

Protect Nazeing Green Belt Group

EFDC Local Plan Inspection – Hearing Statement 2019

Introduction.

This Statement has been prepared by Vic Jenkins a resident of Lower Nazeing village in the Epping Forest District. The Statement is made on behalf of the Protect Nazeing Green Belt Group.

The Statement complements our original response to the Regulation 19 consultation in December 2017. It addresses issues under Matter 15 Policy P10 for Nazeing.

The NPPF referred to in this text is that issued in 2012.

1. Matter 15: Places and Sites - Policy P10: Nazeing

1.1 Context

In the Regulation 19 submission plan two geographical areas have been selected for a total delivery of 122 homes in Nazeing. These consist of 4 sites of which one is in the North and the other three are clustered at just one location in the South East at the adjacent sites NAZE.R1, NAZE.R3, and NAZE.R4. All the land at this location is prime undeveloped Green Belt used mainly as arable and grazing farm land of agricultural grade 1-3, adjacent to and overlooked by the Lea Valley Regional Park. Access is directly from St Leonards Road, a very busy strategic route, which is liable to flash flooding downhill just to the North of the proposal. NAZE.R1 has been the subject of multiple planning applications over recent years. See Appendix Photo 1.

1.2 Original Consultations

1.2.1 The ‘Options and Choices 2012’; Reg.18 Consultation for the Draft Local Plan showed that 73% of those responding did not agree with removing land from the Green BELT (GB), at the Southern area of Nazeing for housing development (referred to as NAZ-B see Cabinet Papers, Document EB100 para 88-90). Residents did agree that ‘brownier sites’ should be used for development which is consistent with EFDC’s stated objective of maintaining Nazeing’s rural character.

1.2.2 This was reiterated in the consultation carried out in Dec 2016 on the draft version of the plan, when the objections to releasing land in the South East of Nazeing rose to 94% (p 100 draft policy P10 of the Consultation Report EB122 Para 15.12.2 and associated heat maps fig 46 & 47). The proposed amendment of GB boundaries across the EFDC district has been the most frequently raised, and passionately argued issue throughout the plan preparation period. No documented justification has been given for completely ignoring this consultation in respect of Nazeing, which has ample supplies of “brownier sites”. **This is not justified making the Policy P10 for Nazeing unsound.**

1.3. Matter 4: The Nazeing Spatial Strategy/ Distribution of Development.

Issue 4

1.3.1 In the case of Nazeing, the preceding Reg.18 **Draft Local Plan** Page 165 paras 5.167,168,169 (Residential sites) had stated the three possible spatial options for residential sites as follows: -

- Expansion to the South – promotes a sustainable extension of Nazeing that would be least ‘harmful to the settlement character and the GB’
- Western intensification and infill – provides opportunities to maximise existing urban brownfield land and lower performing GB sites immediately adjacent to the settlement
- Eastern / North – Eastern infill and expansion – although less preferable to the previous 2 options, this option would be ‘less sensitive in GB and landscape terms’.

1.3.2 The spatial options assessment does not give reasons why option 3 expansion to the East and North – East is ‘less preferable’ but does say that this option would be ‘less sensitive` in GB and landscape terms. The views of local residents in the original consultations have been ignored. **Much of the land excluded to the North East is semi-derelict with old nurseries.**

1.3.3 Further details of this ‘justification’ for option suitability are shown at EB805I page B754 which has now morphed into 5 strategic spatial options. This now indicates that for Lower Nazeing the Western intensification is the likely best option with the Eastern/North Eastern infill and expansion also being a good candidate.

1.3.4 The selection of Southern sites for expansion over Northern and North-Eastern infill and expansion is highly subjective and lacks credible documented justification and objective reasoning. This seems to be based on the Green Belt Review Stage 2 (2016) which concluded that the loss of land labelled as 67.4 and 67.5 in the Southern expansion areas would have ‘no impact’ on the Green Belt. The methodology used to come to this conclusion appears to be based on highly subjective criteria. Some attempt at objectivity such as how often such land may be viewed by motorists or walkers is not apparent. Because of the importance and impact of this study and its subjective nature further independent assessment should have been carried out.

As a result, many previously developed nursery sites particularly in the North and North-East have been excluded early at stage 3 simply because they were in a less favoured growth direction.

These conclusions have not been justified making the plan unsound.

1.3.5 Residential sites chosen for Nazeing are virtually all within option 1; expansion South. However, the sites are of the highest quality rated agricultural land located inside the Green Belt. **That this option is ‘least harmful to the settlement character and Green Belt’ is not credible when considered from the landscape and maintaining Nazeing’s rural character’ objective, as mentioned in the plan’s ‘Vision for Nazeing’. There will be an adverse impact on the landscape when viewed from Clayton Hill** by visitors to the Lea Valley Regional Park and from the busy St Leonards Rd when entering the village from the South. It will also cause sprawl southwards along St Leonards Road contrary to purpose 1 of the NPPF.

1.3.6 The Western sites were all dismissed with little consideration e.g. SR-0298, SR-0299 and SR-0508 Nazeing Glassworks. Large parts of these sites are likely to be suitable and should have been investigated further. SR-0298 and SR-0299 are close to the centre of Lower Nazeing. The Nazeing Glassworks site is within easy walking distance of Broxbourne station and a half mile from Broxbourne shops, although ARUP describe it as being in a remote location. Proposals are already underway for a large mixed housing and commercial development to include over 200 apartments. Because the site is in a sustainable location it could generate a pleasant housing environment and achieve renovation of this run down area of Nazeing.

1.3.7 Looking at the site selection documents, it is noteworthy that various sites in the Eastern/North Eastern option i.e. Hoe Lane area were discounted due to potential harm to the openness of the Green Belt, and risk ‘coalescence with Harlow’. Whilst some sites in this area would undoubtedly be harmful to the openness of the Green Belt, there are various remaining sites where the harm would be far less than to those at the Southern/South Eastern end of Nazeing due to being redundant nurseries or commercial land. Examples include; 0135A Stoneyfield, 0135B Ridge House1, Oakley Hall (0116), SR 0301, SR 0302A, SR 0302B, SR0093, SR0471 Presdale, and SR0136 Burleigh development. It is difficult to see how the risk of ‘coalescence with Harlow’ is credible when considering the distance of these sites from Harlow, particularly so, when a ‘Garden Settlement’ of more than 2000 homes is proposed at Water lane, just outside Harlow, on Green Belt land.

1.3.8 By dismissing the Hoe Lane sites and Northern sites for housing due to justification based on inadequate spatial option criteria, which appear to have been applied inappropriately for these sites, it can be argued that the option decided upon is also not consistent with the NPPF, as it ignores para 17 ‘plans should encourage the effective use of land by reusing land that has been previously developed and is not of high environmental value’.

1.3.9 Insufficient evidence has been provided to show that the selection process for the preferred spatial options was carried out with sufficient objectivity and rigor. It has been used to exclude far too many good candidate sites too early in the process. **The decisions made are therefore not justified and the Policy P10 is unsound.**

1.4 Matter 5: Site Selection Methodology and the Viability of Site Allocations

NAZE.R1, NAZE.R3 and NAZE.R4

1.4.1 Local Submission Plan Site Selection Process for Nazeing - Removal of Green Belt Purposes 3 and 5 of the NPPF, the questionable assessment of agricultural land and the land hierarchy scheme

1.4.1.1 Paragraph 80 of the government's National Planning Policy Framework (NPPF) sets out 5 purposes of the Green Belt, but the EFDC in their selection process (See Technical Information, Site Selection Report (Arup 2016) EB801A, Appendix A Site Selection Methodology Page A21 Note 5), says it has ignored purpose no.3 which is: "To assist in safeguarding the countryside from encroachment" and purpose no.5 which is: "To assist in urban regeneration by encouraging the recycling of derelict and other urban land".

1.4.1.2 EFDC stated that the removal of purpose 5 was based on the context of Epping Forest District as a whole "which is predominantly rural in character and with limited derelict or other urban land in need of recycling". The Epping Forest District covers some 130 square miles. This one size fits all approach is not universally applicable for some localities in the Epping Forest District particularly Lower Nazeing as it has **a large historical legacy of derelict nursery and gravel pit in-fill land** compared to the rest of the District. We believe that in the context of Nazeing the removal of purposes 3 and 5 from the Site Selection Methodology has culminated in the rejection of many of these alternative sites without full and proper examination and assessment. **This is not justified and is unsound.**

1.4.1.3 An assessment of Green Belt parcels within Nazeing was carried out at the Green Belt Assessment Stage 2 which took into consideration NPPF purposes 1, 2, 3, and 4, **but not 5**. The results for Nazeing with respect to Purpose 3 of the NPPF ("To assist in safeguarding the countryside from encroachment") ranged from **Moderate** to **Strong** giving an overall summary of harm to the Green Belt, should they be released for development, of **Moderate** and **Very High**. The Southern sites which were eventually **allocated for development** had at this point a **Strong** rating for purpose 3 and an overall **Very High** rating. (Ref: Strategic Policies Document EB705A - Assessment of Green Belt Parcels, Findings Page 29, where ref 067.4 and 067.5 relate to NAZE.R1, R3 and R4).

1.4.1.4 Subsequently, EFDC made a decision to ignore purpose 3 of the Green Belt, as set out in the Government's NPPF. **Removing these purposes has resulted in a strong bias in the Nazeing Local Plan towards selecting Prime Green Belt over brown-field sites and previously developed old nursery sites.**

1.4.1.5 Consequently, later on at stage 2 of the assessment process (Appendix A-B1.4.2), sites SR-0011, SR-0300c and SR-0473 (now numbered NAZE R1, R3, R4 (part of SR-0473) in the Submission Plan) were re-assessed as "Site is within Green Belt, but the level of harm caused by release of the land for development would be none" which resulted in a score of 0 for criteria 2.1 Level of harm to Green Belt. Yet, this is in **complete contradiction** to the **Very High** rating given in the Green Belt Parcel Assessment referred to above.

1.4.1.6 In the Results of the Stage 3/6.3 Site Selection Assessment for residential sites Document EB805I page B755 the sites in question SR-0011, SR-0300a,b,c and SR-0473 were given a rating of 4 for their location i.e. “land of least value to the Green Belt ...” whereas sites containing Glasshouses e.g. SR-0064, SR-0160 and SR-0427 were given a rating of 5 i.e. “land of greater value to the Green Belt...”. This spurious result appears to be due to the removal of the NPPF purpose 3 which in this context is inappropriate.

1.4.1.7 In addition, the selection process has given the same Land Agricultural Ranking of 3 (i.e. Loss of Grades 1-3 Agricultural land) to sites containing Glasshouses (e.g. SR-0064, SR-0160, and SR-0427) as for unspoilt Green Belt agricultural farmland i.e. SR-0011, SR-0300a,b,c, and SR-0473 (NAZE R1,R3,R4). These cannot realistically be considered to have the same value. (See again Document EB805I page B755 - Impact on Agricultural Land).

1.4.1.8 Basically all of these sites are on Green Belt land but the undeveloped farmland has proceeded to further testing whereas the sites containing old glasshouses were stopped at this stage. The old glasshouse sites are clearly not the best and most versatile agricultural land when they have been built on, are of an **uneconomic size**, often now **isolated within residential areas, and are becoming unviable due to the competition from the new much larger scale nurseries**. Due to their location many of them do not assist in safeguarding the countryside from encroachment (purpose 3 of NPPF). **We strongly dispute the correctness of these decisions resulting from a deeply flawed site selection process.**

1.4.1.9 Hence, these old unattractive glasshouse sites which are a reasonable alternative option for development, have been deselected at Stage 3/6.3 of the selection process, yet attractive Green Belt highly productive farmland sites which do protect the countryside have been selected without **fully examining these other reasonable options** for meeting the identified development needs. This includes building on brownfield and developed Green Field sites. This is against stated government policy.

I refer to Hansard; PMQ`s Question 4, 20th December 2017.

The Prime Minister:

“My Hon. Friend is right to raise this issue on behalf of constituents. As he will know, a local authority may alter a green belt boundary only in exceptional circumstances.

In our housing White Paper we were very clear that this means “when they... have examined fully all other reasonable options for meeting....identified development” needs. Of course, that includes looking at building on brownfield sites.”

1.4.1.10 If Exceptional Circumstances (from the NPPF) can be used to justify building on prime agricultural Green Belt then the same policy can be used to justify development on greenhouse sites also on ‘prime agricultural Green Belt’ land even if they are not strictly “brownfield” sites, especially where they provide no protection to the Green Belt boundaries.

1.4.1.11 These departures and inconsistencies from the National Planning Policies are unsound because there are no exceptional circumstances at a village level why they should remove purposes 3 and 5. On the contrary due to the abundance of derelict and previously built on Green Belt (old nurseries) there are very good local reasons why the selection process should strictly adhere to the five NPPF purposes of the Green Belt. We would then get a fair comparison between all types of Green Belt sites.

We see no robust justification for this significant departure from National Planning Policies and Guidance.

1.4.1.12 In conclusion the selection process should be re-examined as it is not justified and therefore unsound, contravening purposes 1, 3 and 5 of the NPPF. It is highly biased towards building on prime undeveloped Green Belt on the boundaries of Nazeing. The Planning Process as used does not provide a fair and objective comparison of the agricultural value of undeveloped versus previously developed (Nursery) Green Belt Land and the development impact of the location of land on the Green Belt. This is in direct contravention of Government Policy.

The process and resulting decisions are flawed and the plan is therefore unsound.

Site Specific Matters: NAZE.R1; R3; R4;

1.5 Flood Risk Matter 4, Issue 5 no. 2

1.5.1 NAZE.R1 & R4

N.B. The run-off from both of these sites which are on the Western side of Perry Hill will clearly be into Lichen Brook.

1.5.2 We are very concerned that this housing development is being proposed adjacent to a main strategic route prone to flooding when every other site in Nazeing bar one has been rejected. Either the Sequential test has not been correctly applied or the Flood Risk Assessment EB913 should have been available and applied at the final selection stage. Flooding in South Nazeing is and has been a fairly prominent problem and was very clearly pointed out in the response at the earlier Draft Planning stage (see Feedback Draft Plan Consultation Report EB122 page 100 15.12.2 paragraph 4, where SR-0011 = NAZE.R1).

1.5.3 The fundamental issue is the run-off of rain water from Perry Hill and the surrounding fields causing flooding which has been a recurring problem for the residents of St Leonards Road. Currently the fields are able to absorb heavy rainfall for some hours but once saturated down to the clay level flash floods occur when Lichen brook in St Leonards Road and the nearby ditches can no longer cope often causing the road to become impassable. In 2000 several residents had to move out from St Leonards Road due to the consequent refurbishment of their homes when flooding from surface water entered the sewers and thence into their homes. St Leonards Road, a strategic route, was impassable for over 12 hours. Some level of flooding occurs here about every two or three years making the road impassable for short periods. This is a very serious and growing long term problem (see Appendix Photo 2).

1.5.4 The Strategic Flood Risk Assessment EB913 which was published in March 2018 **three months after the Local Plan was withdrawn for comment** states in the Non-technical Summary that the sequential tests were applied in the plan so that prioritization was given to those sites in Flood Zone 1. Although for NAZ1 and NAZ4 part of the sites are in Flood Zones 2 and/or 3 but it says that development will not take place on such parts of the sites. However, there is no reference to the knock on effects to the adjacent St Leonards Road which is in flood Zones 2 and 3. This should have been taken into account not just at this late

stage but at the time that the sequential test was applied when site comparisons were taking place (if the Strategic FRA had been available). It is clear in the NPPF that any effects on neighboring sites must be properly considered. The Strategic Flood Risk Assessment should have been carried out earlier for all those sites under serious consideration prior to final selection not afterwards. **The Plan is unsound due to not being prepared properly.**

1.5.5 Although the allocated sites themselves may be little affected according to the Strategic Flood Assessment (Document EB913), the level of new building envisaged on these sloping sites and the consequent increase in the rate of rainwater run-off will increase both the frequency and magnitude of surface water events for St Leonards Road and the adjacent properties along the road unless timely preventative measures are taken; even ignoring the effects of Climate Change for the longer term. The initial FRA states that additional modelling will be required to address any potential impacts the proposed development at NAZ.R1 and NAZ.R4 may have on the flood risk for the surrounding area (EB913 pages 18 and 22).

1.5.6 Measures such as underground tanks or ponds, to smooth out the run-off, will be expensive and will additionally require ongoing maintenance and running costs so making this a **less sustainable site**. Sewer upgrades for St Leonards Road have been shown as critical in the Infrastructure Delivery Schedule but would need to be re-assessed, funded and upgraded as necessary to cope with any such additional housing.

1.5.7 A Site Specific Flood Risk Assessment (FRA) should have been carried out for NAZE.R1 and NAZE.R4 sites to include impact on adjacent sites at least at the short listed stage. This FRA including the impacts of the proposed development on flooding and sewers on the housing along St Leonards Road should **now** be carried out, to also include the effects of Climate Change. It should **not** have to wait until any later planning application stage.

1.5.8 The viability of the South Nazeing Concept Plan can then be properly evaluated against the other site options. Due to the potential impacts of the South Nazeing Sites they should also be subject to the Exception Test. Some iterations of the final selection process where more information is needed or becomes available could easily have been built into the planning process. The rigid sequential process as carried out casts doubt on its efficacy.

1.5.9 No consideration appears to have been given to the impacts of flooding in the South Nazeing Plan according to the Infrastructure Delivery Schedule (E1101B 8.15 pages 64-66).

1.5.10 If these sites are adopted, and with the ongoing pressure to develop further at this site into the future, it is of paramount importance that the long term issue of flooding is given the highest priority.

Existing residents should not have to suffer the long term consequences of poorly allocated and planned developments.

1.6 Matter 4 Issue 6 – Distribution of development in Nazeing. Transport Impact

1.6.1 In the site suitability assessment the traffic impact has been derived separately for each site under consideration and for the sites SR-0011, SR-0300 and SR-473 (corresponding to NAZE.R1, R3, R4) have been given a score of 0 for Criteria No 6.6 - Traffic Impact. Namely “the area around the site is expected to be uncongested at peak times or site below the site size threshold where it would be expected to affect congestion”. **Cumulative volumes for these sites appear not to have been considered.**

1.6.2 The B194 St Leonards Road is classified as a Priority Route by Essex County Council. It takes heavy traffic including many HGV's and is narrow in parts of St Leonards Road so that HGV's often have to mount the pavement to pass. The traffic frequently queues back a quarter of a mile or more from the crossroads in the centre of the village at peak travel times past the sites in question (see Appendix Photo 3). The road is also used as a cut through from the M25 to the A10 so that when accidents close the M25, queues stretch back along the Crooked Mile.

1.6.3 New access onto such a priority route is not normally allowed, however one farm access is available hence all traffic from these sites will need to go through this one access. Traffic calming is also not deemed appropriate for a priority route hence safety will be an issue. In addition due to the lack of room for pavement (on the Eastern side), the presence of Lichen Brook on the Eastern side of the road and the narrow width of the road, pedestrians will need to cross this busy road every time that they visit the sites on foot to and from Nazeing village centre. Cycle access will also be problematic.

1.6.4 The Plan appears to ignore these issues when considering the locations suitability or indeed future sustainable travel to and from the site.

1.6.5 The report on Site Selection Page C144 on Air Quality states “the greatest concentration of Nitrous Oxide is found in Nazeing Road approaching the crossroads from the west and North Street and St Leonards Road”. In stage 2 the Site Suitability Assessment has given the three selected sites a score of 0 i.e. “site lies outside of areas identified as being at risk of poor air quality”. When traffic queues back along St Leonards road in the circumstances above this is clearly not the case. The proposed development will have a high impact on traffic and air quality.

1.6.6 The issue of traffic impact of the proposed sites and on St Leonards Road appears not to have been considered.

1.7 Site Specific Matters NAZE.R1; R3; R4

1.7.1. Policy P10 No. 3

It would be more correct to describe NAZE.R1 as land off St Leonards Rd as it is on the lower slopes of Perry Hill at the boundary with St Leonards Rd.

1.7.2. Policy P10 No. 6

1.7.2.1. Please refer to the previous paragraph 1.3.5

1.7.2.2 Developed nursery site v greenfield sites

From sections 1.3 and 1.4 above we contend that for Lower Nazeing proper regard has not been given to previously developed nursery sites in the Green Belt before greenfield sites as the former tend to have been excluded early either due to the poorly justified spatial options and by the land preference hierarchy where old nursery land is assessed as being of equal value or greater than the selected Green Belt parcels.

1.7.2.3. Defensible Green Belt Boundary

There are already nascent proposals under discussion, for an additional 32 homes, to extend NAZE.R1 much further into the Green Belt even beyond the proposed boundary in this plan (see Nazeing Parish Council Planning Meeting 14th March 2019, Agenda Item 6 South Nazeing Concept Framework Area).

There is currently no clear defensible boundary for NAZE.R1 to the South East. Such a boundary would be a necessity here if these sites are to be included in the Local Plan. **Any new boundary must be enduring so as to protect the Green Belt (NPPF Para. 83).**

1.7.2.4. Site character and housing density

SR 0011(which includes NAZE.R1) Site Suitability ARUP under criteria 5.2 settlement character sensitivity says “Development could detract from the existing settlement character” and “site is on the edge of existing settlement and the proposals are for higher density development then in neighboring developments. Therefore development is likely to affect the predominantly rural character of the area.” The site is a sensitive area for wildlife which will be harmed through the development of the Green Belt - deer are often seen in these fields (See Appendix Photo 4).

We believe that the development of sites NAZE.R1; R3 and R4 will lead to significant countryside encroachment, seriously affect the rural character of the area and contribute to ribbon development, leading to urban sprawl.

1.8 Overall Conclusion.

The process and methodology for the selection of sites NAZER1, R3 and R4 has:

1. Not complied with the NPPF
2. An inbuilt bias towards developing on undeveloped Green Belt farm land in comparison to previously developed nursery and brownfield sites.
3. Has a highly subjective assessment of the contributions of undeveloped Green Belt areas of land towards the Green Belt purposes
4. Has not made a timely and fully considered assessment of the impacts of short listed sites on flooding and traffic.

We therefore consider the decisions made using the flawed methodology as unjustified making Policy P10 under the plan unsound.

V F Jenkins 24/04/2019

APPENDIX

Photo 1 The central part Of the NAZE:R1, R3 ,R4 St Leonards Rd site



Photo 2 Flooding at St Leonards Road



Photo 3 – Queuing Traffic St Leonards Rd



Wildlife on the proposed development site NAZE.R1

