
Appeal Decision

Inquiry opened on 5 August 2025

Site visits made on 4 and 8 August 2025

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/J1535/W/25/3364075

Meadgate Works, Meadgate Road, Nazeing, Waltham Abbey EN9 2PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Lignacite Limited against the decision of Epping Forest District Council.
 - The application Ref is EPF/1330/24.
 - The development proposed was originally described as 'Installation of hardstanding for use of land immediately to the east of Meadgate Works for a mix of Class B2 (general industrial) and Class B8 (storage and distribution) use with associated hard and soft landscaping; new planting and other soft landscaping on land immediately to the north of Meadgate Works; and the provision of a new north-south pedestrian/bicycle route to the east of the North Lagoon'.
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Decision

1. The appeal is allowed and planning permission is granted for installation of hardstanding for use of land immediately to the east of Meadgate Works for a mix of Class B2 (general industrial) and Class B8 (storage and distribution) use with associated hard and soft landscaping, and new planting and other soft landscaping on land immediately to the north of Meadgate Works at Meadgate Road, Nazeing, Waltham Abbey EN9 2PD in accordance with the terms of the application, Ref EPF/1330/24, subject to the conditions in the attached schedule.

Preliminary Matters

2. The site is located in the green belt and Lee Valley Regional Park. It features a factory and hardstanding that are used for the production, storage and distribution of concrete blocks. It also includes an area of undeveloped grassland broadly to the north and east which adjoins the facility. The surrounding area comprises a mix of open land and commercial and residential uses connected by a network of local roads. Among other things, there are restrictions as to when blocks may be produced and materials may be delivered to and from the site. The scheme principally seeks permission for additional hardstanding on the adjoining land to provide more space for storage and vehicle parking, loading and unloading.
3. The description of the development in the heading is from the planning application form. During the appeal, the appellant and the Council agreed that the provision of a pedestrian/bicycle route should not be pursued specifically for the proposal. No other parties have expressed support for the route, with the Lee Valley Regional Park Authority discouraging its provision. This is largely because that authority is constructing a route with a similar function a short distance away. An additional route would serve no useful purpose and so requiring one would be nonsensical. Moreover, there are no routes shown on the drawings that would typically be listed

in an 'approved plans' condition. Accordingly, I have omitted reference to the route from the formal decision in paragraph 1 of this letter.

4. The key drawings and evidence are specified on a core documents list that was last updated on 4 August 2025. Documents were submitted to support the appeal, but those contain new evidence rather than material changes to the refused scheme. In addition, the Council and interested parties had an opportunity to consider the documents during the appeal. No prejudice arises from taking them into account, and so that is what I have done. I have also accepted documents submitted after the inquiry opened for the same reasons, which are referenced towards the end of this letter. I refer to relevant core document (CD) and inquiry document (ID) reference numbers in this letter, as necessary.
5. The National Planning Policy Framework (Framework) was revised following the refusal of the application. Consequently, the Council altered the objections specified in its first refusal reason, which relate to the site's location in the green belt, in an updated statement of case. Furthermore, as a result of further review, evidence and dialogue between the parties, the Council confirmed it no longer wished to defend its second and third refusal reasons pertaining to matters relating to noise and disturbance, trees, ecology and biodiversity net gain.
6. During the inquiry, the appellant and the Council drafted and agreed to a condition to address concerns that the proposal would adversely affect the integrity of the Epping Forest Special Area of Conservation (EFSAC) and thereby the Council's fourth refusal reason. Despite this, Natural England objects to the condition and is concerned that the integrity of the EFSAC would be harmed by the scheme (ID19).
7. The main issue specified below primarily relates to the outstanding matters in dispute between the appellant, the Council and/or Natural England. However, I also consider a range of other matters that require attention.
8. The inquiry was closed in writing on 29 September 2025.

Main Issue

9. The main issue is whether the proposal would be inappropriate development in the green belt with reference to paragraph 155 of the Framework and principally in respect of:
 - (i) whether the development would utilise grey belt land, having particular regard to if it would affect the integrity of the EFSAC by way of air pollution from vehicles; and
 - (ii) whether there is a demonstrable unmet need for the type of development proposed.

Reasons

Grey belt

10. Development in the green belt is inappropriate unless an exception prescribed by paragraph 154 or 155 of the Framework is applicable. The appellant argues that the latter applies in this case. Among other things, this requires the development to utilise grey belt land. The Framework's definition of 'grey belt' excludes land where the application of the policies relating to the areas or assets in its footnote 7 (other

than green belt) would provide a strong reason for refusing or restricting development. The footnote explains that the policies referred to include those in the Framework which relate to 'habitats sites' and hence apply to the EFSAC.

11. The EFSAC is approximately 7.6 kilometres from the site at its closest point and underpinned by the Epping Forest Site of Special Scientific Interest (SSSI). It supports a mosaic of habitats of high nature conservation value that are characteristic of ancient wood-pasture. Its qualifying features comprise beech forests on acid soils, wet heathland with cross-leaved heath, dry heaths and the stag beetle, whereas its conservation objectives are to ensure that its integrity is maintained or restored as appropriate and that it contributes to achieving the favourable conservation status of the qualifying features.
12. It is well-documented, including in Natural England's supplementary advice for the EFSAC¹ and the habitats regulations assessment² that supports the Epping Forest District Local Plan 2011-2033 (LP), that the qualifying features are sensitive to changes in air quality. Consequently, emissions from vehicles provide a potential pathway to likely significant effects on the qualifying features. While likely significant effects are also commonly associated with impacts from recreational activity, this is usually linked to new residential development. Likely significant effects can therefore be screened out in this regard.
13. The existing use is not subject to restrictions that directly control the number of vehicle movements to and from the site. Nonetheless, trip capacity is constrained indirectly by factors such as the abovementioned production and delivery time restrictions, the block production process and the amount of space on site.
14. The scheme aims to bring about improvements to the site's operations and the growth of the business by means such as increasing capacity for the storage of more raw materials and the range and quantity of blocks produced and stored at the site at any one time. It is also advanced that the improvements would address double handling of blocks stored at the appellant's Brandon facility around 70 miles away and stabilise the role of the business and others in the housebuilding supply chain. The appellant has stated that there is no need or intention to increase the number of vehicle movements to achieve the aims of the scheme.
15. While I do not doubt the appellant's intentions, the proposed hardstanding would be sizeable and alleviate the site's space constraints significantly. Moreover, the appellant's business requirements may need to change in the future to adapt to any number of varying circumstances. Adopting a precautionary approach, these matters could give rise to more vehicle trips to and from the site. Likely significant effects may occur as a result. I must therefore undertake an appropriate assessment of the implications of the scheme on the EFSAC's conservation objectives as the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (CHSR).
16. In order to achieve the conservation objectives of the EFSAC, the favourable conservation status of its qualifying features should be achieved by maintaining or restoring: the extent and distribution of the qualifying habitats and the habitats of the stag beetle; the structure and function (including typical species) of the qualifying habitats; the structure and function of stag beetle habitat; the supporting

¹ Appendix 16 of the Shadow Habitat Regulations Assessment (CD1.19)

² Epping Forest District Local Plan 2022 Habitat Regulations Assessment (CD4.20)

processes on which the qualifying habitats and stag beetle habitat rely; and the populations of the stag beetle and its distribution within the EFSAC.

17. Natural England's supplementary advice explains that the qualifying features may be harmed if concentrations of ammonia, nitrogen oxides and sulphur dioxide, and associated nitrogen and acid deposition, exceed specified critical thresholds. For example, this could be through damaging plant growth and thereby the quality of habitats and their suitability to support species. Furthermore, parts of the EFSAC are reportedly in unfavourable or declining condition and so the qualifying features will be harmed if pollutant concentrations and deposits increase. Importantly, however, organisations including Natural England and the Institute for Air Quality Management agree that the impacts from emissions in these regards become nugatory at 200 metres from roads³.
18. Based on a vehicle survey from September 2023, which is supplemented and appropriately corroborated by a further survey from May 2025 and key performance indicators for the business⁴, it is not disputed that the existing site can be taken to generate an annual average of 342 two-way vehicle trips each day, with 279 trips by heavy duty vehicles. Notably, there is nothing preventing trips using roads within or in 200 metres of the EFSAC. It is unlikely that these would be used in all instances given the distribution of nearby strategic roads, with the A10, A414, M11 and the majority of the M25 further than 200 metres from the EFSAC. Nevertheless, those figures set appropriate baselines for assessing the scheme's potential impacts.
19. The overarching feature of the proposed EFSAC condition is that it would require the approval of a strategy to safeguard the integrity of the EFSAC prior to the commencement of the development. Further, for the condition to be satisfied, calculations of the annual average daily traffic movements both in total and on roads within and in 200 metres of the EFSAC would need to be submitted. If, as a consequence of the development and with reference to the baseline figures and trip distribution, there were to be harm forecast to the integrity of the EFSAC, the condition would require approved mitigation measures to be carried out.
20. Regulation 70(2) of the CHSR provides that, if the competent authority considers that any adverse effects on the integrity of a habitats site would be avoided if permission were subject to conditions or limitations, it may grant permission subject to those conditions or limitations. This is reinforced by the Abbotskerswell judgment⁵ which, in the context of an outline application (and corresponding regulation 70(3) of the CHSR), establishes that it is not necessary to require that all details of matters that may affect integrity are assessed ahead of permission being granted. Paragraphs (2) and (3) of regulation 70 have the same effect and thus that principle applies equally to any condition relating to the EFSAC. Furthermore, I have been referred to and agree with an appeal decision which engages with the judgment in that, for the purposes of the requirements of the CHSR, what matters is certainty of outcome, not certainty of details⁶.
21. Natural England is the statutory nature conservation body for the purposes of the CHSR and I have given its views great and considerable weight. It contends that

³ CD1.19 paragraph 4.7.14 and footnotes 5 to 7

⁴ Appendix A of the Transport Statement (CD1.21-24), Appendix 2 of the appellant's Transport Proof of Evidence (PoE) (CD5.62) and Appendix E4 of the appellant's Business PoE (CD5.50), respectively

⁵ Abbotskerswell Parish Council v SSHCLG [2021] EWHC 555 (Admin) (ID6). See paragraphs 152 and 159 in particular.

⁶ APP/D0121/W/21/3286677 (ID5). Described as both the 'Yatton' and 'Rectory Farm' decision. See paragraphs 59-62 in particular.

the proposed condition is at odds with the judgment and the appeal decision as in each of those cases mitigation was purportedly being offered but a condition was required to finalise the details. It is also put forward that conditions may only be used where impacts and corresponding mitigation have been identified, as a means of securing a known entity. However, neither the judgment, the appeal decision nor anything else presented indicates that the use of conditions must be constrained in the manner advised. Conversely, the appeal decision grants permission subject to a condition that requires surveys to be undertaken to later inform mitigation. Its structure is similar to the proposed condition in that the extent of the risks to the EFSAC would be established first and mitigation measures would subsequently be implemented as approved if necessary.

22. If the details submitted pursuant to the approval of the EFSAC condition were found to be unsatisfactory the development could not be implemented lawfully. In such a scenario the integrity of the EFSAC would clearly be unaffected. The only alternative consideration for the condition is whether I can be certain beyond all reasonable scientific doubt that mitigation measures could be put in place to avoid harm to the integrity of the EFSAC, if needed. In particular, if mitigation can prevent vehicle trips occurring within or in 200 metres of the EFSAC, I can be satisfied that there are no avenues to harm, even if vehicle trips were to increase substantially as a consequence of the development.
23. The Epping Forest Interim Air Pollution Mitigation Strategy (CD4.1) has been produced by the Council in part to support the determination of applications that have the potential to adversely affect the integrity of the EFSAC. Among other things, it states that route management strategies are a well-established mechanism that can be secured by conditions to prevent an increase in heavy duty vehicles on roads in close proximity to the EFSAC. Having regard to the distribution of strategic roads mentioned earlier, and setting aside trips beginning and/or ending within or in 200 metres of the EFSAC, such routes clearly exist.
24. Various other forms of mitigation, such as caps on absolute numbers of vehicle trips, rejecting contracts that would require travel within or in 200 metres of the EFSAC and temporary cessation of site operations have been presented as potentially being capable of addressing any harm arising from vehicle emissions. Applying Abbotskerswell, it is not necessary to establish full details of how any of these potential options may take shape, but it is clear that there are multiple means by which the condition could secure that harm to the integrity of the EFSAC is avoided beyond all reasonable scientific doubt, including by preventing trips within or in 200 metres of the EFSAC.
25. There are cogent and compelling reasons for the EFSAC condition. I am satisfied that it is necessary and relevant to planning and the development in ensuring that any harm to the integrity of the EFSAC would be avoided. It would also be enforceable if development commenced in the absence of, or the site were to not be used in accordance with, approved details. It is precise in that it sets out clear requirements and responsibilities, and is reasonable in all other respects, particularly having regard to regulation 70(2) of the CHSR and the judgment. It therefore meets the tests for conditions at paragraph 57 of the Framework.
26. I conclude that, subject to the condition, the scheme would not adversely affect the integrity of the EFSAC. For the same reasons, there would also be no adverse effects on the underlying SSSI. The proposal therefore has no conflict with LP

policy DM2, which specifies that development will not be permitted where it is not possible to conclude no adverse effect on the integrity of the EFSAC. The Council's decision notice also refers to LP policy DM22, but it focuses on air quality from a human health perspective and thus is not directly relevant to the main issue.

27. Wormley-Hoddesdon Park Woods Special Area of Conservation and Lee Valley Special Protection Area and Ramsar are also nearby habitats sites, which are principally designated due to oak-hornbeam forests; and great bittern, gadwall, northern shoveler, whorled water-milfoil and water-boatman. Likely significant effects from recreational activities can be screened out for the same reasons as for the EFSAC. Some of the qualifying features are potentially susceptible to air quality impacts, but the Shadow Habitats Regulations Assessment specifies that there is no evidence that either would be affected by the scheme, particularly having regard to the sensitivities of habitats likely to be present in 200 metres of the road network⁷. Moreover, Natural England's recent correspondence raises no concerns about likely significant effects in respect of these or any other designated or non-designated sites. I see no reason to disagree and find that likely significant effects can be scoped out. The Framework's policies on habitats sites do not therefore indicate that the proposal would not utilise grey belt land.
28. Another potential implication of footnote 7 is that the Framework's policies relating to areas at risk of flooding may provide a strong reason for refusing development, as the site is in flood zone 2. However, the appeal is supported by a sequential test (CD5.71) which demonstrates that there are no available or suitable sequentially preferable alternatives within an appropriate distance of the existing site. Furthermore, no party has alleged that permission should be refused on this basis, nor have any other concerns been raised which suggest that grey belt land would not be utilised as a result of applying the footnote in other respects. There are no obvious reasons indicating that a different conclusion should be reached.
29. Finally, grey belt only includes land that does not strongly contribute to any of purposes (a), (b) or (d) of the green belt in paragraph 143 of the Framework. The LP identifies Nazeing as a small village and the site and surrounding land are neither part of nor near to large built-up areas or towns either in terms of the LP or as perceived on the ground. The land does not therefore strongly contribute to any of purposes (a), (b) or (d), as these specifically relate to large-built up areas and towns. Additionally, no party alleges that the development is incapable of satisfying the Framework paragraph 155 exception on those grounds. I therefore conclude that the development would utilise grey belt land.

Demonstrable unmet need

30. Paragraph 155(b) of the Framework requires that there is 'a demonstrable unmet need for the type of development proposed'. The appellant and the Council construe this criterion differently. The appellant offers the narrowest interpretation, which can be described as the 'actual' type of development proposed. For the purposes of this appeal, I take that to be storage and distribution space that would serve the existing use for the production, storage and delivery of concrete blocks. In contrast, the Council variably contended at the inquiry that it means the relevant use class⁸, so classes B2 and B8 in this case, or 'employment development' that

⁷ See paragraphs 4.7.54 and 4.7.55 in particular

⁸ Set out in schedules 1 and 2 to the Town and Country Planning (Use Classes) Order 1987

more broadly includes class E and sui generis uses for the purposes of the LP⁹. Additionally, the Council argues that demonstrable unmet need should exist at district level, whereas the appellant says the criterion is not prescriptive as to geographical catchment of need. Nevertheless, there is general agreement that the paragraph (as a whole) provides an additional exception to inappropriate development that allows needs to be met in the public interest in the green belt.

31. Footnote 56 of the Framework explains the way in which paragraph 155(b) applies for development 'involving the provision of housing'. It is argued that this supports the Council's interpretations because 'housing' is a wide category that includes various forms of accommodation within class C3. It is also put forward that this indicates that need should be measured at district level, since the approach for housing is based on a local authority's individual housing land supply and Housing Delivery Test positions, despite there being housing need both regionally and nationally. However, it would be quite the inference to conclude from this that the appellant's interpretation should be excluded, or that there must be district level unmet need, given there are no explicit directions in the Framework, the Planning Practice Guidance or anywhere else as to the application of the criterion where housing would not be provided.
32. The Council highlights that the word 'actual' is not included in paragraph 155(b) and argues that the inclusion of 'type of' must broaden what is meant from what is actually proposed but, even with that being said, the criterion can still reasonably be read in the manner argued by the appellant. Conversely, it makes no reference to use classes or wider categories of development which might have otherwise supported the Council's interpretations.
33. It has also been advanced that an applicant could justify unmet need for their own development relatively easily if the narrow interpretation is applied, but there is no aspect of self-certification within paragraph 155(b) as the decision-maker must be satisfied that demonstrable unmet need exists. Further, the broader interpretations may result in decisions that prevent the delivery of schemes that are actually needed, such as where there is an overprovision of space in the use class or even wider category to which that scheme arguably relates. Compelling examples have been given to illustrate such potential issues. For instance, a scenario could realistically arise where a steel works for which there is a specific demonstrable unmet need is resisted due to a surplus of brick works, because both are within class B2 and can be categorised as employment development.
34. I have been referred to appeal decisions¹⁰ that deal with paragraph 155(b). None indicate that any of the interpretations should be discounted outright as the types of schemes in those cases and this one are not directly comparable. Similarly, none suggest that there must be unmet needs over any particular geographical area, with unmet needs being variously identified locally, regionally and/or nationally.
35. In the absence of anything incontrovertible in the evidence, I conclude that any of the interpretations and geographical areas put forward could reasonably apply in principle when considering paragraph 155(b). Essentially, the paragraph needs to be applied on the basis of the evidence and arguments presented for this specific case as a matter of planning judgement.

⁹ See policy E1A and paragraph 3.48 in particular

¹⁰ APP/H2265/W/24/3347410 (CD5.65); APP/P1940/W/24/3346061 (CD5.66); APP/X1925/W/25/3359065 (CD5.67)

36. The appellant is a long-standing producer and distributor of concrete blocks that are used for construction projects including housing. In 2024, the business produced an estimated 4.6 percent of the concrete blocks supplied nationally and 30.7 percent of the blocks supplied to London, the south-east and south-west¹¹. In addition, it is estimated to have an indicative annual block production capacity theoretically equating to up to 30,000 dwellings per annum¹².
37. The Government has set a target for 1.5 million homes to be delivered in the five years to 2029 but significantly fewer than 300,000 homes are built annually, while London Plan housing targets are also not being met¹³. Paragraph 61 of the Framework makes clear that the Government seeks to significantly boost housing supply. Nonetheless, the presumption in favour of sustainable development set out by paragraph 11(d) of the Framework is applicable for many local authorities in the south, including the Council, as a consequence of the latest Housing Delivery Test (CD4.5). Plainly, there is a demonstrable unmet need for housing on application of footnote 56 across multiple individual authority areas, which accumulates to a need for housing in broader terms both regionally and nationally.
38. Unless housebuilders make unanticipated and substantial changes to established building practices, concrete blocks are and will continue to be needed to construct homes. It is reported that annual production of such blocks has decreased since 2021 and that at least in broad terms housebuilders are experiencing ongoing supply chain issues¹⁴. While the production of blocks is one of several important factors for building houses, if the amount and rate of housing delivery is to be uplifted as substantially as required, there is logically a need to increase concrete block production. Conversely, given the extent and pervasiveness of housing delivery shortfalls, it would be irrational to conclude that the unmet need can be addressed without expanding the production of concrete blocks. In that context, there is an underlying demonstrable unmet need for concrete block production.
39. The business clearly makes a significant contribution to block production given its production capacity and the proportion of blocks that it supplies regionally and nationally. In that context, increases and improvements to its output are likely to have meaningful effects on housebuilding. The Council roughly estimates that the proposal would increase storage capacity at the site by 43.5 percent¹⁵. Sound reasons have been given to substantiate the ways in which the additional space would increase operational efficiency at the site. For example, production runs could be lengthened as more raw materials would be stored on site, and block moulds would need changing less frequently as increased quantities of finished products on site would mean that the production process is less reactionary. In these ways the proposal would improve the resilience and reliability of the business in the supply chain and its capability to fulfil orders from housebuilders.
40. Furthermore, as a result of the corresponding reduction in double handling with the Brandon facility, the appellant has specified that an additional 100,000 blocks could be produced each month. It is put forward that this would equate to up to 1200 three-bed homes annually based on 200 square metres of blocks being used to construct just inner leaf blockwork. Applying the proportion of orders that the

¹¹ Tables 2 and 3 of the appellant's Socio-economics PoE (CD5.40)

¹² Appendix E1 (CD5.47) and Appendix E5 (CD5.51) of appellant's Business PoE

¹³ Figure 2 of CD5.40

¹⁴ Figure 1 and paragraph 3.13 of CD5.40

¹⁵ Table 1 and Appendix B of the Council's Transport and HRA Rebuttal PoE (CD6.11)

appellant received from housebuilders in the past 12 months, this could equate to 38,000 blocks each month, or up to 450 homes each year.

41. Firm evidence has not been provided that might otherwise bring the latter block production figures and equivalent housing numbers into doubt, and I have no compelling reasons to question them. Moreover, paragraph 155(b) does not specify that any prescribed level of needs must be met by a proposal. Even if fewer blocks than claimed would be produced annually, the scheme would still certainly expand block production in the interests of housing delivery. Accordingly, I conclude that there is a demonstrable unmet need for the type of development proposed in the terms of paragraph 155(b).
42. The scheme would reportedly provide several other benefits, such as more stability elsewhere in the supply chain, production improvements for blocks made from recycled material, increased use of environmentally friendly vehicles and more stable employment. It has not been demonstrated that these translate to unmet needs for the type of development proposed. However, these matters do not negate my above findings.
43. Similarly, even if I were to conclude that there is no need for more employment land in the district as argued by the Council with reference to LP policies SP1 and E1 and recent annual monitoring reports¹⁶, this could not change my view that there is demonstrable unmet need for the type of development proposed insofar as it relates to block production specifically. On the contrary, the scheme benefits from support from LP policies SP1 and E1 as these specify that the Council will seek to retain and enhance, and in the case of the latter encourage extensions to, existing employment premises.
44. In order for the type of development proposed to be retained for the purposes for which it is needed, rather than other purposes in classes B2 and B8, a condition would be required to ensure that the extended part of the site is retained for the storage of blocks and materials and/or other activities that are ancillary to the existing use. On that basis, I am satisfied that there is demonstrable unmet need for the type of development proposed.

Other considerations relating to inappropriate development exceptions

45. I have found that the development would utilise grey belt land. However, the exception at paragraph 155 of the Framework further requires that the scheme would not fundamentally undermine the purposes (taken together) of the remaining green belt across the plan and would be in a sustainable location having regard to its paragraphs 110 and 115. Neither the Council nor any other party alleges conflict with the Framework in these respects. Based on the scheme's characteristics, the extent of remaining green belt in the district, the site's location in an area with established employment uses and its proximity to amenities in Nazeing, I see no reason to conclude that the exception does not apply. The works proposed within the site would therefore accord with the relevant criteria of paragraph 155 and not be inappropriate development in the green belt.
46. The main parties have recommended a condition that would require the provision of improvements to footways and road surfacing along Meadgate Road. This would facilitate safe access to the regional park route being constructed nearby

¹⁶ Exhibits 3 and 4 of the Council's Planning PoE (CD6.10)

and so be necessary as LP policy T1 states that development should, where appropriate, enhance access to and the use of public rights of way. Insofar as it may be construed that such works would not form part of the development supported by paragraph 155, these would constitute engineering operations with little to no volume and thus preserve the openness and purposes of including land within the green belt. This aspect of the scheme would therefore accord with the exception to inappropriate development at paragraph 154(h)ii. of the Framework.

47. The development plan addresses proposals in the green belt in LP policy DM4 by echoing a prior version of the Framework. Consequently, while it incorporates in substance what is now paragraph 154(h)ii. of the Framework, it does not refer to the paragraph 155 exception. Nevertheless, it reflects the Framework's general approach to green belt and states that permission 'will not be granted for inappropriate development, except in very special circumstances, in accordance with national planning policy'. Given that deference to the Framework, the proposal accords with LP policy DM4 and there is no need to explore whether very special circumstances exist.

Other Matters

48. The scheme is supported by extensive evidence as to its landscape and visual impacts. Effects would be localised and limited in those regards, with changes mostly imperceptible other than from Sedge Green and potentially the new regional park route. From such perspectives, the scheme would be mostly seen alongside or against the backdrop of the existing site, the activities thereon and wider commercial uses. Additionally, the appellant's tree constraints report (CD5.18) confirms that trees do not need to be felled to facilitate the development, many of which would provide screening and filter views. Supplementary hard and soft landscaping would further integrate the development into its surroundings and temper its effects from both Sedge Green and the new route. New boundary treatments could sit beside existing perimeter fencing and behind the landscaping and would not be incongruous in the context set out above.
49. Pre-commencement conditions to require the installation of tree protection in line with British Standards and the approval of a construction method statement would protect the existing trees. Together with conditions to require the approval of the landscaping and limit the height and area over which materials could be stored, the proposal would not harm the character or appearance of the area.
50. During the inquiry concerns were raised that the development would increase noise and disturbance in the area. However, the appellant's noise assessment (CD1.20) demonstrates that the impacts could be suitably mitigated by a noise barrier, details of which could be required by condition. While the hardstanding as proposed would be closer to some residential properties than is the case currently, conditions to control the hours for block production, deliveries and construction practices as suggested would offer appropriate mitigation. Alongside a condition to require a vehicle management plan, and an approved construction method statement, the scheme would have an acceptable effect on living conditions.
51. Concerns were also raised that a further vehicular access may be created onto Sedge Green in the future. However, the existing vehicular access and egress are not proposed to be altered, and I have no reason to conclude that an additional access would be created, particularly as the noise barrier would be installed along

part of Sedge Green. There is also no substantive evidence that the highway network in the vicinity of the site has no spare capacity.

52. During the application, the Council's air quality officer raised concerns about potential impacts on air quality from a human health perspective. However, the Council has since clarified that it has no issues in this regard. Given that the site is not within an air quality management area, I see no reason to disagree and, moreover, conditions previously identified would minimise any such impacts.
53. Most of the mandatory minimum 10 percent net gain in biodiversity units could be delivered on the site and adjoining land, with the remaining balance proposed to be provided elsewhere. This is secured by a planning obligation in a unilateral undertaking (ID17) that also includes associated management and monitoring arrangements. Due to the potential off-site provision, the planning obligation is necessary to make the development acceptable in planning terms, and directly related and fairly and reasonably related in scale and kind to the development. The obligation thus accords with regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL) and I have taken it into account accordingly.
54. The third schedule of the unilateral undertaking includes a planning obligation that would have substantially the same effect as the abovementioned condition to restrict the use of the extended part of the site. Paragraph 56 of the Framework makes clear that conditions should be used instead of obligations where possible, so this aspect of the undertaking is not necessary to make the development acceptable in planning terms. It is therefore non-compliant with CIL regulation 122(2)(a) and has not factored into my decision.
55. Section 28(1)(2) of the Wildlife and Countryside Act 1981 requires that Natural England is notified where permitting operations is likely to damage any of the flora, fauna or geological or physiographical features by reason of which a SSSI is of special interest. While case law¹⁷ has established that it is not permissible to take account of mitigation in determining whether there would be likely significant effects on the qualifying features of habitats sites, I have not been referred to anything which indicates that a similar approach must be adopted for SSSIs. For the same reasons as for the EFSAC, and subject to the condition associated with it, there is no doubt that harm to the Epping Forest SSSI would be avoided. Consequently, I consider that section 28(1) of the act does not apply in the particular circumstances of this case.

Conditions

56. The main parties agreed to a schedule of proposed conditions during the inquiry. I have considered whether the conditions meet the tests at paragraph 57 of the Framework. In order to satisfy those tests, minor editing of some is necessary.
57. Further to the conditions already identified, the typical time limit and approved plans ones are needed in the interests of certainty. A pre-commencement condition to require the assessment and any necessary remediation of contaminated land are needed to minimise potential risks to human health and ecological systems. Another relating to surface water drainage is needed to manage flood risk sustainably as only an outline drainage scheme was put forward at application stage (CD1.26). Additionally, a condition to require details of

¹⁷ People Over Wind, Peter Sweetman v Coillte Teoranta, 12 April 2018, C-323/17

sustainability measures to be carried out is needed to accord with LP policy DM20, which encourages the incorporation of low carbon and renewable energy measures.

58. The proposal is supported by an ecological assessment (CD1.18). Subject to necessary provision and adherence to biodiversity avoidance, mitigation and enhancement measures detailed therein, which would be secured by means of a broader construction environmental management plan pre-commencement condition, there would be no harm to protected or important habitats or species. The main parties recommend a condition relating to great crested newt licensing by Natural England. However, the evidence makes clear that neither the site nor the surrounding area feature suitable waterbodies for great crested newts. On that basis such a condition would be unnecessary even on applying precautionary principles. The main parties have also suggested a condition to control lighting, but this is not needed either as it would be covered by the landscaping condition.
59. The appellant has agreed to all the pre-commencement conditions specified herein, which would be needed as the details or works required to be produced or delivered by those conditions would not be possible at a later stage in the construction process.

Conclusion

60. I conclude that the proposal accords with the development plan taken as a whole. Material considerations do not indicate that a decision should be taken otherwise than in accordance with the development plan. The appeal is therefore allowed.

Mark Philpott

INSPECTOR

Appearances at the inquiry

FOR THE APPELLANT:

Charles Banner KC – Instructed by Lignacite Ltd

Allan Eastwood – Development Director, Lignacite Ltd

Giles de Lotbiniere – Chair, Lignacite Ltd

Nick de Lotbiniere – Director, Lignacite Ltd

Stuart Davies BSc (Hons) MCIHT – Director, TTP Consulting

Ellie Evans BA MA (Cantab) – Senior Partner, Volterra

Simon D Taber BSc (Hons) MSc MCIEEM – Director, Ecology Solutions

Radek Chanas MEng MA MCMLI – Director, Pegasus Group

Anthony Frendo BA (Hons) MSc MRTPI – Director, Maddox Planning

FOR THE LOCAL PLANNING AUTHORITY:

Giles Atkinson, Counsel – Instructed by Epping Forest District Council

Muhammad Azizur Rahman – Principal Planning Officer

Caroline Brown – Planning Officer

Craig Latto – Habitat Regulations Assessment Consultant

INTERESTED PARTIES:

David Windgrave – Local resident

Documents submitted during the inquiry

ID1	Opening statement for the appellant
ID2	Opening statement for the Council
ID3	Epping Forest Special Area of Conservation – Guidance Note
ID4	Epping Forest District Council Habitats Regulations: Site-specific assessment processes in relation to the effects of development on atmospheric pollution
ID5	Appeal decision APP/D0121/W/21/3286677
ID6	Abbotskerswell Parish Council v SSHCLG [2021] EWHC 555 (Admin)
ID7	Draft Epping Forest Special Area of Conservation planning condition, 6 August 2025
ID8	Directions to viewpoints 13 and 14 of Appendix 4 of Radek Chanas' Proof of Evidence
ID9	Email dated 8 August 2025 from appellant clarifying Key Performance Indicator data at Appendix E4 of Allan Eastwood's Proof of Evidence
ID10	Draft planning conditions, 11 August 2025
ID11	Draft unilateral undertaking, 11 August 2025
ID12	Qualifications of the appellant's witnesses
ID13	Closing submissions for the Council
ID14	Closing submissions for the appellant
ID15	Appearances for the Council, 12 August 2025
ID16	Draft planning conditions, 14 August 2025
ID17	Unilateral undertaking dated 15 August 2025 and official copies of associated HM Land Registry entries
ID18	Updated appearances for the Council, 18 August 2025
ID19	Natural England letter reference 524258 responding to Inspector-led consultation regarding habitats sites
ID20	Appellant response to Natural England letter reference 524258
ID21	Council response to Natural England letter reference 524258
ID22	Email dated 19 September 2025 from appellant confirming agreement to pre-commencement and other conditions

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DWG10; DWG11; DWG13.
- 3) The development hereby permitted shall not be begun until a strategy to safeguard the integrity of the Epping Forest Special Area of Conservation ("EFSAC") in relation to air pollution ("the EFSAC Scheme") has been submitted to and approved in writing by the local planning authority. The EFSAC Scheme shall include the following details:
 - (a) Calculations (supported by appropriate quantitative evidence) of:
 1. the annual average daily traffic movements ("AADT") that are generated by the existing site (as marked 'Existing Operational Site Boundary' on drawing DWG10) ("the Existing Site") pursuant to its existing use comprising: (i) the total AADT (including heavy duty vehicles ("HDVs") expressed as a percentage of the total); and (ii) the proportion of the total AADT on roads within 200 metres of the EFSAC (including within the EFSAC itself);
 2. the (i) total AADT (including HDVs expressed as a percentage of the total) that is forecast to be generated by the Existing Site and the development hereby permitted (as marked 'Application Site Boundary' on drawing DWG10 but excluding the Existing Site) ("the Extended Site"); and (ii) the proportion of the total AADT that is forecast to be generated on roads within 200 metres of the EFSAC (including within the EFSAC itself); and
 3. a calculation of the net AADT i.e. the figure calculated in accordance with (a)2. above minus that calculated in accordance with (a)1. above including the proportion of the net AADT on roads within 200 metres of the EFSAC (including within the EFSAC itself).
 - (b) Details of any proposed mitigation measures (including a programme for their implementation) if, as a consequence of the development hereby permitted, the Extended Site (in combination with the Existing Site) is forecast to: (i) increase AADT above 342 (of which 279 are HDVs); and/or (ii) change trip distribution, in a manner that could harm the integrity of the EFSAC.

The development hereby permitted shall be operated in accordance with the approved EFSAC Scheme for the lifetime of the development.

- 4) Prior to commencement of the development hereby permitted, an assessment of the risks posed by any contamination of the site shall be undertaken and submitted to and approved in writing by the local planning authority. Any contamination risks identified shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon its completion the Extended Site will not qualify as contaminated land under part IIA of the Environmental Protection Act 1990. A report demonstrating the completion of all

necessary remediation work shall be submitted to the local planning authority prior to the operational use of the Extended Site.

- 5) Prior to commencement of the development hereby permitted, a construction environmental management plan ("CEMP") shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- (a) a risk assessment of construction activities that may damage biodiversity features;
 - (b) the identification of 'biodiversity protection zones';
 - (c) details of practical measures (both physical measures and sensitive working practices) to avoid or reduce construction impacts;
 - (d) details of the locations and timings of sensitive works to avoid harm to biodiversity features;
 - (e) details of responsible persons and lines of communication;
 - (f) details of the role and responsibilities of an ecological clerk of works or similarly competent person;
 - (g) the times during construction when specialist ecologists would need to be present on site to oversee works; and
 - (h) details, locations and specifications for all biodiversity avoidance, mitigation and enhancement measures in accordance with section 5 of the Ecological Assessment (reference 10448.EcoAss.vf, dated May 2024).

The CEMP shall be adhered to in accordance with the approved details.

- 6) Prior to commencement of the development hereby permitted, a construction method statement ("CMS") shall be submitted to and approved in writing by the local planning authority. The CMS shall include details of:
- (a) the parking of vehicles of site operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials used in constructing the development;
 - (d) the erection and maintenance of security hoarding;
 - (e) measures to control the emission of dust and dirt during construction, including wheel washing;
 - (f) a scheme for recycling/disposing of waste from construction works; and
 - (g) tree protection measures.

The approved CMS shall be adhered to in accordance with the approved details.

- 7) Notwithstanding condition 6 above, prior to commencement of the development hereby permitted, tree protection in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) shall be installed. Thereafter, the tree protection shall be retained as installed until demolition and construction works are complete.
- 8) Prior to commencement of the development hereby permitted, a surface water drainage strategy based on the FRA & SuDS Strategy Report (reference FRA20168.1, dated 15 December 2023) shall have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details prior to the first use of the Extended Site.

- 9) Notwithstanding the approved plans, prior to first use of the Extended Site, details of both hard and soft landscaping and an associated implementation programme shall be submitted to and approved in writing by the local planning authority. The hard landscaping details shall include finished levels or contours, means of enclosure, and other minor artefacts and structures including lighting and functional services above and below ground. The soft landscaping details shall include drawings, schedules, and specifications for the planting and establishment of trees, shrubs and plants, including details of species, sizes, numbers and densities. Thereafter, the landscaping shall be carried out in accordance with the approved details and implementation programme.

Within a period of five years from the date of the planting or establishment of any tree, shrub or plant, if that tree, shrub, or plant, or any replacement is removed, uprooted, destroyed, dies, seriously damaged or defective, another of the same species and size as that originally planted shall be planted in the same place.

- 10) Prior to first use of the Extended Site, a vehicle management plan ("VMP") shall be submitted to and approved in writing by the local planning authority. The VMP shall include details of:
- (a) vehicle types to be used;
 - (b) the provision of turning spaces;
 - (c) car parking layouts; and
 - (d) signage to be installed which shall advise that no-idling of vehicles is permitted.

The approved VMP shall be adhered to at all times.

- 11) Prior to first use of the Extended Site, details of the proposed noise barrier referred to in the Noise Impact Assessment for Proposed Industrial Land Use Expansion (reference 645474_Report01_R01, dated 10 October 2023) shall be submitted to and approved in writing by the local planning authority. The noise barrier shall be installed as approved prior to first use of the Extended Site and thereafter retained.
- 12) Prior to first use of the Extended Site, a sustainability scheme based on the Sustainability Statement (dated 24 May 2024) shall be submitted and approved in writing by the local planning authority. The scheme shall demonstrate how the development will achieve high standards of environmental performance including the type, location, and output of any photovoltaic panels. Thereafter, the development shall be carried out in accordance with the approved scheme.
- 13) Prior to first use of the Extended Site, details of improvements to the footways and road surfacing on Meadgate Road between its junction with Sedge Green and as far west as the access to the anglers car park shall have been submitted to and approved in writing by the local planning authority and thereafter completed in full. The completed works will be retained in accordance with the approved details.
- 14) The site shall only be used for the carrying out of work for the manufacture of building blocks between the hours of 5am and 12am Mondays to Fridays and

Saturdays between the hours of 5am and 4pm, excluding Bank or Public Holidays.

- 15) No deliveries shall be taken at or dispatched from the site outside the hours of 6am and 6pm on Mondays to Saturdays, nor at any time on Sundays, Bank or Public Holidays.
- 16) The areas hatched and shown as “Area Allocated for Temporary Block Storage” on drawing DWG13 shall only be used for storage purposes. No storage shall take place outside of those hatched areas. Any equipment or material stored within the hatched areas shall not exceed 5 metres in height.
- 17) No deliveries of materials or external running of plant or equipment to be used in the construction of the development hereby permitted (other than internal works that are not audible outside the site) shall take place outside the hours of 8am to 6pm on Mondays to Fridays or 8am to 1pm on Saturdays, or at any time on Sundays, Bank or Public Holidays.
- 18) Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the use of the Extended Site hereby permitted shall be limited to the storage of blocks and materials and/or any other activities that are ancillary to the existing block manufacturing use on the Existing Site and for no other purpose (including any other purpose in classes B2 or B8 of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that Order with or without modification).

End of schedule