

Planning Policy Team  
Civic Offices High Street  
Epping  
Essex CM16 4BZ

9<sup>th</sup> December 2016

Dear Sir/Madam

**Strong Objection to the Draft Local Plan Consultation Document  
On Behalf of Theydon Bois Parish Council**

I have been asked to write this letter of objection on behalf of the Theydon Bois Parish Council. The Parish Council **is very concerned and has strong objections to the draft local plan**, and, in particular, the approach taken towards the allocation of housing sites and the proposed removal of land from the Green Belt. Councillor Philip's quote on the Council's website is pertinent, stating *"This is your Local Plan. This is our opportunity as a community to ensure development in Epping Forest District takes place how and where we want it to"*. The draft local plan fails to do this, and the Parish Council is therefore very keen to contribute to and positively influence the content of the local plan.

### Introduction

The earlier stages of the local plan consultation explored the aspirations of residents of Theydon Bois, and this has formed the basis for the "Vision for Theydon Bois" in the current draft local plan which is out for consultation. The vision is simple – it seeks to maintain the local feel and character for the village and also aims to preserve its rural setting. This vision is very important to Theydon Bois and also provides the basis for the objections of the Parish Council to the release of the land from the Green Belt, the inclusion of poorly performing housing sites and the associated increase in pressure on local services and infrastructure.

Interestingly, the vision also seeks to achieve a mix of housing that is complemented with key local services and continued high-quality independent retail opportunities. The objection is therefore not a blanket one to any development. In this respect, the Parish Council has made it clear that it accepts there is a need for some development and it is willing to accommodate a level of development within the village that is appropriate to the capacity of its local services and infrastructure.

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

However, the Parish Council is keen to stress that the **greatest objection relates to the release of land from the Green Belt**. The current boundary has been successful in maintaining the character and rural setting of the village. The proposed housing sites would severely weaken the Green Belt boundary as it would no longer be a clear and well defined physical boundary. As such, the local plan, and, in particular, the proposed policies most associated with the village will fail to maintain the intimate character of the village and will also fail to preserve its rural setting.

Having reviewed the relevant local plan documents and evidence, and visited Theydon Bois and attended local and Parish meetings, I can fully understand **the strong objections being raised by the Parish Council to:**

1. **the release of the Green Belt land,**
2. **the allocated housing sites,**
3. **the impact on the capacity of local infrastructure and service,**
4. **the deficiency in the sustainable approach to development, and**
5. **the lack of detailed and effective planning policies.**

With specific reference to the Green Belt, I also consider that the release of land has not identified the full harm arising from each individual site and that there are many weaknesses in the case for very special circumstances such that it is clearly not sufficient to outweigh the harm arising from the redrawing of the Green Belt boundary.

In the following sections I have therefore set out comments about the Draft Vision for the District, the housing sites and numbers proposed in and around Theydon Bois, infrastructure issues, and the Green Belt. All these concerns flag up the weakness in the District Council's claim that the local plan has achieved a sustainable approach for future development in and around the District.

## **The Draft Vision for the District**

The Vision for the District sets out a variety of aims which if achieved would reflect the broad comments received during the evidence collection stages of the local plan. However, to be achievable, the local plan needs to be based on an effective strategy and include a set of robust and clear policies. This has not happened with this local plan.

The Vision for the District states:

- Residents continue to enjoy a good quality of life;
- New homes of an appropriate mix of sizes, types and tenures to meet local needs have been provided and well integrated communities created;
- Development respects the attributes of the different towns and villages;

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

- Development needs will be met in the most sustainable locations;
- Epping Forest will be conserved and enhanced;
- The recreational aims of Lee Valley Regional Park are supported;
- A more sustainable local economy including tourism, aviation, research and development, food production will be developed;
- A distinctive and attractive network of town and village centres will have been maintained;
- Access to places by public transport, walking and cycling will be promoted; and
- Significant residential development will be located near Harlow to support the economic regeneration of the town.

The following sections will set out the concerns of the Parish Council, and will also refer back to the 'Vision' as necessary.

### **Housing Numbers and location**

It is clear from reading and reviewing the housing related documents and listening to, and hearing from the various District Councillors and Officers that a fundamental part of allocating a housing site is that it needs to be available. This obviously makes sense, but the approach by the Council has been to allocate housing sites regardless of their wider implications to matters of great planning value and merit.

The proposed housing sites in and around Theydon Bois estimates a total of 360 new houses for the village over the plan period, with the indication being that the vast majority of the homes will be provided towards the end of the plan period. 360 new homes equates to an increase in the number of homes in this village of approximately 23%. The 'Vision' states that the homes are to meet the "*local needs*" and to "*create well integrated communities*". The justification for this level of housing is missing from the draft local plan and its evidence documents. There are general calculations and approaches for the District as a whole, but the evidence does not look at the detailed needs of Theydon Bois or any of the other villages. Indeed, this increase in housing numbers will not "*respect the attributes*" of the village, and will certainly have an adverse impact on the local feel and character for Theydon Bois and its rural setting.

The 'Vision' also seeks to ensure the sites are in "*the most sustainable locations*". Of the 360 new homes only 29 will be located in the built up area of Theydon Bois. This represents only 8% of the housing for Theydon Bois being in the most sustainable location. The remainder is allocated on land outside the village, mainly on land to the east of the railway land, and all of it is currently in Green Belt. The NPPF sets out the approach to sustainable development, and this recognises the need to protect certain

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

aspects of planning such as the Green Belt, but also to promote the vitality of town centres, and encourage good design.

The location of the housing sites are physically separated from the village with all of them having a boundary comprising the railway line. These locations will make it very difficult for the new development to be integrated with the existing village fabric, thereby failing to meet the underlying aims of what amounts to good design in the NPPF. The sites will not be close to town centres and therefore will increase pressure on the surrounding road networks, and the locations will result in the removal of well-defined Green Belt boundaries, replacing them with weak and indefensible ones. Further, as referred to below, the infrastructure needs arising from this development will not be secured within Theydon Bois, but will be directed towards the larger settlement of Loughton. All this fails to meet the sustainable principles of the NPPF, and therefore highlights the failure of the draft local plan to be able to meet the 'Vision for the District'.

## **Infrastructure**

**Policy P 8** – Theydon Bois contains a section about infrastructure. It states:

*"Infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development, in accordance with the Infrastructure Delivery Plan".*

The wording of the policy is general, and provides no real guarantee about how and when infrastructure can and will be provided to facilitate the housing development. Further, it does not even state that if the development fails to provide such a contribution to infrastructure, then the development will not go ahead. However, it does direct developers to the Infrastructure Delivery Plan, but this document is broad brushed in its approach and lacks details and the mechanism to secure the additional infrastructure needs for the village.

When I attended the public meeting in Theydon Bois about the draft local plan, **infrastructure was high on the list of strong concerns from the residents**. In particular, the discussion highlighted problems with the ability of the Central line to accommodate further customers during rush hour, the local school being at capacity, the health facilities being over-subscribed, and the sewerage system being under enormous pressure.

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

## **The Central line**

The comments about the Central line were from existing commuters and customers. They regularly board the morning train to Epping, and then stay on as it sets off to London. This being one of the only ways to guarantee catching the train at the right time. They were also amazed to hear Transport for London claims the Central line had capacity, but it was pointed out that this conclusion was based on all trains throughout the day, rather than just during rush hour. This clearly skews any capacity assessment of the Central line station at Theydon Bois, and by just observing the morning rush hour, it is clear that the potential increase in the number of users from an additional 360 houses will add significantly to this pressure. The main comment from residents being *"how can the Central line cope?"*.

In reviewing these comments, the Infrastructure Delivery Plan confirms that there is no available data on the capacity of individual stations. However, the document shows the peak hour capacity at Theydon Bois to be 2% eastbound in the morning, and 5% in the evening. There also appears to be a heavy reliance upon the future upgrading of the Central line to generate an additional capacity of 25% by 2025. However, its funding is not linked to the proposed housing development in the draft local plan. The document also acknowledges that some of the estimates used are likely to be over-estimates, and that only Epping and Laughton-Debden stations would have a material adverse impact arising from future development.

It is interesting to note that these stations are either side of Theydon Bois station, and puzzling to understand how this would not be materially affected in a similar manner to the named stations. The Delivery document states that further discussions are needed with Transport for London, and this should also include more robust work regarding the capacity assessment for individual stations. As it stands, the Theydon Bois station is either at capacity or very close to capacity, and this will be adversely affected by the level of new development proposed in and around Theydon Bois and in the neighbouring settlements that rely on the Central line.

## **Schools**

The residents were also concerned about the capacity of schools and this has been backed up by the Infrastructure Delivery Plan. There is no capacity at the Theydon Bois Primary School, and this is also the case at the nearest secondary school in Loughton. Investment is therefore required for both, but the Infrastructure Delivery Plan does not show how the necessary additional capacity will be achieved from the money arising from new developments. There appears to be little input or

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

commitment from the Education Authority about the need for new classrooms or even new schools. It is not even clear that the money collected from development in Theydon Bois will be made available for use in and around Theydon Bois. This is also the worry with pre-school nurseries which are all private. The document notes that these are increasingly provided alongside other services, such as primary schools, community centres and library facilities. In a village like Theydon Bois which is highly constrained by the Green Belt, and has limited community facilities, this approach flags up concern about just how this type of facility will be provided locally for a growing population.

## **Health Facilities**

The observation made by residents about doctors' surgeries was that you had to wait weeks for an appointment, and also that as the surgery was an outpost, it was only available during limited times through the week. The Infrastructure Delivery Plan identifies capacity within Theydon Bois, but as a result of the proposed development on the edge of the village, and that proposed for Buckhurst Hill, Loughton/Debden and the rural apportionment there is a need for 3 further GPs which equates to 360 square metres of floorspace. The Delivery Plan acknowledges that financial contributions from developments may assist in funding the additional facilities, but this *"will have to be balanced against other priorities in the District"*. As such, there is no guarantee of the money being made available to secure the necessary infrastructure.

It is also of note that there is no mechanism to help fund other healthcare related facilities such as dentists and hospitals, and therefore this undermines the basis of **Policy P 8** that *"infrastructure requirements must be delivered at a rate and scale to meet the needs that arise from the proposed development"*.

## **Sewerage capacity**

Sewerage capacity was also raised by the residents, and this stems from the reliance on a single pipe serving the village. The Infrastructure Delivery Plan does not raise any capacity issues for Theydon Bois, but does confirm further talks are to take place with the current providers. Whilst the theoretical capacity has not been identified as an issue, there are obviously practical problems with the current sewer infrastructure network, and more detailed work on this is required before concluding that the system has the necessary capacity for any additional housing, regardless of the number.

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

## **Conclusion on Infrastructure**

The above highlights that there is great uncertainty regarding the effectiveness or otherwise of the Infrastructure Delivery Plan to be successful in securing the correct "rate and scale" of infrastructure for Theydon Bois. This is highlighted by the fact that many of the key providers regarding infrastructure lie outside the influence or control of the District Council, and many of the solutions rely on the provision of such facilities miles away from Theydon Bois. This means that existing and future residents will have to rely on the larger settlements for much of the necessary infrastructure, thereby undermining the key aims of the Vision for the District and being a key threat to achieving sustainable patterns of development.

## **The Green Belt**

The Parish Council has held open public meetings and also met with the Theydon Bois Action Group and the Theydon Bois and District Rural Preservation Society. The three organisations voiced strong objections to the loss of Green Belt land, and this part of the objection letter is supported by all three organisations. This section details the principles behind the Green Belt, the NPPF, Case Law, an assessment of the sites, the lack of very special circumstances and the implications arising from such changes to the Green Belt.

## ***The sites of objection***

There are four sites identified in the Epping Forest District draft local plan consultation document, 2016 which presently lie in the Green Belt and these are identified on Figure 5.17 of this document as:

1. SR-0026B (land East of Central Line/North of Abridge Road, including the Old Foresters Site) – approximately 133 homes;
2. SR-0026C (part of the Thrifts Hall Farm, Abridge Road) – approximately 121 homes;
3. SR-0228ii (Theydon Bois London Underground Car Park, and commercial yard adjacent to Theydon Bois Station, to east of Central Line) – approximately 19 homes;
4. SR-0070 (land at Forest Drive) – approximately 52 homes;

The sites have been examined by the Council and are referred to in the evidence documents used to support their designation as housing sites. Their removal from the Green Belt is included in Stage 1 of the Green Belt Review (September 2015) and Stage

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

2 of the Green Belt Review (August 2016) and the overall approach has been summarised in the Background Paper on Green Belt and District Open Land (October 2016).

These documents make appropriate reference to the National Planning Policy Framework (NPPF) and Planning Case Law regarding the Green Belt. They also set out the methodology for assessing the harm in releasing such land from the Green Belt and also arguments for exceptional circumstances that are being used to justify the release of land from the Green Belt.

## **The NPPF**

The Green Belt Review Methodology, August 2015 provides references to the Green Belt in the NPPF. The pertinent section of the NPPF is No. 9, titled *Protecting Green Belt Land*. This sets out the fundamental aim of the Green Belt and also the five purposes of the Green Belt.

*"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."*

Paragraph 80 sets out the five purposes of the Green Belt which are:

- *To check the unrestricted sprawl of large built up areas;*
- *To prevent neighbouring towns merging into one another;*
- *To assist in safeguarding the countryside from encroachment;*
- *To preserve the setting and special character of historic towns; and*
- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The NPPF acknowledges that the general extent of Green Belts across the country has already been established, and that local authorities should set the actual detailed boundaries. However, Paragraph 83 of the NPPF is clear that a Green Belt boundary should only be altered in *"exceptional circumstances, through the preparation or review of the Local Plan"*. It also states that such a review *"should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period"* [my added emphasis].

The NPPF also highlights that in such circumstances the local planning authority should take into account sustainable patterns of development, channelling development to town and villages inset from the Green Belt.

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL



Paragraph 85 sets out considerations for the local planning authority when defining boundaries and these are:

- ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;
- not include land which it is unnecessary to keep permanently open;
- where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period;
- make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;
- satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and
- **define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.** (my emphasis)

There is no definition of "*very special circumstances*" and this has evolved over time through the Courts, but as with any Green Belt issue, such very special circumstances need to clearly outweigh the harm arising, in this case, from the changes to the Green Belt boundary. It is also clear that such circumstances are a matter of law, and that any justification must be responsive to local conditions and take account of a range of factors.

### ***Planning Case Law***

Case law has evolved over time in respect of the Green Belt, and more recently the interpretation of the NPPF. There are various Cases to draw from including *Hunston v SSCLG*, and *Gallagher Estates v Solihull Ltd*.

#### *Hunston v SSCLG*

This flagged up that the crucial question for an Inspector when assessing very special circumstances in light of a housing shortfall, is not: is there a shortfall in housing land supply? It is: have very special circumstances been demonstrated to outweigh the Green Belt objection? Such circumstances are not automatically demonstrated simply because there is a less than five year supply of housing land. The assessment needs to reflect the scale of the shortfall, and take into account other aspects that might affect the shortfall, such as household formations.

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

In addition, it was established that there are likely to be broader district wide constraints, but also there is a need to look at the site specific case as the bulk of the undesignated land is in the Green Belt.

### *Gallagher Estates v Solihull Ltd*

The Council's Background Paper on the Green Belt refers to this Case Law and it has established, through the High Court, the approach to very special circumstances. The Case noted that National Guidance has always required exceptional circumstances, and confirmed that these are required for any boundary change. It also recognised that very special circumstances is a planning judgement and a matter for law which requires more than general planning concepts to justify an alteration. The Court observed that something must have occurred after the designation to justify change. Further, Green Belt boundaries are meant to be enduring – not simply altered because the current policy means the development of these sites is unlikely or impossible. Finally, a prime character of Green Belts is their ability to endure through changes of such policies.

The Council's Background Paper recognises the above and that the process of preparing a new local plan is not, in itself, sufficient to be regarded as an exceptional circumstance – other planning judgements must also be brought to bear.

### ***The Council's Case for Exceptional Circumstance in Epping Forest***

The Background Paper on the Green Belt sets out a section on exceptional circumstances. It notes the history of the Green Belt and that there has been no fundamental change to its boundaries. It also notes that as 92.4% of the District is covered by Green Belt and the District has always been an area of development restraint. The document then refers to the changed approach to development set out in the NPPF, and the need for each authority to carry out its own Objectively Assessed Needs for Housing (OAHN). The OAHN identifies a requirement for 11,400 dwellings over the plan period, though the Council acknowledges that this, in itself, is not sufficient to justify the proposed changes to the Green Belt boundary.

As such, the Council has undertaken work to further attempt to show that there are very special circumstances that clearly outweigh the harm arising from the changes to the Green Belt. This has taken the form of further analysis of the capacity for development in respect of land not in the Green Belt, and the assessment of all Green Belt land, with the aim of identifying the most and least valuable Green Belt land. The document also flags up the role of Harlow in taking housing development, and notes

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

that the draft local plan proposes to allocate growth such that this enables the delivery of the required infrastructure in a sustainable and cohesive manner, alongside housing and economic growth.

The Paper notes that a number of planning judgements have been made to identify the land proposed to be released from the Green Belt. It acknowledges that these judgements vary slightly in different locations, but the judgements are largely encompassed in the Site Selection exercise. Further, the Green Belt Review documents acknowledge that the work undertaken on the Green Belt "will not on its own determine whether there are 'exceptional circumstances' to justify alterations to the Green Belt".

In conclusion, the Council considers *"that the need to promote sustainable patterns of development to meet objectively assessed needs for development in the District over the Plan period requires some alteration to the Green Belt Boundaries and that failing to deliver development to meet those needs would not contribute to the achievement of sustainable development in accordance with national planning policy. Therefore, the Council considers that exceptional circumstances have been demonstrated to alter existing Green Belt boundaries as proposed in the Draft Local Plan"*.

### **Observations on the Council's case for Exceptional Circumstances**

The Council has attempted to show that a case for very special circumstances has been made, and that the Case is based on more than the need for housing. However, it is difficult to agree that such a Case has been made by the Council in respect of the four sites listed above that lie in the Green Belt. The whole basis of the Council's strategy is founded on the assumption that land needs to be released from the Green Belt because of the amount of housing required for the District bearing in mind the constraints of the District, with 92.4% of it lying in the Green Belt. This is a very broad approach and whilst there has been work carried out on the Green Belt and the potential sites for development, there has been a lack of detailed evidence to support the allocation of the Green Belt land outside the village settlement of Theydon Bois.

Further, the housing figures do not actually support the proposed level of changes to the Green Belt boundary. The number of units needed once the sites around Harlow have been taken into account along with completions and sites with planning permission is 4550 dwellings. Draft **Policy SP 2** sets out the list of sites around the District and the total expected numbers of houses from these sites is 7390. Section 3.62 of the draft local plan gives the reason for this over provision as being a

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

*"contingency to allow for flexibility" to cover "eventualities outside the control of the Council" such as stalled sites. The next paragraph acknowledges that recent household trends demonstrate a further need for housing, and the over provision of sites is evidence of "positive planning" by the Council. However, this approach does not support the need to use the amount of land presently in the Green Belt for housing or other types of development. It is accepted that the NPPF also seeks to ensure local planning authorities do not need to alter Green Belt boundaries as part of the next review, but there appears little substance to the Council's figures and arguments, and further the requirement of the NPPF also emphasises the need to ensure any revised Green Belt boundary is strong and can endure beyond the local plan period. It is therefore considered that the local planning authority has failed to justify the additional housing numbers. This is also highlighted in the earlier section about housing numbers and the location of housing sites, and that the approach undermines the 'Vision for the District'.*

Further, the Settlement Capacity Study, March 2016 concluded that there was potentially a further 6000 units that could be constructed within existing settlement boundaries. It recognised that this would require higher densities than traditionally allowed by the Council, and that more work is needed in relation to the housing mix identified by the SHMS. Further studies have taken place, but there appears to have been little work carried out on higher densities, the local housing mix, the approach to delivering certain types of housing and the involvement of the communities most affected by the Green Belt boundary changes.

The above appear as general planning concepts rather than addressing site specific situations, and this therefore undermines the planning judgement taken to inform the decisions of the draft local plan, and significantly weakens the case for exceptional circumstances required to clearly outweigh the harm of taking the land out of the Green Belt.

### **Assessment of Green Belt boundary as existing**

The current Green Belt boundary is closely drawn around the settlement of Theydon Bois. The essential character of Green Belts are their openness and permanence, and the current boundary has been effective in doing this. The now superseded PPG2: Green Belts provided guidance about the creation of boundaries and noted that such *"boundaries should be clearly defined, using recognisable features such as roads, streams, belts of trees or woodland edges"*. In respect of Theydon Bois, the clearest and most easily defined boundary is that of the railway line with all the settlement

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

lying to the west of it, and open rural countryside lying to the east of the line. This therefore meets one of the aims of PPG2 and that was to create a *"well-defined long term Green Belt boundary"* [my emphasis]. The railway line also forms the boundary for the land off Forest Drive, and the Council's evidence also highlights that its eastern boundary, comprising the rear gardens of properties along Dukes Avenue, is also well defined and clear.

The NPPF which was published in 2012 reaffirmed the Government's commitment to protecting the Green Belt and under Paragraph 85 states that local planning authorities when defining Green Belt boundaries should ensure they *"define boundaries clearly, using physical features that are readily recognisable and likely to be permanent"*. The railway line meets this approach and this is recognised in the Council's evidence base for the local plan under the Green Belt Assessment Stage 2, August 2016. This document confirmed that *"the existing Green Belt boundary is well defined along the railway line, creating a strong distinction between town and countryside"* [my emphasis]. This boundary was viewed as being effective in preventing further encroachment into the countryside, which is one of the five purposes of the Green Belt. It is also effective in preventing urban sprawl and keeping the land permanently open, both of which comprise the fundamental aim of the Green Belt. The document recognises the *"relatively strongly defined"* boundaries along the rear of Dukes Avenue, but more importantly continues by stating that its northern end is weakly defined, and would not be likely to form *"an appropriate new Green Belt boundary"*.

### ***Harm arising from changes to the Green Belt boundary***

The Green Belt Assessment Stage 2 document provided sound planning judgements about the various identified parcels of land around Theydon Bois. Of these, three parcels were located to the east of the railway line, and the fourth would have no new strong and clear Green Belt boundary. The resulting harm arising from removing these from the Green Belt were found to be high, very high, very high and very high. This compared with other parcels of land around Theydon Bois which were assessed as having a lower level of harm if removed from the Green Belt.

This assessment highlights the importance of the land in carrying out and maintaining the function of the Green Belt. It is also of note that the parcels of land, as assessed, extended all the way to the M11, and in the case of the northern ones, the M25, thereby giving the land potentially clear and definable boundaries. However, the

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

analysis found that the land retained its rural character, allowing for “strong” and “major” contributions to safeguarding the countryside from encroachment.

## ***Implications of the Green Belt Boundary changes***

Case Law sets out that following the creation or alteration to a Green Belt boundary there needs to have been a change that justifies any revisions to this boundary, either its increase or decrease. The Council has identified the NPPF and the change to housing figures through the need to produce an OAHN as the basis for such a change to the Green Belt boundary. The Parish Council accepts that the OAHN is a reason to explore and carry out survey work relating to Green Belt sites and that this work is required to help the Council identify a sustainable strategy to meet the growing housing demand for the District as a whole. As such, the Parish Council does not object to the overall and general approach taken by the District Council.

However, the Parish Council is very concerned that the approach has been too general, and the changes around Theydon Bois have not been informed by the findings of the assessment, or been looked at on a site specific basis. Further, the methodology has failed to assess the actual consequences and harm of removing the land from the Green Belt, and thereby failed to be responsive to local conditions. In the case of the allocated sites listed above, the basis for their identification appears to arrive from the analysis of larger areas of land, which highlighted the importance of strong Green Belt boundaries and their effectiveness in safeguarding the countryside from encroachment. The sites have therefore been chosen despite their clear and harmful effect on the Green Belt and the lack of any clear and strong boundary feature, with little specific consideration to the feel and character of Theydon Bois.

Further, Case Law highlights the importance of Green Belt boundaries enduring over time, beyond the plan period. The existing railway boundary for all four sites has done this, and has acted as a barrier against sprawling and unchecked development. That said, until this review there has been little pressure or appetite for boundary changes to the Green Belt. However, the approach to boundary change in the NPPF is simple – a Green Belt boundary needs to be clear and easily definable. To this end, it should not rely on less permanent features such as field boundaries. It should, however, rely on major roads, railway lines and more permanent landscape features. The new boundaries around Theydon Bois as defined in the draft local plan fail to follow the policy advice of the NPPF and move away from the use of the clear and easily defined boundary. Indeed it undermines and weakens the boundary as the next logical step is to use one or both of the major roads (M11 and M25) as the clear and easily defined

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

boundary. The consequence of this is to create unchecked sprawl which has been effectively kept under control and resisted by the current Green Belt boundaries. This has been most effective with the railway line. Further, as acknowledged by the Green Belt assessment work undertaken by the Council, this would see vast encroachment in this rural open countryside and it would have huge and negative implications on the local feel and character of Theydon Bois. All this is added harm arising from the draft boundary changes, and would undermine the fundamental aim of Green Belt policy, namely to prevent urban sprawl by keeping land permanently open.

The 'Vision' for the draft local plan states "*Development needs including the provision of new homes will be met in the most sustainable locations, balancing the efficient use of existing infrastructure, the ability to deliver new infrastructure, minimising the adverse impact on the natural and historic environment and maintaining the Metropolitan Green Belt where it continues to make a contribution to its nationally defined purposes*". The above shows that the existing Green Belt boundaries including along the railway line, play an important role in checking urban sprawl and keeping the land permanently open. It also has been successful in safeguarding the countryside from encroachment. These observations are also noted in the evidence documents produced by and on behalf of the Council. As such, any breach in these boundaries will jeopardise this such that the land will no longer perform the necessary role of checking urban sprawl or protecting the open and rural countryside. These are two of the five nationally defined purposes (the fifth one about urban regeneration has not been considered by the Council), and the Council has already acknowledged that the affected land continues to play an important role within the Green Belt. However, it is clear that the designations and the proposed changes to the Green Belt boundary are contrary to the vision for the local plan which is actively seeking to maintain "*the Metropolitan Green Belt where it continues to make a contribution to its nationally defined purposes*".

### **Conclusion regarding the Green Belt**

Based on the scrutiny of the draft local plan and the associated evidence, the Council has failed to show a need to remove any of the allocated housing sites from the Green Belt.

The evidence of the Council shows these pieces of land fall within part of the Green Belt which performs very highly in meeting the aims and purposes of the Green Belt, such that there is significant and substantial harm arising from the change in the Green Belt boundary around Theydon Bois.

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

The Council has attempted to use very special circumstances to overcome the identified harm. However, this has relied on weak planning judgements that have been general in their approach and not addressed site specific circumstances. The stated very special circumstances are therefore not considered to clearly outweigh this significant and substantial harm.

Indeed, the proposed revised Green Belt boundary goes against the policy guidance of the NPPF in that the Council fails to use a clear and readily recognisable boundary, and fails to include land which has been shown to be necessary to keep permanently open. Further, the new boundaries fail to meet the test set out in Paragraph 3.83 of the draft local plan which states *"authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the Plan period"*. These boundaries will not endure beyond the Plan period, with strong pressures for change very likely to arise in the main from the new soft and poorly defined Green Belt boundary.

Overall, there is no justification for any of the sites currently in the Green Belt to be used for housing land. Indeed, given the strategic role of this part of the Green Belt, the designation could easily be viewed as a 'show stopper'. The sites should therefore be removed from the local plan, and in making this change, the land should not be included as safeguarded land as the above arguments apply to this too.

## **Sustainability Issues**

The above sections relating to housing, infrastructure and Green Belt all feed into the concerns that the draft local plan has failed to provide an effective strategy based on sustainable development.

The general approach has resulted in development land being identified throughout the District with little weight given to the practical concerns about the housing sites, the long term impact on the Green Belt and the implications for local infrastructure. Further, the Council has accepted that part of the justification to release of Green Belt is based on *"the need to promote sustainable patterns of development"*. The above shows that the draft local plan fails to do this, with the housing allocations around Theydon Bois comprising poor sustainable options. Indeed, where the future growth of a District is heavily constrained, for instance, by the Green Belt, it is necessary to build upon and reinforce the effective role of the towns. Sustainable development would therefore be achieved through an approach that directs development to population centres that can build upon existing services, employment opportunities, retail centres and recreational opportunities. This approach can be complemented by

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL



development on larger areas of land which rather than be allocated for a single housing use, can be planned to be an effective and sustainable mixed used development. This approach is recognised by the North Weald Bassett Vision, a village which seeks to become more self-sufficient, and allow development to be supported by improved health, education and leisure services, strengthened local retail and enhanced and sustainable public transport provision.

Interestingly, this strategic approach (centring development on towns and North Weald Bassett) would result in the provision of 5610 new homes, which is still in excess of one thousand more homes than required up to the end of the draft plan period of 2033. This will therefore allow the District to retain a greater proportion of Green Belt, and locate new population in and around large centres of population. This in turn will help with the vitality of shopping centres, the provision of employment opportunities and the creation of more sustainable transport options. The sustainable benefits will also extend to infrastructure as many of the solutions identified in the Infrastructure Delivery Plan direct the facilities to the towns, thereby reducing the need to travel, and helping with the cost of living.

With specific reference to Theydon Bois, **the addition of 360 new houses would be unsustainable.** There are few employment opportunities being created in Theydon Bois which will significantly increase the number of commuters on the trains and roads. There is no guarantee that the primary school will be able to accommodate the increased numbers of school children, and the additional secondary students will also increase car and bus journeys to and from the village. The village will still have to rely on larger centres for shopping, libraries, leisure, health and other facilities. The proposed location of the housing will also make it difficult to create inclusive communities because of the physical barrier imposed on the village by the railway line and its embankment. Overall, the allocated sites will lead to a greater reliance on cars and do not achieve the Council's goal of sustainable development. It will also result in the loss of high quality and valuable Green Belt land which is contrary to the stated approach of the Sustainability Appraisal.

## **Other Matters**

It is accepted that the local plan is a strategic document but it still needs to be able to provide certainty and understanding to developers, residents and community groups through the inclusion of more detailed development management policies.

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

The policies are severely lacking, for example, there are no detailed Green Belt policies such as to define disproportionate extensions in the Green Belt, or direct what is meant by 'materially larger'. How do we approach redevelopment of previously developed land in the Green Belt, or proposals that claim to be 'infill' developments? These definitions are very important.

Detailed policies are required to provide a consistent approach to be set at District level and should not be left to emerging guidance or even Neighbourhood plans.

Design and the infrastructure policies are very general and not specific. There is no confidence that the allocated sites will take on board and respect the local character of Theydon Bois, particularly as many of the allocated sites are separated by a railway line and its embankment such that there are very few visual linkages between the proposed sites and the existing village.

How will the Council stop planning applications for the new housing coming forward before a masterplan has been produced for the site? There is no control set out in the draft detailed policies.

Parking provision is not mentioned in the detailed policies of the local plan, but is referenced in the evidence. Parking levels are stated at one space per dwelling – this is not realistic and does not allow for the quality developments that the Council is seeking to achieve through this local plan period.

## **Conclusion**

The **Parish Council has strong objections** to the draft local plan. The objections are all planning based, and should be acted upon such that any future versions of the local plan have removed the four housing allocations on land presently in the Green Belt. Further, if additional housing is allocated within the built up area of the village, then policies should be worded so that they are effective in ensuring existing infrastructure can accommodate the demands of the increased population. Finally, as over 90% of the District will remain in the Green Belt following the adoption of this or an amended version of the local plan, it is imperative to have detailed planning policies that guide and control development in the Green Belt.

The Parish Council is keen to discuss the above prior to the next stage of the local plan, and would appreciate confirmation at the earliest opportunity that the housing sites

---

hello@fullerlong.com  
0845 565 0281  
fullerlong.com

---

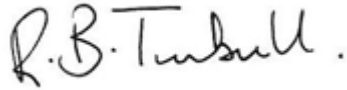
Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL

that presently lie in the Green Belt no longer form part of the local plan, and will not be included in the Pre-submission version of the document.

Yours faithfully,



Richard Turnbull  
Consultant

Fuller Long Planning Consultants

t: 020 3544 8918

m: (0) 7460 487 960

w: [www.fullerlong.com](http://www.fullerlong.com)

---

[hello@fullerlong.com](mailto:hello@fullerlong.com)  
0845 565 0281  
[fullerlong.com](http://fullerlong.com)

---

Studio 13, 9 Tanner Street,  
London SE1 3LE

Wellington House, East Road,  
Cambridge CB1 1BH

28-30 High Street,  
Guildford GU1 3EL