

Paragon North Weald Ltd

Local Plan representations – Matter 5 Issues 1 & 3

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Participant reference: 19LAD0122

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February 2019

MATTER 5: SITE SELECTION METHODOLOGY AND THE VIABILITY OF SITE ALLOCATIONS

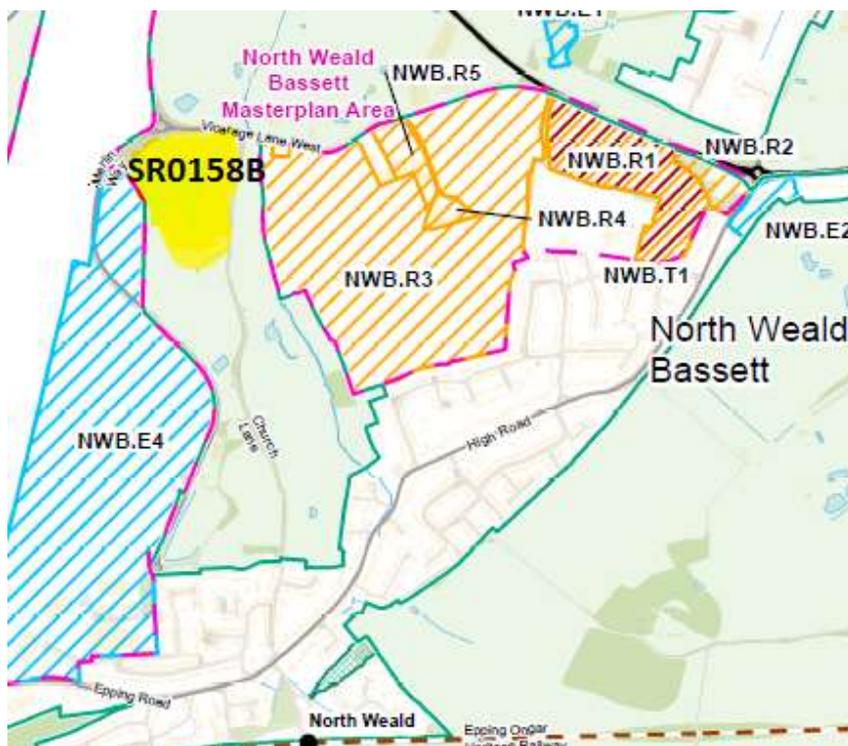
Issue 1: Have the Plan's housing allocations been chosen on the basis of a robust assessment process?

- 1.1 The Inspector's second Issue 1 question is (a question in three parts):
- How were the conclusions reached about individual sites checked for accuracy and consistency? Were sites visited or were they assessed through a desktop process? What has been done to check the assessments in specific cases where their accuracy has been challenged e.g. Site SR-0596? (Reps 19LAD0012).*
- 1.2 The first two sub-questions are principally for the Council and their consultants Arup to answer. However, it is questionable to what extent consistency could have been checked given the late supply of site evidence.
- 1.3 We respond mainly to the last sub-question to explain the nature of our 'challenge' – concerning the site selection process, the evidence we submitted and what happened thereafter. The Inspector's reference to site SR-0596 appears to relate to the first example of land excluded where a promoter raises concerns about inaccurate site information, the failure of the Council to consider evidence submitted and the lack of transparency in the process. But we note that the reference to SR-0596 is expressed as an example. From our experience the problems are more systemic and includes our client's land (SR0158B).
- 1.4 In summary, it is difficult to see how the site assessment process can be shown as robust given that sites were discounted in early stages of the process, based on evidence that was incomplete at the time (need or supply related evidence – both were late), and then sites were not revisited before the final site portfolio was presented post submission.
- 1.5 Setting technical concerns aside the 'product' of the assessment process is that development sites have been discounted because they share attributes in their wider 'development parcel' – the parcels were arbitrarily arrived at by Arup for the assessment process – but don't reflect the land promoted for development. For example, development land which is free of flooding constraints was adversely scored in the assessment because other parts of the assessment parcel were subject to flooding. This is despite the 'flood prone' land not actually being promoted for development – so not being part of the site being offered for development. We have always maintained that it is inappropriate to dismiss development sites in the early stages of the process because of negative attributes elsewhere in the assessment 'parcel'. But this fundamental issue has never been addressed.
- 1.6 Also, on a common-sense point, sites were discounted in early stages of the assessment work for reasons that are no longer relevant or material. Most obviously sites were poorly scored because they were (at the time) distant parcels from the built-up areas, services or other infrastructure. But in the final plan the Council

proposes to allocate for development adjacent land which materially changes the early stage conclusions. In summary, the ‘scoring’ process used to discount sites as the process moved on is inappropriate to apply in the context of the final shape of the plan.

- 1.7 In our experience this process of site selection is unusual and overly detailed. It is unclear why such an unconventional, and overly complex process has been adopted here. The breadth, length and technical complexity of the process adopted here would appear to contradict the guidance in the NPPF that evidence should be proportionate (para 158).
- 1.8 While we understand this Matter should not be one where new sites are promoted, we consider that our client’s land is an example of one that has been disadvantaged by this process. The site is part of an assessment block shown in the map below in North Weald Bassett – south of Vicarage Lane, west of Church Lane and east of Merlin Way, identified by the Council as SR0158B.

Figure 1 Submission Plan land allocation proposals - North Weald Bassett (with location of SR0158B (shown in yellow) super-imposed by PBA



Source: BFBC Policies map with SR0158B super-imposed.

- 1.9 In response to the Inspector’s question, we firstly set out the flaws in the Council’s process, and then we discuss the errors in the Arup site assessment that led SR-0158B to be dismissed at an early ‘filter’ stage, and our submissions that should have allowed Arup to correct the errors and reconsider the land.

Process flaws

1.10 The Council clearly intended the selection of sites for development to be an iterative process. We know this from the Council's SCI that set out a clear staged process, as discussed at the EiP under Matter 1.

1.11 We also know this from the scope of works¹ agreed between the Council and Arup, who undertook the work. The scope of works were made public record for procurement reasons. These stated that Arup would:

"Assess any new residential sites not yet assessed: This will include new sites submitted since the cut off date of 17 May 2016 and update assessments on other sites in response to consultation feedback" [our emphasis]

1.12 However, there was clearly no iterative process undertaken for all sites.

1.13 In our case we provided both Green Belt and detailed flooding evidence following the publication of 'Tranche 1' results in 2016. We provided this evidence to demonstrate that the assessment and scoring of our site in Tranche 1 was incorrect and inappropriate.

1.14 We provided evidence across a range of issues including flood risk, relationship to the existing settlement and Green Belt. Looking at each in turn:

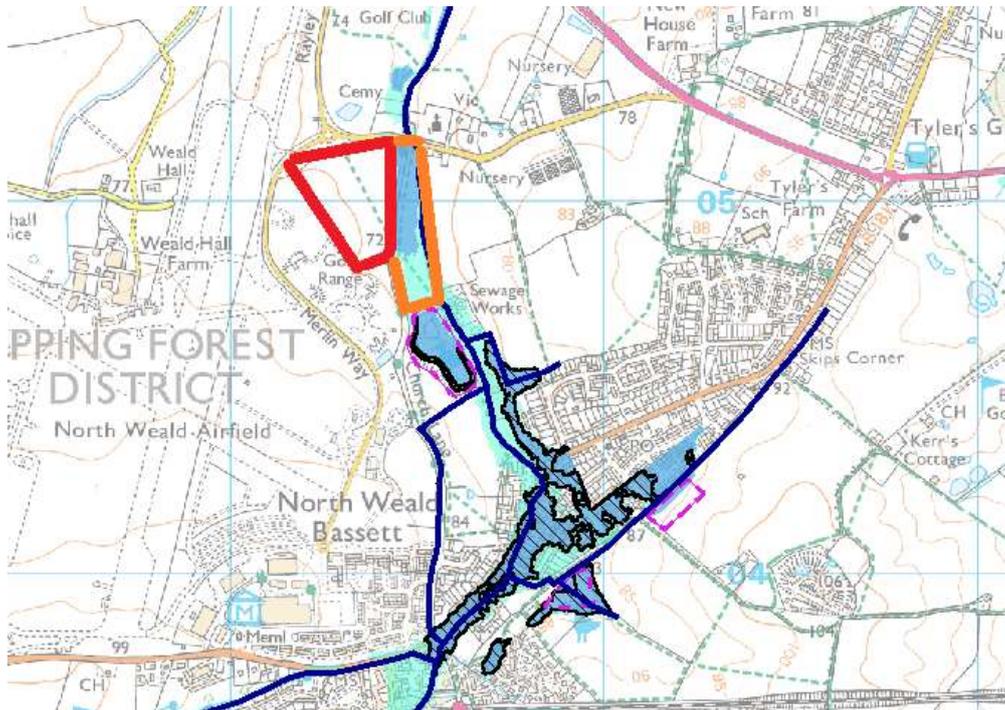
Flooding – assessment of the 'parcel' as opposed to the development site

1.15 Part of the evidence provided related to flooding. This was because our site 'failed' at Tranche 1 because the parcel had been drawn much wider than the land actually being promoted for development. In summary, the Arup parcel had been drawn to include a small brook, which was susceptible to flooding and is in Flood Zone 2. But, as we showed, this constraint was not relevant to the land being promoted for development. We showed that the land being promoted was free of flood risk. As such the development land should not have been adversely scored because of a feature not relevant to the land in question.

1.16 This discrepancy can be seen from the map below. The flood zones (blue) have been taken from evidence we submitted in 2017 and sourced from EA flood mapping data. The red and orange areas combined represent the parcel as assessed by Arup. This combined area is negatively scored in the assessment because the orange land is susceptible to flooding. But, in reality only the red area has been promoted for development and, as can clearly be seen, is free of flood risk.

¹ <http://eppingforest.moderngov.co.uk/documents/s75584/PP-008%20Site%20Selection%20and%20IDP.pdf>

Figure 2 Extract of the EA's online Flood Map for Planning



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- 1.17 Despite providing this evidence and raising these concerns through the plan process the final Arup site assessment report (March 2018) makes it clear that the site has not been re-assessed, as the final site report still notes:

"[SR0158B] was assessed as a Tranche 1 site in 2016 for residential use and not chosen for allocation"

- 1.18 The flood risk evidence is factual and fundamental to the assessment of the land promoted for development, and should not have been ignored, as this reflects the unsound approach taken by the Council.

Relationship to existing settlements / built up boundaries

- 1.19 The assessment process scored parcels in relation to their proximity to the existing settlement boundary. On the face of it this has some common sense, as it promotes sites that are close to existing infrastructure, including schools and other social infrastructure. It also prevents 'isolated' parcels being allocated.
- 1.20 However; this rationale does not apply in the later stages of plan-making because new development sites change this geography. In our client's case, land parcels to the east and west are now proposed for allocation for development. But our client's site's rejection in the Arup assessment is still 'justified' because it was, at the time of assessment, not adjacent to a site boundary.
- 1.21 In addition, in this part of the District there are inconsistencies as regards the weight afforded to the 2014 North Weald Bassett Masterplan. Some sites scored high because they were close to the masterplan area boundary while others scored much lower because they were remote to the existing built up settlement boundary.

- 1.22 This is again a flawed approach because it is illogical to consider sites adjacent to proposed significant new development (as is the case for our client's site) as 'remote' or poorly located, and to penalise and exclude them from the assessment on this basis. Our request for sites be re-assessed to consider how they would score in respect of the future settlement boundary as set out in the emerging planned context was ignored. Again, the Council's approach is flawed, and an unsound basis on which to allocate land.
- 1.23 In our Reg 19 responses we identified this inconsistency and asked the Council to reconsider our client's land. The Inspector has already heard and considered the Green Belt issue under Matter 4, Issue 4 of the EiP. Here we just point out that the map extract above illustrates how Vicarage Road presents a more sensible, robust and defensible change to the Green Belt boundary rather than the currently proposal very weak ownership defined boundary (not even following an established hedgerow) running through the field pattern. The current proposal fails the Green Belt boundary tests set out in paragraph 85 of the NPPF.

Green Belt boundary

- 1.24 Although a matter for a more detailed session the assessment process has resulted in a flawed potential Green Belt boundary. In our case the development site now forms a 'finger' of land proposed to remain Green Belt between two large land allocations – one for employment to the west and housing to the east. Looking more 'holistically' at the area, it is obvious that the site assessment process has not resulted in a common-sense pattern of development in this area. But, because the assessment work was so late, there does not appear to have been any common sense 'rounding off' of the development edges and wider parcels.

Issue 3: Have the Plan's new employment allocations been chosen on the basis of a robust assessment process?

1.25 The Inspector's question:

1. *How were the five new employment site allocations chosen from the alternatives indicated to be suitable in the Employment Land Supply Assessment?*

1.26 The simple and straight-forward answer to the Inspector's question is that there is no evidence trail through which we can see how the development land options were reviewed in light of identified need to see which sites were best and most appropriate to meet the identified quantitative and qualitative need.

1.27 Below we briefly consider the need assessment point and then we set out why our client's site should have been included as an employment site.

1.28 The flaws in the Council's need assessment which has led the Council to underestimate the need for employment land, and the inappropriate timing of the need quantification that post-dated the identification of employment sites, was discussed in the Matter 3 hearing sessions.

1.29 As we have noted in previous sessions one of the two large land allocations promoted in the plan (Waltham Cross) has already essentially been taken up – an application is being considered (EPF/1413/18) and the bulk of the space has been optioned by Next for a logistics hub. The Council has not looked for any further sites because they wrongly estimated the employment land need.

1.30 While in response to the rapid take-up of logistics space the Council now suggests that 10 ha at North Weald NWB4 will still provide adequate supply for the remaining plan period. But it is clear from Policy E1 that site NWB4 is expected to be allocated for much smaller uses and not logistics. To avoid unnecessarily constraining employment opportunities in the District, more land needs to be allocated for employment uses, and particularly logistics.

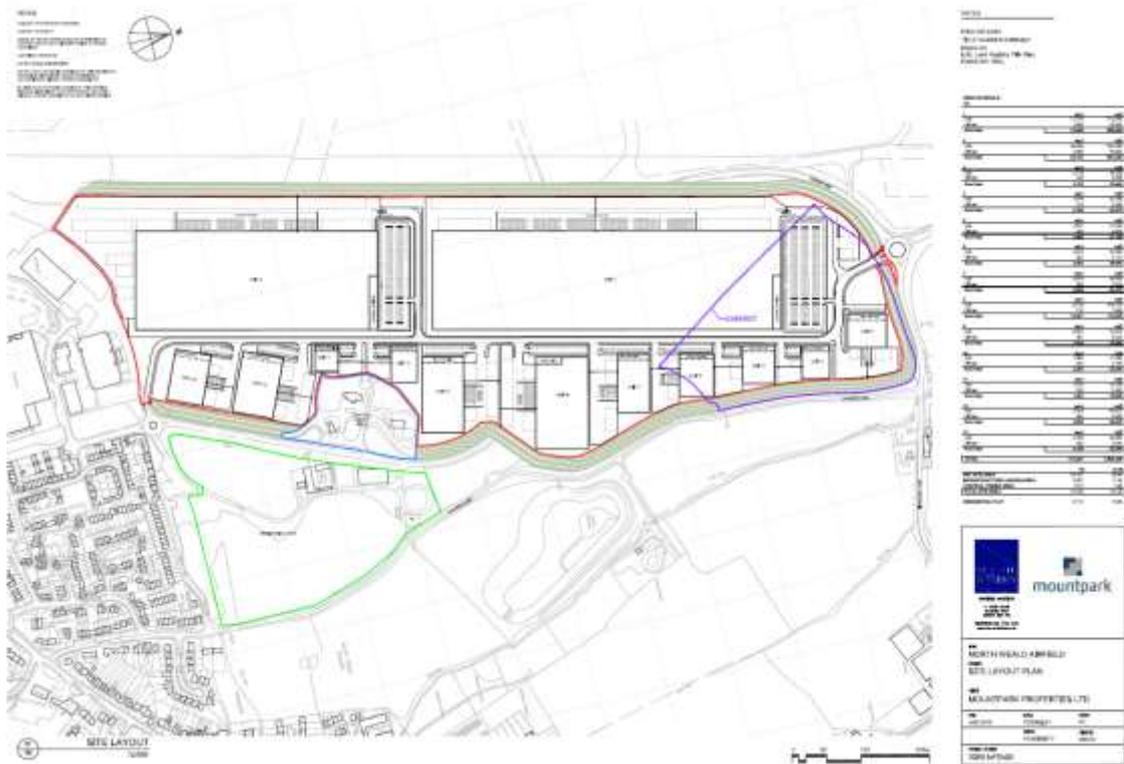
1.31 In previous representations we have maintained that there is demand for additional logistics uses in the District, as now proven by Next, and our client's land, conjoined with NWB4 could meet this need if properly promoted and master planned to meet this need.

1.32 The Council are very aware of the suitability of our client's land for employment use following extensive discussions with the Council and our client in the early stages of the plan preparation (2014/15). This resulted in our client developing a potential masterplan for strategic warehousing as shown below. This was undertaken because employment on this wider parcel was considered a very realistic and suitable proposition.

1.33 Even setting aside the area's prospect as a logistics site (conjoined with the neighbouring Council owned land) our client's smaller land parcel is suitable, available and deliverable for smaller employment uses and is free of physical constraints, and as we will detail at the Hearing session, there is strong operator

interest in the land for employment uses. But it was never assessed by Arup as such. Many of the criticisms of how the land was treated as a housing site, and dismissed from assessment, also apply in the land's consideration as a smaller employment site.

Figure 3 Illustrative Masterplan of SR-0930



- 1.34 There is no evidence or audit trail that sets out why our client's land was not included in the Reg 18 draft Local Plan, nor reasons identified why the employment uses on the Council owned Airfield site (NWB.E4) was of the scale proposed (10 ha).
- 1.35 What is clear is that to avoid constraining employment jobs growth in the District more land than the 23 ha identified in the Council's flawed employment need evidence is needed over the Plan period, and our client's land should be considered to meet this higher level of need.
- 1.36 The Council were happy to partner with our client to jointly promote the Airfield and our client's land for employment use through the North Weald Bassett masterplan up until the draft Plan was issued for consultation. Our client's land was not included within the wider Airfield employment land allocation in the Draft Plan, and our client has never been advised of the reasons for exclusion.
- 1.37 Our client's land has been promoted for employment use (as well as housing) in response to the Council's call for sites, and at the relevant Plan-making consultation stages, but we note that our client's land appears only to have been assessed as a potential housing site, despite being promoted as a stand-alone employment site. We reach this conclusion because the site is not included in appendix B1.2.1 (EB805B) that lists the discounted employment sites. How can the Council claim to have

selected the best and most appropriate sites for employment use when they have disregarded and failed to even consider what is a perfectly good employment site?

Conclusions

- 1.38 To remedy this currently unsound process requires - the re-running of the site assessment process, taking account of the errors found in the original (Arup 2016) site assessments, and to also reflect the changed context of the settlement in the emerging local plan as other land has been identified for development.
- 1.39 It is illogical that land which is now 'wedged' in-between two adjacent strategic allocations, should continue to be excluded from further consideration. It should have been reconsidered. Failing to do so, makes the process unsound.
- 1.40 There are good reasons to reconsider and include our client's land for development, not least achieving a more logical, robust and defensible Green Belt boundary.
- 1.41 To overcome these issues, the land should be re-considered for either employment and/or housing in line with the original call for sites.