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## Epping Forest District Council Draft Local Plan

Established in 1911, today the Lea Valley Growers Association represents over 100 members and 95% of protected Horticultural growers in the Lea Valley.

The Lea Valley is the UK's largest Cucumber & Sweet Pepper producer accounting for over 200 Million pieces per annum representing up to 75% of the UK's total Cucumber Production and over 60% of the UK's total Sweet Pepper production.

Lea Valley Horticultural businesses generate around £500million to the British economy and create and sustain around 2,500 jobs annually.

The Lea Valley today and historically is a vibrant area of Protected Horticultural production, producing food entirely for the UK market to arguably the highest food safety standards in the world.

The Lea Valley Growers produce edible crops such as Tomatoes, Aubergines, Lettuce, Baby Leaf Salads & Herbs as well as ornamental crops such as Bedding Plants, Trees, Shrubs & Flowers.

Members of the Association grow edible and ornamental produce under approximately 300 acres of glass, over half of which falls within the Epping Forest District.

The LVGA's comments in this response represent the views of Growers and other rural business owners, rural families and landowners.

The LVGA became a specialist Glasshouse branch of the National Farmers Union in 1926 whose members represent the bedrock of the rural economy.

They need a simplified planning system that promotes the rural economy, reduces risk and allows them to react to the external challenges faced by their businesses.

It should support them in maintaining sustainable rural businesses and deliver new efficient buildings, operations and homes.



Renewable energy installations also have a key role to play on farm and within modern farming businesses with planning policy that recognises this.

Ultimately, the planning system should enable businesses to be viable and vibrant, ready to pass on to future generations. Fundamentally, we need to produce more food for our growing population and reduce our reliance on imports.

This needs to be achieved both profitably and sustainably. The EFDC Local Plan should contribute to this need by helping to create conditions for a strong sustainable Horticultural and rural economy and be able to provide evidence that it is doing so. We are all part of a competitive and complex world economy in which we need world class planning policy that promotes our farming and wider rural economies.

Our key message has consistently been that the rural planning system needs to be informed, updated and properly resourced to promote the crucial role of modern farming in the rural economy.

Everyone involved in the planning system should be able to understand and demonstrate how they are supporting farming and the rural economy and productivity in their decision making.

The Lea Valley Growers Association provided content for the National Farmers Union Consultation Response to the Governments 2016 Rural Planning Review as follows:

**Constraints within AONB's, National Parks and local landscape designations:**

“Within the Lea Valley, the current policies of the Lee Valley Regional Park Authority and their remit interpretation regarding Horticultural businesses demonstrate a failure to recognise the economic importance and potential of the glasshouse industry within the park area, and this is stifling the sustainable development and competitiveness of the important glasshouse businesses in this region who grow up to three quarters of some of the UK's Salad crops.

Although Epping Forest District Council have generally been supportive to Glasshouse expansion inside and outside of the Lee Valley Regional Park they remain opposed to the development of Agricultural tied purpose built workers accommodation, which, is becoming increasingly important for Horticultural businesses to attract permanent and seasonal workers”.



The full NFU response to the Rural Planning review can be viewed here: <https://www.nfuonline.com/assets/62032> & Appendix A for the NFU's top ten housing asks for Government

The Association submits the following representation in response to the draft Local Plan consultation as they did in 2012 for the issues and options consultation on behalf of members.

### **1.0 Paragraphs 4.52-4.59**

1.1 The Lea Valley Growers' Association ("LVGA") welcomes the Council's statement of its intention in the objectives on page 31 of the draft Local Plan ("LP"): -

"to support the diversification of the agricultural economy, including the expansion of the glasshouse horticulture industry, subject to appropriate environmental considerations".

1.2 Paragraphs 4.52-4.59 provide background to draft policy E3.

***1.3 The LVGA requests the inclusion of this objective or a reference to it in paragraphs 4.52-4.59 to make clear the Council's support for the expansion of the glasshouse horticulture industry.***

### **2.0 Policy E3**

***2.1 The LVGA welcomes the positive statement in the first line of this policy but requests that low carbon energy generation facilities and combined heat and power systems proposed in association with horticultural developments are added to the list of horticultural developments to be permitted.***

2.2 The 2012 Report by the Laurence Gould Partnership, which was commissioned by the Council to inform the policies of the new Local Plan, presented three scenarios for the area of land that would be required for new glasshouse development in the future.

2.3 To cater for growth over the next 10 years (i.e. from 2012 to 2022) Laurence Gould's three scenarios were as follows: -

- Continuation of Current Trend – 20 to 100 hectares of land required.
- Large and Medium Scale Grower Expansion – 120 to 300 hectares of land required.
- Large Scale Single Site Development – 120 to 240 hectares of land required.



2.4 EFDC have already approved housing developments on viable Horticultural sites such as Knolly's Nursery in Pick Hill and the draft Local Plan allocates a number of existing viable nursery sites for development north and south of Old House Lane, Roydon, and the large site at Parklands, Waltham Abbey (SR-0104) & Lee Valley Nurseries, previously allocated for glasshouse development, has been reallocated for housing development.

2.5 The Association is disappointed and concerned that the Council are granting planning permissions and allocating viable existing and potential horticultural sites for housing and rewarding dereliction whilst lacking any proposals for new horticultural development sites to support growers.

2.6 As you will see below (paragraph 7.3) the LVGA supports a criteria based approach for land outside the remaining glasshouse areas. But to meet the forecasts made by Laurence Gould and to make up for the potential land lost at Old House Lane and Parklands it is imperative that any criteria are not too restrictive.

***2.7 However the LVGA considers the suggested E3 policy criteria to be onerous and too detailed.***

2.8 This is also at odds with paragraph 3.98 of the LP which says: -

“The NPPF clearly sets out in paragraphs 87 – 92 (inclusive) the approach to planning applications for development proposals within the Green Belt. There are no locally specific matters which would warrant Green Belt policies over and above Draft Policy SP5, the approach to the delivery of Rural Exception affordable housing sites as set out in Chapter 4 (Draft Policy H3), and the site specific draft policies set out in Chapter 5.”

2.9 In the Green Belt section of the NPPF the planning policy for agricultural buildings is limited to that in paragraph 89, which says that “buildings for agriculture” are not “inappropriate in Green Belt”.

2.10 Although the Council says there are no locally specific matters which warrant Green Belt policies which go beyond the terms of the NPPF, policy E3 includes a long list of detailed criteria which go well beyond paragraph 89 of the NPPF.





### **3.0 Criterion A (i)**

3.1 This criterion is contrary to the NPPF. It says: “the height, overall size and bulk of the development [should] not adversely affect the openness of the Green Belt or the character or sensitivity of the adjoining landscape including long-distance public views.”

3.2 In *R. (on the application of Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Limited [2015] EWHC 1471 (Admin)* the Court of Appeal said, inter alia: -

“19. The category of exception in paragraph 89 with which we are concerned, ‘buildings for agriculture and forestry’, is entirely unqualified. All such buildings are, in principle, appropriate development in the Green Belt, regardless of their effect on the openness of the Green Belt and the purposes of including land in the Green Belt, and regardless of their size and location”...

“20... Of course, as a matter of fact, the construction of such buildings in the Green Belt will reduce the amount of Green Belt land without built development upon it. But under NPPF policy, the physical presence of such buildings in the Green Belt is not, in itself, regarded as harmful to the openness of the Green Belt or to the purposes of including land in the Green Belt. This is not a matter of planning judgment. It is simply a matter of policy. Where the development proposed is an agricultural building, neither its status as appropriate development nor the deemed absence of harm to the openness of the Green Belt and to the purposes of including land in the Green Belt depends on the judgment of the decision-maker. Both are inherent in the policy.”

***3.3 The LVGA therefore requests that any reference to an assessment of the impact on the openness or purposes of the Green Belt of horticultural development should be removed from this policy.***

### **4.0 Criteria A(ii) to A(vi)**

4.1 These criteria deal with material planning issues which could be relevant to any planning application, i.e. visual impact, landscaping, trees, highways impact, surface water drainage and availability of water, but the level of detail is unacceptable.

4.2 The Government says “all Local Plans should be as focused, concise and accessible as possible” (see *PPG, Paragraph: 010 Reference ID: 12-010-20140306*).



**4.3 The LVGA therefore requests that part A of the policy should be reworded as follows: -**

**A. New or replacement glasshouses, associated packhouses and other developments ancillary to glasshouses such as low carbon energy schemes and CHP systems will be permitted subject to: -**

**i) the visual impact of the development;**

**ii) the impact on landscaping, trees and biodiversity;**

**iii) the impact of traffic on highways safety, the rural character of local roads and residential amenity;**

**iv) suitable arrangements for the disposal of surface water drainage; and**

**v) incorporation of arrangements for recycling rainwater, where possible.**

## **5.0 Criterion A (vii)**

**5.1 The LVGA requests that this criterion should be deleted because: -**

- It is unreasonable and unfair of the Council to single out the horticultural sector for this treatment.
- The Council cannot grant planning permission for new horticultural development subject to conditions affecting an existing site elsewhere.

## **6.0 Criteria B (i) & (ii)**

**6.1 The LVGA requests that this section be deleted.**

6.2 The Council says there are no locally specific matters which would warrant Green Belt policies over and above the NPPF yet this section would impose another layer of controls on proposals for major development which would be well in excess of the Green Belt planning policy in the NPPF.

6.3 The policy does not define “major” development. In Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 “major development” includes: -

*“the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more”.*



6.4 Using this definition almost all glasshouse developments would be major ones.

6.5 The policy seeks to discriminate against glasshouse horticulture and therefore in favour of all other forms of non-glasshouse horticulture and agriculture. As such it could provide competitors in allied sectors with an unfair competitive advantage.

6.6 Criterion (ii) is unnecessary as any grower undertaking new glasshouse development would be dependent on investment from a financial institution which would not be forthcoming if the development had not been planned on a sound financial basis.

## **7.0 Criteria Based Approach v Defined Areas Approach**

***7.1 The LVGA supports a criteria based approach which would enable growers to consider opportunities for new horticultural development in areas outside the established designated glasshouse areas.***

7.2 However inside many of the currently designated glasshouse areas there will be a requirement in the future to replace or improve existing glasshouses and related facilities and also, in some cases, to expand on to currently undeveloped land within the designated areas.

***7.3 For this reason the LVGA supports the second alternative option in the table following draft policy E3, i.e a criteria based approach for new development outside of glasshouse areas, but a continuation of the existing policy E13 approach within the currently designated areas.***

7.4 As an alternative the LVGA would welcome the Council's views on the making of a Local Development Order (LDO), as has been adopted by Arun District Council in West Sussex, which sets out a simplified procedure for obtaining planning permission for horticultural development in designated areas.

## **8.0 Part C: Re-Use of Glasshouse Sites**

8.1 In the Green Belt section of the NPPF the planning policy for the change of use of agricultural buildings is limited to that in paragraph 90, which says that "the re-use of buildings provided that the buildings are of permanent and substantial construction" is not inappropriate development "provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt".



8.2 Although the Council says at paragraph 3.98 that there are no locally specific matters which warrant Green Belt policies which go beyond the terms of the NPPF (other than a few stated exceptions) part C of policy E3 goes well beyond paragraph 90 of the NPPF.

**8.3 The LVGA requests the removal of part C as it would apply criteria to proposals for the re-use of glasshouses that would not apply to other types of rural building.**

8.4 Criterion (vi) in particular is contrary to the NPPF and there should be no requirement to justify the non-viability of a nursery site before permitting the re-use of an existing building.

8.5 Part C would unfairly discriminate against growers and the application of the NPPF and normal planning criteria would provide sufficient controls.

### **9.0 Accommodation for Horticultural Workers**

9.1 The LVGA agrees with paragraph 4.52 of the LP, which states: -

“The industry continues to rely significantly on migrant/seasonal labour for most of the glasshouse and packhouse jobs. However, the cost of local accommodation is too great for many employees, so some growers have made provision on site – a mix of permanent, temporary (caravan/mobile home), or building conversions, a number without permission.”

9.2 The LVGA also notes that in June 2016 the Council granted planning permission for 12 units of new build horticultural workers' accommodation at “Tomworld” in Pecks Hill, Nazeing (ref: EPF/0152/16). In granting planning permission the Council accepted the need for such accommodation due to the horticultural sector's dependence on migrant labour and the prohibitively high cost of local accommodation.

**9.3 The LVGA therefore requests that policy E3 should be amended to include support for the provision of horticultural workers' accommodation in association with glasshouse developments, subject to appropriate criteria. It is recommended that a new paragraph should be added to at the end of policy E3 as follows: -**

***Proposals for living accommodation specifically designed for workers in the horticulture and glasshouse industries will be supported where they meet a proven identified need.***





## **10.0 Site SR-0151: Birchwood Industrial Estate**

10.1 Land at Birchwood Industrial Estate in Hoe Lane, Nazeing is identified in paragraph 5.174 of the LP and on figure 5.19 as a potential new employment site (see site SR-0151). Draft policy E1 supports the development of these sites.

10.2 Recent periodical fires at this particular site have resulted in considerable harm and major financial loss to surrounding growers.

The Association intends to send a letter to the council containing the following content in this respect.

### **FIRE AT BIRCHWOOD INDUSTRIAL ESTATE, NAZEING, WALTHAM ABBEY, EN9 2RJ – 31/08/16- NOTIFICATION OF CONTINUED POLLUTION RISK AND SUSPECTED PLANNING CONTRAVENTIONS**

We represent the interests of over 100 salad grower members in the Lea Valley area and write further to the above mentioned fire.

As you are aware, the fire occurred when a large pile of waste wood at a wood recycling plant caught fire. It burned for several days, resulting in significant smoke and ash contamination to the surrounding land. A number of our members occupy that land and have had to cease their growing operations, pending cleaning and decontamination of their premises. The crops growing at the time are a total loss, being unsaleable due to the contamination. The loss resulting from the incident is not yet quantified but is expected to exceed £1million.

Worryingly, the fire is not an isolated incident but is the latest in a series of similar incidents, fires having previously occurred in November 2006, January 2009 and May 2009. We consider it likely that additional fires have occurred but are not a matter of public knowledge, having been extinguished by those operating the plant.

At the time of the most recent fire, the plant was operated by JSJ Wood Recycling Limited ("JSJ") and/or JSJ Wood Recycling Essex Limited. JSJ is, of course, known to the EA, having being the target of previous enforcement actions. We understand that a further prosecution is currently underway and is scheduled for trial in early December.

We understand that the EA is yet to determine its response to the current incident, but note that contemporaneous reports suggest that very large quantities of wood were present. An article on the Hertfordshire Mercury website, posted on 31 August 2016 refers to some 1,500 tonnes of wood being on site.

Our enquiries suggest that the site has planning permission for a "wood chipping and composting" operation, falling within the B2 use category. We understand that a T6 waste exemption was in place but has since been de-registered. We note that such exemptions typically provide for the treatment and storage of up to 500 tonnes of wood over a 7 day period, with treated wood to be stored on site for a maximum of three months. The exemption does not cover the burning of waste.

The reported volume of wood calls into question the lawfulness of JSJ's activities at the time of the fire. Furthermore, we have also received reports which suggest that JSJ are now attempting to dispose of



material currently on site by burning it under cover of darkness. If accurate, this represents an obvious and deliberate breach of planning and environmental controls.

We understand that on Friday 2<sup>nd</sup> December officers from Epping Forest District Council independently witnessed contraventions of the permitted use of the site.

Leaving aside JSJ's recent conduct, it is evident from the history of fires on site that the business of a waste wood recycling plant carries with it an inherent risk of fire and consequent contamination of the local environment. Of particular concern is the presence of Nazeing Brook and local woodland and grassland located in the vicinity of the site.

The continued operation of the plant also jeopardizes our members' businesses. The consequences of introducing a contaminant into the human food chain are such that the merest suspicion of smoke and ash contamination could bring their operations to a standstill, pending investigation of the same. If our members suffer another significant contamination incident, the financial consequences could be devastating.

In light of the peril to the local environment and our members' special vulnerability to smoke and ash contamination, we consider that the plant is inappropriately located and represents an unacceptable level of risk to the local environment and has a material adverse impact on public amenity. We request that any permits currently in place for the site be revoked as a matter of urgency. We also request that JSJ's role in the fire be investigated and, if appropriate, that it be prosecuted with a view to sending a strong message to would-be polluters.

In this regard, our members are reassured and encouraged by Epping Forest District Council's robust planning enforcement plan and public commitment to exercise its enforcement powers "rigorously" to ensure that development takes place in line with planning permission and also, by Section 4 of the Environment Act 1995 which sets out the Environment Agency's clear duty to protect and enhance the environment and provides it with a mandate to pursue polluters.

Going forwards, we anticipate that the underlying circumstances of the recent fire (including the suspected planning contraventions to which we refer above) will, if not already, be investigated carefully. We would, of course, be happy to assist in whatever way we can.

For the reasons outlined above, you will appreciate that the risk of future fires is of great concern to our members. In the event that you fail to take appropriate and timely action to address the risks outlined in this letter, and further contamination occurs, it will be our strong recommendation that our members seek legal advice in respect of claims against both Epping Forest District Council and the Environment Agency. We do, however, hope that the situation can and will be resolved swiftly and to the satisfaction of all interested parties.

***10.3 The LVGA therefore objects to the identification of SR-0151 as a potential new employment site and urges the Council to do all in its power to ensure the cessation of the existing bad neighbour uses at this site which cause such harm to surrounding nurseries.***

## **11.0 Redevelopment of Derelict Nursery Sites**

11.1 In its responses to the 2012 Issues and Options consultation the LVGA argued that there were a number of derelict or near derelict nursery sites in the District which were either too small, too landlocked or otherwise constrained for their owners to contemplate redevelopment or expansion for horticultural purposes.



11.2 It was pointed out that in the West Cheshunt area in the 1980s and 1990s Broxbourne Borough Council was faced with similar glasshouse dereliction and dealt with it by designating such areas for residential development.

11.3 The sites put forward by the LVGA and additions (with their site references) are as follows: -

- Sewardstone Nursery, Sewardstone Road (SR-0084)
- Mott Street Nursery, Sewardstone Road (SR-0236)
- Sedgigate Nursery, Sedge Green (SR-0010)
- Leaside Nursery Sedge Green (SR-0246)
- Northfield Nursery, Sewardstone Road (SR-0337)
- Hannah Nursery, Sewardstone Road (SR-0337)
- Fernbank Nursery, Nazeing, (SR-0160)

11.4 These sites occupy sustainable locations either on the edge of or close to existing settlements, and there are opportunities for the combination of some of these sites into larger developments which would support higher levels of service provision.

11.5 The LP proposes that 200 hectares of Green Belt land will be allocated for housing development. Most of this is open, undeveloped land. Although the above nursery sites do not fall within the NPPF definition of brownfield land they are nevertheless covered with existing substantial buildings and their redevelopment for housing would enable the Council to avoid the allocation and development of more sensitive sites.

**11.6 Therefore the LVGA requests that the Council allocates the above 7 sites for alternative development in the LP.**

11.7 The LVGA notes the draft site allocations for housing adjacent to Harlow on land west of Katherines (Site R, Figure 3.6). This land includes many existing glasshouses in the Old House Lane area. Our membership in the area is split roughly 50/50 between those who support development and those who do not.



**11.8 The LVGA therefore requests that the Council takes account of those growers in the Old House Lane area who do not wish their land to be redeveloped for housing and ensures that those who wish to remain in horticultural production are able to do so and are not land locked by development.**

## **Conclusion**

The Association's conclusion to the 2012 Issues & Options consultation remains as valid today and for the next twenty years.

The Lea Valley business model is based upon several packhouses marketing Lea Valley produce on behalf of growers directly to the main supermarkets & retailers.

The Supermarkets will not deal directly with individual growers and constantly demand increased volume and specialist varieties to keep pace with consumer demand.

The reality is that unless these marketing companies are encouraged and allowed to expand, the supermarkets will place their orders elsewhere in the UK and abroad, which, will effectively lead to the demise of the whole of the Lea Valley Glasshouse industry.

Epping Forest District Council has for centuries enjoyed the advantage of a vibrant horticultural industry in its district providing employment & Economic growth.

This is now the time for the Council to demonstrate its commitment to the future of the Lea Valley Glasshouse Industry by shaping its planning policy to meet the current and future demands of the industry and ensure the industry continues to grow for the next century.

Yours sincerely

*Lee Stiles*

Lee A Stiles  
Secretary  
Lea Valley Growers Association





## Appendix A

# NFU top ten housing asks for Government



1. A new paragraph to be included in the National Planning Policy Framework specifically addressing rural housing policy, highlighting the need for rural housing development to support the delivery of the Rural Productivity Plan and 25-year food and farming plan.
2. Development plans to be required to assess all the housing needs of their rural populations, including those living in sparse settings and on farm. For plans to assess the needs for rural retirement and rural worker homes and to make provision outside the main rural villages and towns for housing where it can be achieved sustainably (such as through the re-use of redundant land or buildings on a farmyard).
3. Affordable housing policy, to be rural proofed, to reflect actual wages earned locally and the housing needs of rural workers, families, elderly people and carers. Starter homes to be added to the affordable housing provision as an option, but not to replace affordable housing provision.
4. Agricultural and rural workers accommodation to be recognised as essential for rural areas, with positive policy to encourage appropriate forms of development.
5. Redundant farmyards, brought forward for development, to be recognised as suitable land for brownfield registers and self-build registers.
6. Positive guidance to support the simplified planning rules for the conversion of farm buildings to residential use and other rural buildings that can be developed sustainably, for example on forestry and equestrian sites.
7. Positive housing policies for National Parks, Areas of Outstanding National Beauty and for other protected landscapes and buildings, so that there are clear rules as to how the communities living and maintaining these environments and buildings can continue to do so.
8. Positive guidance to ensure that the impact of wider housing delivery on agricultural land, both directly through land take and indirectly as a result of additional infrastructure requirements, are fully assessed through the planning system.
9. For new housing to be future-proofed and to not create unforeseen demands on adjacent land. For example if green infrastructure, open space and footpaths are needed to serve a single or several housing sites, then these land use requirements need to be highlighted at the start of the planning process and the full implications explained to adjacent landowners and farmers who may be affected.
10. New settlements and other new housing developments to be rural proofed to ensure they can help support the rural economies in which they are planned, for example by creating access to markets and the provision of services.

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