

INSPECTOR'S MATTERS, ISSUES & QUESTIONS

Week Three.

Response from Jim Padfield.

MATTER 5: Site Selection Methodology and the Viability of Site Allocations.

Introduction and Summary

The Padfield Family offered EFDC three neighbouring sites around Marden Ash for consideration in this Local Plan process. One site was allocated in the Submission Plan the two omitted sites are illustrative of the issues which have given rise to the questions under Matter 5

SR-0268 was assessed by Nathaniel Litchfield in 2016 as less constrained than all the Green Belt Allocated sites around Ongar. However every Arup assessment was blighted by obvious factual errors leading it to be found not suitable.

SR-0090 which was offered either as 90 or 140 houses. The site was part of a parcel erroneously left out of the Green Belt Review. Because of EFDC's multiple clerical errors the site's supporting documentation was not considered either at the Reg 18 or Reg 19 stage.

- **In our experience this Local Plan process was not fit for purpose.**
- **A flawed spatial strategy led to reasonable alternatives not being considered.**
- **The Council stubbornly refused to acknowledge and correct errors.**
- **Documentation was both lost and miss-filed**



Matter 5 Issue 1.2

“How were the conclusions reached about individual sites checked for accuracy and consistency? Were sites visited or were they assessed through a desk- top process? What has been done to check the assessments in specific cases where their accuracy has been challenged”

We answer this question by looking at two sites which together illustrate the issues which have arisen and which must lead to concern about the soundness of the plan.

Site SR-0268 comprises a redundant farmyard including derelict buildings and the associated stackyard adjacent to Kettlebury Way on the southern boundary of Ongar, to the west of Marden Ash House.

The land extends to a total of 1.51 ha, although this includes two access spurs, one to the north and one to the south, joining the site to the A113. The net area excluding these spurs is 1.07 ha.



The range of farm buildings within the site includes the remains of a unique Dovecote dating from approximately 1780 with an arched undercroft which originally housed the farm's pigs. The Dovecote and buildings are one of the few remaining elements of a 'Model Farm' constructed at Marden Ash by Richard Alexander Bennet, who was an early member of the Royal Society of Arts.

The 2010 Settlement Edge Landscape Sensitivity Study, undertaken for Epping Forest by Chris Blandford Associates, does not include Marden Ash Farmyard within the landscape setting for Ongar – it sits beyond the inner boundary, described as the “soft green urban edge” of landscape setting area 5, implying that the area has been judged in landscape and green belt terms to form part of the urban envelope of the town.

The site had been offered as a site in the previous Local Plan. In the Inspectors Report Paras 2.465 to 2.468 it was described as follows:

“this site which comprised farm buildings, cattle yard, brick buildings and barns. After the development of adjoining land to the north (Kettlebury Way) the site was exposed to vandalism and two barns were burnt down. The land is now unused as are the buildings which stand derelict. The land is unsuited for any form of agriculture and the site is wrongly placed for the erection of farm buildings”.



The site was included in the Strategic Land Availability Assessment (SLAA) of 2012 (updated 2016) conducted by Nathaniel Lichfield and Partners. (NLP) The SLAA assessed each Ongar site on the basis of scoring against 31 different constraints.

NLP stated that :

“A site visit was undertaken for each of the 630 sites. This took place during March 2012, August 2013, July/August 2014 and April 2016 and involved recording key features. The site visits were also used as a means of verifying the information provided by the individual/agent promoting the site and also to complement information gained from the desk based assessments.”

It is clear from the detail in their assessments that the site was visited by NLP (it is for others to judge if the same is true of Arup's assessments).

Strategic Land Availability Assessment by Nathaniel Litchfield 2016				
		SLAA Score	Allocated	
SR-0186	Land adjacent to Chelmsford Road near Wantz rounabout	1.613	Yes	ONG-R4 (part of)
SR-0268	Land to the South of Kettlebury Way	1.619	No	
SR-0053	Land to the west of the Brentwood Road Marden Ash	1.619	Yes	ONG-R7 (part of)
SR-0102	Land west of Fyfield Road	1.631	Yes	ONG-R3
SR-0390	Greenstead Road Ongar	1.638	Yes	ONG-R5
SR-0185	Land Adjacent to High Ongar Road	1.638	Yes	ONG-R4 (part of)
SR-0090	Land to the East of Longfields	1.644	No	
SR-0184	Land adjacent to High Ongar Road	1.663	Yes	ONG-R4 (part of)
SR- 0457	Dyers between Stanford Rivers and Brentwood Road	1.669	Yes	ONG-R7 (part of)
SR-0120	Bowes Field Ongar	1.675	Yes	ONG-R2
SR-0391	Land to the east of A113 Marden Ash	1.681	Yes	ONG-R6
SR-0067	Land to the west of Ongar	1.75	Yes	ONG-R1

The sites are listed here in order of NLP SLAA score, the Padfield sites are highlighted in green. The result of NLP's assessment was that this site SR-0268 had a better cumulative score (a lower level of constraint) than any single allocated site for Ongar in the Submission Plan. As with all our sites both SR-0268 and our allocated Site ONG R7 have been subject to full tree and environmental surveys.



A lower density scheme also facilitated the retention, restoration and sympathetic conversion in an appropriate setting of the curtilage listed dovecote and adjoining buildings. Highways consultancy input has confirmed the site could deliver 25 dwellings using the northern access alone, the southern access is also within the Family's ownership. This concept master plan and associated documents were deposited with EFDC in June 2015.

The Arup Site Suitability Assessment of 2016 looked at 32 criteria. In doing so made the following statements. *"The site is almost wholly within a portion of a Wood Pasture and Parkland priority habitat. The site is likely to directly affect the habitat, but effects may be mitigable."* As we have seen the site is in fact a redundant and overgrown farmyard and stackyard.

Arup's "Results of Stage 3 Assessment" states: *This site is in moderately sustainable location at the edge of Ongar. However, it scores poorly against several criteria, including air quality and HSE safety zones, and it was felt that these constraints could not be overcome."*... *"Parts of the site are close to the A128 and therefore mitigation measures are likely to be required."*

In fact the site lies off and 120 meters back from the A113 not the A128. The site lies further from any A road than any of the 9 sites allocated around Ongar. The Stag pub allocation ONG-R8 is surrounded on two sides by the A128 but according to Arup suffers no such "poor air quality". Nor indeed does the 67% of housing surrounding the Wantz A414 / A128/ B184.

Arup also state: *"Development would involve the loss of the best and most versatile agricultural land (grades 1-3)."* In fact the site has no value as Agricultural land other than historically being a farmyard.

The Arup Assessment refers to the site being restricted by an *"HSE safety zone."* There are two gas pipelines, one either side of the site. Both of these pipelines are more than 500 meters away from the site well outside the HSE consultation zone of 110 meters. Furthermore site ONG.R5 has been allocated when it has one of these gas pipelines actually crossing the site.

Finally Arup's B6 Assessment which was belatedly made available in March 2018, States: *"A Regulation 18 consultation representation reaffirmed that the site is farmland and disused farm buildings."* Also *"the site is farmland and disused farm buildings"* indeed it is also described as the *"best and most versatile agricultural land"*.

And finally, in contradiction on the same page: *"The site layout and BAP Habitat constraints make development on the site highly unlikely. **The capacity has been reduced to zero to reflect that the site is unlikely to accommodate any homes.**"*

All the above whilst they had in their possession the OMC Associates Tree Constraints Report, the Associated Master plan together with the Highways Report all of which came together to prove that the site could support 25 houses and regenerate an historic farmyard. Nathaniel Lichfield who did actually visit the site rated it higher than any other Ongar Green Belt Submission Allocations. They were right to do so.

Site SR-0090

This site, in the Stage One Green Belt Review, was supported by the statement *“It is unlikely that the loss of openness from urbanising Green Belt land south of Stondon Road and east of the Marden Ash Estate would cause harm to the setting of the historic town and heritage assets as the 1950’s development provides a strong physical barrier.”*

In the Green Belt Stage 2 review this site was erroneously included in Parcel DSR-23.2. The full background of this fundamental error was included in our week one Hearing Statement.

Compounding this error, it was decided to apply spatial options to Ongar and then base them on the flawed Stage 2 Green Belt Review. It is not a requirement of preparing a local plan to have spatial options for settlements, certainly not ones based upon criteria which lack all credibility.

The result the these and other errors was that SR-0090 was denied any proper assessment during this process.



We had been in discussion with EFDC on the Local Plan since 2008. Subsequent to a meeting with Ian White and Sarah King 7th April 2015 we submitted our proposals to the Council in June 2015. The submission included 18 separate documents and reports totalling 77mb of data, A Master Plan and Prospectus together with the required reports on Highways and Access, Ecology, Flood risk, Archaeology and Community Land Trust.

The information was held on line to be downloaded, we notified EFDC.

“Further to our meeting in the spring regarding Ongar, we have now finalised a development proposal document, supported by a number of technical reports. Owing to the size of the files we have set up dropbox which can be accessed here:-

The reception of that package was acknowledged by Sarah King of EFDC on 8th June 2015

“I acknowledge receipt. As you say it would be difficult for us to give you any comments at this stage but we will consider what you’ve sent over.”

Given this acknowledgement we had no reason to believe that the package discussed with Ian White and Sarah King had not been downloaded by EFDC.

Meanwhile we met with Ongar’s District Councillors and gave a presentation to the Chairman and Vice Chairman of the Ongar Town Council. They all believed that our schemes had merit was certainly a ‘reasonable alternative’ and should therefore be put before the people of Ongar.

Subsequent to these meetings and before the publication of the Draft Local Plan we now understand that District Councillors were given the opportunity to comment on the Ongar section of the Draft Plan which they then found did not include our main proposal. The Councillors actually drew in our scheme onto the Draft Plan stating that it should be included in the Draft Plan so that it can be properly consulted on.

In June 2016 we heard that a month previously EFDC had made a final call to update information. We had not been notified.

We emailed Mr Macnab, Chief Executive Epping Forest District Council: *“Having heard that EFDC were once again seeking information on sites for incorporation in the Local Plan and not receiving any communication from EFDC, this afternoon I spoke to Kevin Toomey who apologised that we had not received the invitation to complete the new on-line call for information. I have now received four emails this afternoon seeking information back within six days. This seems to me to be confirmation of information that I believe the council already has”*

The response came on 4th July from Amanda Thorn, Principal Planning Officer.

“All the information that has previously been provided for the sites that you submitted through the Call for Sites process is in our possession and will inform the Council’s assessment of your sites. The Call for Sites Forms and supplementary information for each submission that was made can be found in the attached zip file. “

However, that file contained only the original information from 2008 and 2011 and also information from Waltham Abbey and Chigwell which had nothing to do with Ongar or indeed us. None of the June 2015 information which EFDC had confirmed as received in June 2015 was present.

We checked our server logs and found our submission had never been downloaded by EFDC. All the information was resubmitted, updated where required by EFDC, on time.

From the judgement in the CK Properties case we now know that: "On 7 June 2016 at a local plan officer working group meeting a decision was made as to which sites should be allocated in the draft local plan."

Clearly EFDC were calling for site information after the decision had been made.

We submitted the Site information in June 2015 they did not download it and continued to consider only the whole parcel, not the much smaller actual site we put forward. At the time of the June 2016 working group they did not have full information that we had submitted in 2015. Whilst this was submitted in July 2016 (again) in response to the developer survey by this point the decision had been made.

None of the 77mb of data and all the reports , Master Plan and Prospectus together with the required reports on Highways and Access, Ecology, Flood risk, Archaeology also including the offer of an Ongar Community Land Trust were ever considered.

The Draft Local Plan was presented to Council on 6th Oct 2016. The publication of the Draft Local Plan before Cabinet meeting was the first time that the Local Ongar District Councillors became aware that their recommendation to include our site had been ignored.

The reason given by Arup that our information was not assessed was that the call for information in May 2016 was for "further" information on sites and as they had not got the original 2015 information what we were providing was not "further" information but "new" information. Arup did not consider our submission.

Derek Macnab CEO EFDC email 12th Oct 2016. *"The result of their initial assessment was reported to elected Members at planning workshops over the Summer period. Members concurred with the conclusions reached by Arup that, as your site to the East side of Ongar is an area of higher flood risk, scores highly in terms of Green Belt and because any development to this side of the town would detrimentally affect the setting of the Castle".*

If the District Councillors were in support of the scheme why was Mr Macnab asserting that *“Members concurred with the conclusions reached by Arup”* We asked Councillor Keska our Marden Ash Councillor and he wrote in a series of emails during October and November 2016 :

“At a seminar the question of development along the Cripsey Brook was raised and members stated they were against housing in flood risk areas. Your scheme on the higher ground was not discussed as no details were put to members

“Your plan was included in the list of sites the councillors put forward. I have no idea why it has not been included in the draft plan” .

“Ongar councillors added your site by hand to the map and wrote a note in the margin asking for your site to be included.”

After confronting the Forward Planning Team Councillor Keska came back:

*I took this up with the Local Plan Team and it appears that **they only included schemes submitted before May 2016**. I wish they had told local councillors that before we spent a Saturday 'fine tuning' our suggestions!*

Our scheme was presented in 2015.

We replied to Councillor Keska:

“Almost certainly the problem was a clerical mistake by Arup. We met Alison Blom-Cooper but despite the error staring her in the face she stubbornly refused to budge”.

The answer to the question:

“What has been done to check the assessments in specific cases where their accuracy has been challenged”

Is therefore :

Absolutely nothing.

Matter 5 Issue 1.3

“Some sites which were proposed for allocation in the Regulation 18 version of the Plan are not proposed in the Regulation 19/submitted version and vice versa. Is this due to changes in the site selection process, or something else? ”

ONG-R6 was allocated to form a group of allocations south of Ongar between the A113 and the A128. These Allocations were the inevitable result of the self-imposed strangle dictated by the Spatial Options policy. When Ongar sites allocated at the Reg 18 stage were found to be undeliverable EFDC were only left with sites around the 45% of the Town they had earlier erroneously judged to be “not suitable”.

Rather than accept their errors and relook at the whole of Ongar on a fine-grained site specific basis they, ignoring their original work on these three sites, opted to allocate ONG-R6 and ONG-R7 without at the time offering any explanatory reasons.

The self-imposed adherence in the plan to the flawed spatial strategy and an error strewn Green Belt Review has prevented the Council from looking at Marden Ash’s “reasonable alternatives”.



If they had done so the opportunity available at SR-0090 (shown below) would have scored some way ahead of ONG-R6 (shown above) as it did do in the Strategic Land Availability Assessment by Nathaniel Litchfield in 2016.

