

Paragon North Weald Ltd

Local Plan representations – Matter 1 Issue 2

*Land owned by Mr J Foulds, Carswell, Rye Hill, Harlow, Essex CM18 7JG
& Ms R Gemmill, 2 Bilsden Farm Cottages, Epping Road, Ongar, Essex
CM5 0DF*

Participant reference: 19LAD0122

Peter Brett Associates

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MATTER 1: LEGAL COMPLIANCE

Issue 2: Is the Plan legally compliant in respect of how it accords with the Local Development Scheme (LDS) and the Statement of Community Involvement (SCI); and has the consultation carried out during its preparation been adequate?

- 1.1 As the Inspector will be aware the Council failed to complete its evidence base in a timely manner. Given the sequence of evidence it is difficult to see how the Council complied with its Statement of Community Involvement or, as a matter of Soundness, was able to make an informed decision about the quantum of development land needed in the area and select an appropriate mix of sites. Given the late, or absolute absence, of key evidence it is difficult to see how interested parties could have been meaningfully consulted at the required consultation stages.
- 1.2 For employment land needs; in our January 2018 representations we noted that the Council's Employment Land Review (EB603) was not issued before the consultation period had commenced. It also post-dated various stages of the Arup Site Assessment work – where sites had already been dismissed from the emerging plan. This was compounded by a consultation period extending over the holiday period.
- 1.3 We also noted that sites do not appear to have been reassessed (for housing or employment) once dismissed by early stages of the Arup work – even where additional supporting (technical) evidence had been provided post the Arup Stage 3 work. In our case we provided technical delivery evidence, including flood risk evidence, showing that our client's site (SR-0158B) should not have been dismissed partly because of flood risk.
- 1.4 More recently it appears that the Council has committed to allocate land immediately to the west of our client's site (NWB.4 – the airfield), and also to the east (for NWB.R3) for housing.
- 1.5 Given this changed context it is difficult to see how judgements made in earlier stages of the Arup assessment, which concluded that the site was not well related to the settlement actually hold true. In the earlier 2016 site assessments the site was scored poorly (and ultimately rejected as a potential housing site) because the site was not "within or adjacent to an existing settlement".
- 1.6 Despite allocating land immediately to the East and West of the land parcel SR-0158B, the appropriateness of the parcel for development has not been re-assessed or reviewed. Instead the site remains 'ruled out' on flawed technical evidence, and a view of the site's location which does not take into account the proposed distribution of development in the submitted plan. The fact that our client's site, part of SR-0158B

was not reassessed following earlier stages of consultation was only confirmed in the (late) March 2018 site assessment report (EB805D).

- 1.7 The EB805D report (March 2018) notes that SR-0158B was rejected in the Tranche 1 process (Appendix B1.2.3). So, the site was clearly not revised or re-assessed following our representations, and technical evidence such as flooding or landscape were simply ignored. Nor was the parcel revisited following the later decision to allocate land adjacent to the parcel (east and west) in the submitted plan, which clearly has a material bearing on the reasons for rejecting the site in early Site Selection Stages.
- 1.8 Obviously, these facts only became apparent - that the land parcel had not been re-assessed, once the final site assessments had been published – after the plan had been submitted.
- 1.9 This appears to directly counter the ‘iterative process’ outlined in the SCI and Arup’s terms of appointment with the Council.
- 1.10 As a minimum we would suggest that sites originally discounted in the early Arup work, because at the time were poorly related to the built up areas (and so attracted a poor score), be re-assessed where they are adjacent to proposed allocations. The primary rationale of expunging them in early Arup work is clearly no longer valid and therefore the approach taken by the Council to date is flawed.