellings for rural workers (paragraph 55) the requirement is simply to demonstrate “an essential need for a rural worker ... to live permanently at or near their place of work in the countryside”. There is no specific requirement to demonstrate ‘viability’ (although it is accepted that evidence of this might be useful). Furthermore criteria (ii) – (vi) also go beyond the NPPF and once again highlight the contradiction between restrictive policies and the avowed positive objective C(iv).

The policy also puts growers at a disadvantage compared with proposers of non-horticultural rural dwellings who are not faced with the restrictive criteria of E3B.

For the last 50 years the horticultural sector has been dependent on foreign labour and this continues to be the case. Although growers would always be willing to employ good local British labour, the experience of Lee Valley growers is that there is no interest in this type of work from indigenous locals and when they are employed they do not stay long, often being unable to cope with the tough working conditions in a hot glasshouse environment. The attempts to attract local workers include several initiatives over the last few years by the LVGA to promote horticultural careers to the local workforce via Job Centres, Jobs Fairs and apprenticeship schemes. The horticultural industry nationally is also highly reliant on foreign workers.

Because of competition for labour with other growers locally, nationally, and internationally and other sectors both at home and abroad growers must offer a special incentive to attract workers. One of the ways in which they can do this is to provide cheap accommodation on site.

Paragraph 3.66 of the SVLP recognises that high house prices and rents within the traditional growing areas make permanent off site accommodation unattainable for many individual workers.

It then suggests the conversion of existing buildings as one potential way of meeting this need. However the policy as drafted, and especially the detailed and restrictive criteria, would put EFDC growers at a disadvantage compared to growers elsewhere and other operators of land-based rural businesses, who would be able to benefit from the simpler policy in NPPF paragraph 55.



I trust this is to your satisfaction, however, please do not hesitate to contact me should you require further assistance.

Yours sincerely

*Lee Stiles*

Lee Stiles  
Secretary  
Lea Valley Growers Association