

INSPECTOR'S MATTERS, ISSUES & QUESTIONS

P4 Ongar Hearing Statement

Response from Jim Padfield.

Policy P4 Ongar

Thirty years ago, Ivan Le Gallais then Chief Planning Officer of Epping Forest District Council wrote:

There must be very few historic ridge top settlements close to London whose immediate valley flanks and lowland settings are largely undeveloped. The community in Chipping Ongar feels particularly vulnerable to damaging change. A recent household survey shows that the local shops have lost trade to larger shopping centres around. In order to maintain economic viability and social self confidence it must build upon the attractiveness of the town centre and its environs for shoppers and visitors .

It has become important to foster the attractiveness of the town -especially the eastern side including Ongar Castle - and its environs for visitors. Conservation and heritage policies in the Local Plan have this aim; there are plans in hand to improve access to Ongar Castle from the High Street car parks and to promote circular walks in and around the town.

Chipping Ongar High Street is grossly unsuitable as a primary traffic route and that traffic flows generally could well continue to increase in line with national/regional trends. Heavy vehicles in the narrow High Street through a busy shopping area detract from the comfort of shoppers and pedestrians; and mar the character and appearance of an Outstanding Conservation Area with a particular charm. In my view a by-pass is obviously necessary and deferral much beyond 1995 is far from satisfactory.

Ivan's obvious empathy required effort, which is unfortunately missing from this current plan for Ongar. This Plan is built on so many factual errors that clearly it is the work of a distant desktop.

Despite our best endeavours to correct EFDC's errors we still have a 9 acre site described wrongly as a 9 hectare site. We have information supplied 10 years ago still not updated in the March 2018 assessments. We have pasture land in West Essex described as a "Coastal Floodplain Grazing Marsh Habitat", it has not been intertidal for many millions of years. We have gas pipes crossing sites where there is no gas pipe. Our allocated site ONG R7 mentions two trees when in fact there are 119. It is an excellent site for 10 houses but not for 17.

Ongar has had an acknowledged traffic problem for two generations. Yet the plan puts 80% of allocation north of the Town when most will go to work to the south making sure the traffic difficulties endured by the "Outstanding Conservation Area with a particular charm" become impossibly worse. Sites have been crowded around the A414 Wantz roundabout, no air quality assessments have been undertaken.

Because of years of procrastination the Council finds itself way behind the housing supply curve and so that distant desk says Ongar has to bear the burden of building 700 houses in 6 years with all the social and physical disruption this will cause

Our conclusion is that this Plan is not fit for purpose, it should be put on hold pending a full review based upon the recommendations of the Ongar Neighbourhood Planning Group.

The Assessment of Reasonable Alternatives at Ongar.

The Legislative Background and References

Our contention is that the Plan as it stands is made unsound as the result of breaches of Sustainability Assessment required by the EU Directive 2001/42/EC and the attached Regulations. The Directive in question on the assessment of the effects of certain plans and programmes on the environment has been transposed into domestic law by the Environmental Assessment of Plans and Programmes Regulations 2004.

This issue is rich in case law, a frequent basis of legal challenge. The issues to be considered have been fully aired in several previous hearing statements from many interested parties so an in detail repetition of them here is not required. We copy here a precis of issues where we believe there are questions to be answered.

Commission Guidance

It is essential that the authority or Parliament responsible for the adoption of the plan or programme as well as the authorities and the public consulted, are presented with an **accurate picture** of what reasonable alternatives there are and why they are not considered to be the best option.

There is a duty to consider alternatives which would secure the objectives of the Plan. It is required to consider both positive and negative effects.

Calverton Parish Council v Nottingham City Council [2015]

It is necessary to consider reasonable alternatives, and to report on those alternatives and the reasons for their rejection. While options may be rejected as the Plan moves through various stages, and do not necessarily fall to be examined at each stage, a description of what alternatives were examined and why has to be available for consideration in the environmental report. The earlier documents must be organised and presented in such a way that they may readily be ascertained, without any paper chase being required. The reasons for rejecting earlier options must be summarised in the final report to meet the requirements of the SEA Directive.

Save Historic Newmarket v Forest Heath DC

“A failure to comply with the relevant EU Directive and the Regulations made to implement it in that the strategic environmental assessment (SEA) did not contain all that it should have contained. This if established would render the policy made in breach unlawful.

Factual Errors in the Assessment process. Ref Commission Guidance 5.12 “presented with an accurate picture”

Charles Babbage, the inventor of the computer, was asked: “if you put into the machine wrong figures, will the right answers come out?”. In exasperation, he replied “I am not able rightly to apprehend the kind of confusion of ideas that could provoke such a question”.

The evidence given so far to this hearing by almost all participants makes it clear that this plan has been based upon incorrect information. Worse, EFDC have actively resisted opportunities given to them to correct that information. Confusion is the result

What follows is a short summary of our experience.

In response to the publication of the Draft Local Plan in September 2016 we questioned Epping Forest Council as to their reasoning for rejecting site SR-0090. The response came back by email on 19th Oct 2016.

“Your site (SR 0090) 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, that the site should not proceed for further assessment. As your site was eliminated at this stage, the further information provided in July 2016 has not been considered”.

The final March 2018 Arup assessment of the site SR-0090 can be found on EB805 Fiii. In complete contradiction to the earlier statement upon which the site selection was based it states:

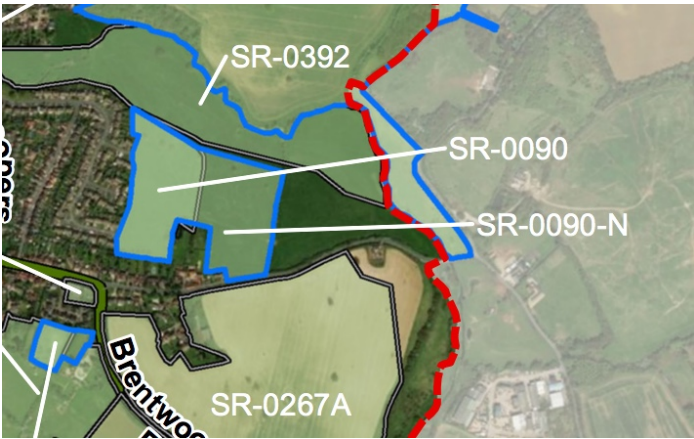
“Majority of the site is in Flood Zone 1. Higher Flood Risk Zone 2 affects a negligible proportion of the north-east of the site and can be avoided through site layout.” (In fact the “negligible proportion” Zone 2 area was included in error by Arup, it never formed any part of any proposal from us.

“Unlikely to impact on settings of Scheduled Monument, Conservation Area or Grade I Listed Building. Potential impact on setting of Grade II Newhouse Farm but possible mitigation through sensitive layout and high quality design/materials.”*

The Stage 1 Green Belt Review states: *“It is unlikely that the loss of openness from urbanising Green Belt land east of the 1950’s Marden Ash Estate would cause harm to the setting of the historic town and heritage assets”.*

It is clear that all three reasons cited in the October 2016 email from the Local Plan Team are now shown in their own Final Assessment to be erroneous. In fact SR-0090 compares well to other allocated sites.

Site SR-0090 was offered as two options, the larger site was designated SR-0090- N



As far as we are able to ascertain the site was rejected at:

Appendix B1.3 Results of Stage 1 and Stage 6.1A/B Assessment for Residential Sites in Ongar

Site Reference	Site Address	Stage 1/Stage 6.1A Result	Stage 1/Stage 6.1A Justification	Stage 6.1B Result	Stage 6.1B Justification	Overall Stage 1/Stage 6.1 Site Status	Stage 1/Stage 6.1 Justification
SR-0090	Land to east of Longfields, Ongar	Proceed	Site is entirely or partially unconstrained.	Does not proceed	Site is located entirely within a less suitable strategic option and will not progress to Stage 6.2.	Does not proceed	Site is entirely or partially unconstrained by Major Policy constraints. Site is located entirely within a less suitable strategic option and will not progress to Stage 6.2.
SR-0090-N	Land to east of Longfields	Proceed	Site is entirely or partially unconstrained.	Not Applicable	Not Applicable	Proceed	Site is entirely or partially unconstrained.

At Stage 1 SR-0090 should have passed onto the next stage but SR-0090-N did not. However that is not what happened as ARUP designated the whole parcel as SR-0090-N and so contrary to their previous evidence they dismissed SR-0090



Site-0090 is closer to the District Centre than almost all of the allocated sites, it has an access both off the existing 1950's Longfields estate and the Stondon Road. Our offer included Serviced Plots for an Ongar Community Land Trust homes specifically for Ongar's young people.

The site included LEAP and NEAP Play areas and a space large enough for a formal sports field. All surrounded by access to natural pasture land. Beyond all doubt SR-0090 is a reasonable alternative.

Arup Stage 2 Assessment	West Ongar Concept		ONG R3	ONG R4			Castle Farm	SR -0090	ONG R5
	Bowes SR-0120	West of Ongar SR00671	Fyfield Rd SR0102	High Ongar Rd SR0184	High Ongar Rd SR0185	High Ongar Rd SR0185	East Ongar SR0315	East Longfields SR0090	Greensted Road SR0390
1.7 Flood Risk	+2	+2	+2	+2	+2	+2	+1	+2	+2
1.8a Impact on heritage assets	0	-1	+1	+1	+1	0	-2	0	-1
1.9 Impact of air quality	-1	-1	0	0	-1	-1	0	0	0
2.1 Level of harm to Green Belt	-2	-2	-1	-2	-2	-2	-2	-2	-2
5.1 Landscape sensitivity	-2	-2	0	-2	-2	-2	-2	-2	-2
5.2 Settlement character sensitivity	0	-1	-1	-1	-1	-1	-1	0	0
6.2a Distance to gas and oil pipelines	0	0	0	-1	0	0	0	0	-1
Total Score	-5	-7	-2	-6	-6	-6	-7	-4	-6

The “further information” referred to in the email of 19th Oct included 18 separate documents and reports totalling 77mb of data, Master Plan and Prospectus together with the required reports on Highways and Access, Ecology, Flood risk, Archaeology and Community Land Trust all “has not been considered” (email from EFDC October 2016).

Green Belt

For ease of reference our issues concerning the validity of the Stage two Green Belt Review which we submitted as a written statement earlier in the process is attached again as Appendix 1.

There are two further Green Belt issues which the Submission Pan can be found wanting.

First is an issue described by the Comments of the Inspector in the Welwyn and Hatfield Local Plan Enquiry which we believe is equally relevant in relation to Ongar.

The “ Green Belt Review was at such a strategic level as to render its findings on the extent of the potential harm to the purposes of the Green Belt, caused by development within the large parcels considered as a whole, debatable when applied to smaller individual potential development sites adjacent to the urban areas. **It goes without saying that a finer grained approach would better reveal the variations in how land performs against the purposes of the Green Belt. Such an approach is also more likely to reveal opportunities as well as localised constraints, both of which might reasonably be considered further. “**

Secondly, we have concerns that the Stage 2 Green Belt Review has not adequately considered the extent to which the Green Belt around the town contains sprawl.

The first Green Belt purpose is to ‘check the unrestricted sprawl of large built up areas’. The Stage 2 Green Belt Review restricts this to a consideration of sprawl from Harlow, Cheshunt and Hoddesdon. However, there is no definition within the NPPF or NPPG regarding the definition of a ‘large built up area’. We consider that a wider definition of ‘large built up areas’ should be considered, including the role of green belt adjacent to all towns in the district in preventing the sprawl of that town. This is the approach taken by North Herts in their ‘North Hertfordshire Green Belt Review’ (2016).

The dictionary definition of ‘sprawl’ is ‘spread out over a large area in an untidy or irregular way’. It is therefore of relevance to consider whether any proposed site would extend as an isolated ‘finger’ of development or whether the development successfully maintains an existing residential area boundary, resulting in a regularly shaped settlement which does not straggle outwards sporadically (i.e. sprawl).

One way of assessing sprawl might be to measure the existing Town boundary against the proposed Allocation site by site. The larger the percentage change the more expansive the sprawl.

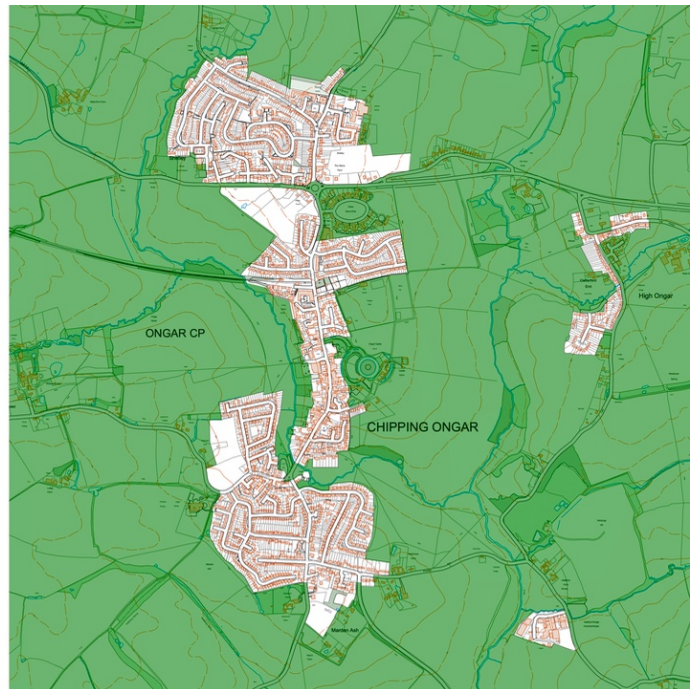
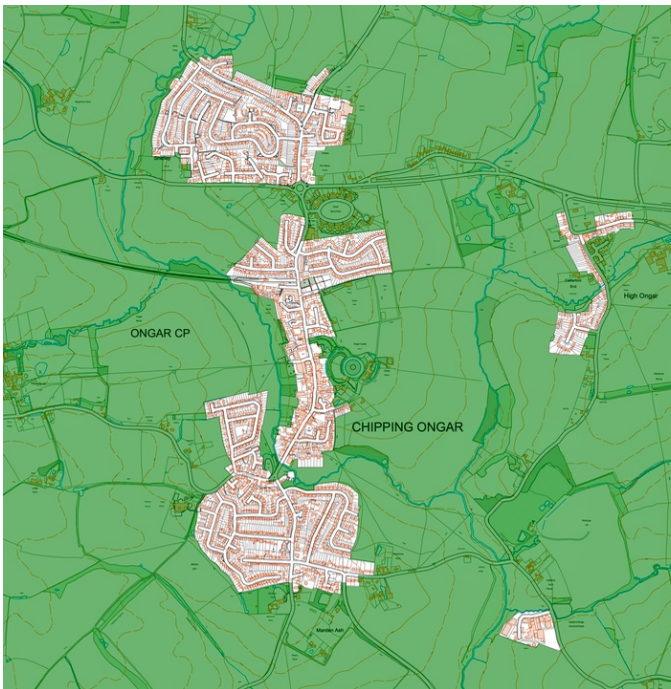
Visual impact of Town Boundary in meters.			
	Existing	Proposed	% Change
ONG-R4	301	763	253%
ONG-R6	141	352	250%
SR-0090	430	476	111%

ONG-R6 is particularly damaging over and above the obvious sprawl demonstrated in this chart. The site lies far from the Town centre. It is prominent on the approach to Ongar from the south along the A113. Development on this site would be highly visible from this approach, given the topography.

The requirement to take access from the A113 would further increase this prominence. The current alignment of the A113 in this location is such that any access would require the removal of areas of boundary planting. This change to the nature of the approach to Ongar will have a significant impact on the current historic gateway to the town in this area, formed by the listed buildings of Marden Ash and Dyers, either side of the A113.

We also raise concern regarding ONG-R4 in particular the Eastern half. The site results in a finger of development extending eastwards along the A414 which combined with the existing built form will greatly increase the perception that Ongar is sprawling along the A414, towards High Ongar.

The proposed ribbon development along the A414 together with the existing build takes Shelley to within 500 meters of High Ongar



The second green belt purpose, of preventing towns from merging, is only considered within the Review in regard to the larger towns and villages. Neither High Ongar nor Shelley feature within this list and therefore no weight is placed on the role those parcels play in maintaining the separation between these settlements. It is not appropriate to adopt such a narrow view in regard to the role of the green belt in preventing the merging of settlements, and wider consideration should be given to the importance of the green belt in this regard.

In the preamble to Policy P4 the Plans initial description of the Town states:

5.59 The settlement is surrounded by Green Belt which divides Ongar into the three primary areas namely Ongar, Shelley and Marden Ash. This creates breaks in the existing development and gives Ongar a distinctive settlement pattern.

The Submission Plan fails to distinguish between Chipping Ongar and Ongar. Ongar is the colloquial collective name given to the three separate settlements of which Chipping Ongar is the Historic Core. Earlier Draft versions of the plan had not made this mistake and indeed had emphasised the importance of distinguishing the separate identities. The allocation of ONG-R1,R2 and R4 all result in the loss of this separate identity.

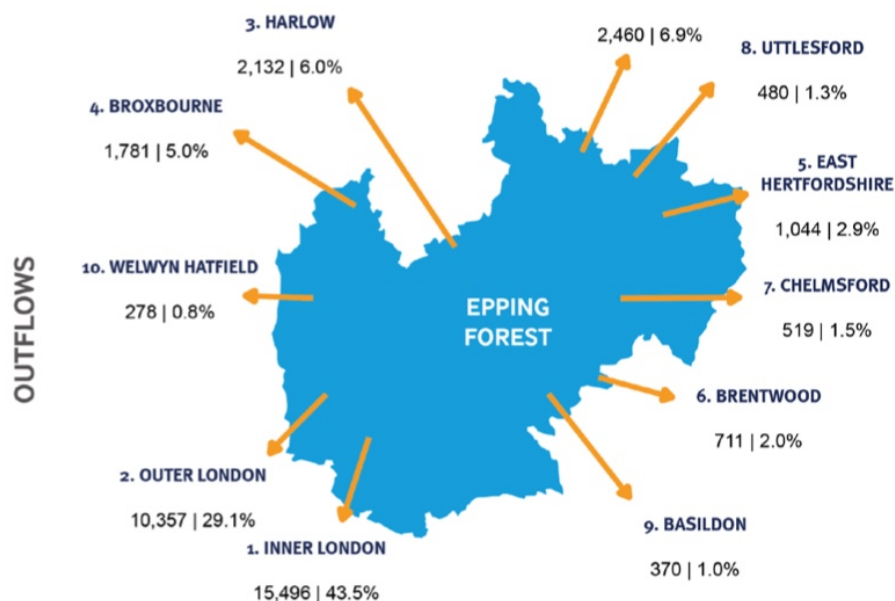
Density

All sites could only deliver the housing number required by vastly exceeding the density of the surrounding area, and in a manner which would be entirely unsympathetic to the existing character of Ongar, contrary to the NPPF and other policies within the Local Plan. A Detailed Analysis is attached here as Appendix 2.

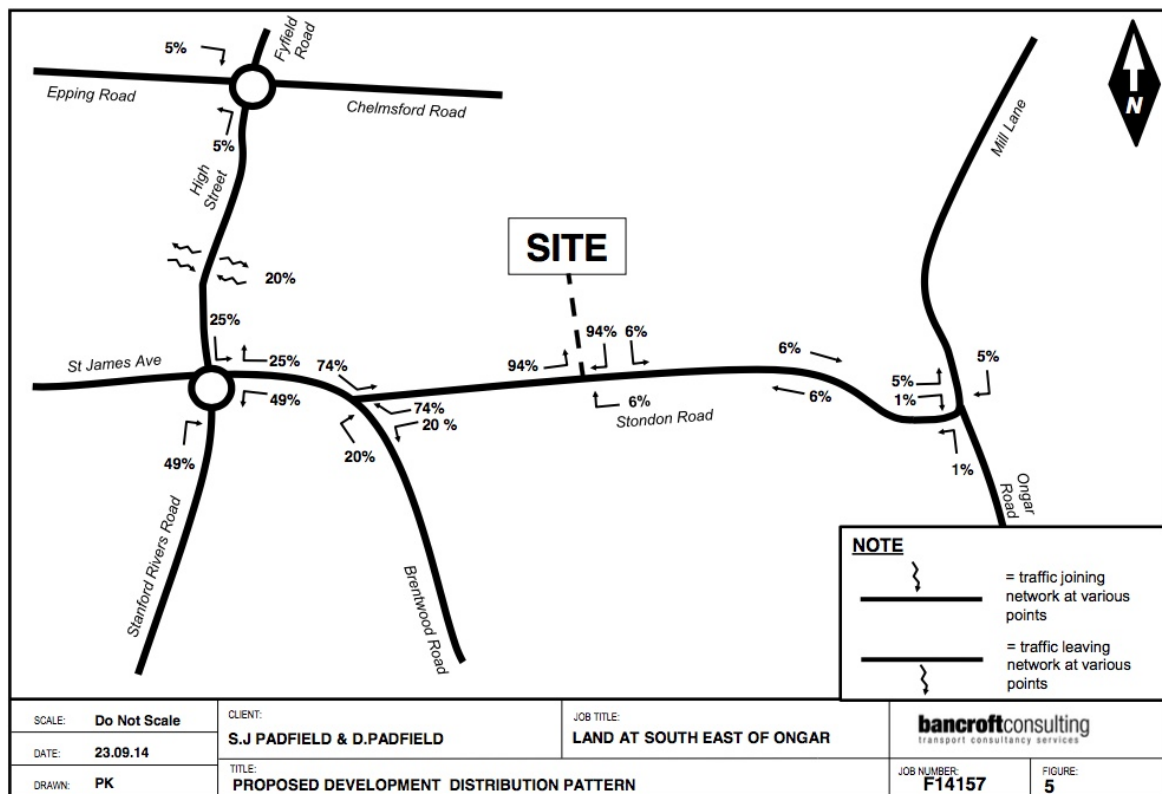
Traffic

This is the first plan for Ongar in over 90 years that has not included at least the ambition to relieve the High Street with its Conservation area of through traffic. (see discussion in our Reg 18 statement)

This ONS survey shows the average journey to work for Epping Forest residents.



With reference to our site SR-0090 we conducted a full Traffic and Transport Appraisal Report. (deposited with EFDC in June 2015 but never considered by EFDC) The attached diagram shows the expected traffic flows from this site.



This Bancroft Consulting Report is supported by the ONS survey.

The Appraisal shows 49% going south on the A113 20% going South on the A128 and only 5% actual going North through the High Street. The expected increase of passengers from Latton and North Weald at Epping and conversely the full opening of Cross Rail will knock back even that 5% of High Street Traffic.

However SR 0090 has not been allocated. Instead 77% of the Plan period housing in Ongar is being sited North of the High Street. Because of the issues at Epping almost certainly 95% of the additional traffic will be heading south through the High Street an *"Outstanding Conservation Area with a particular charm"*

Clearly this is an issue which should have been prominent in any Strategic Assessment. The Commission regulations state **"It is required to consider both positive and negative effects."** Of any allocation.

Spatial Options

Despite the obvious errors in the Stage 2 Green Belt Review it seems that The Local Plan Team relied on the Review in their decision on Ongar's spatial options.

Section 2.64 to 2.71 of the SSR outlines how reasonable alternatives were established. This was undertaken during an Officer Working Group on the 13th and 14th June 2016, wherein, *"Based on the locations of the candidate sites within each settlement reasonable spatial options to accommodate growth were identified."*

For Ongar, five strategic options are identified within the Site Selection Report: intensification within the existing development boundary and then north, south, east or west beyond the existing development boundary.

Contrary to the requirements of the Regulation no explanation is provided as to why these alternatives were selected or indeed what other possible options were considered.

For instance, did they consider if spatial options are required at all for Ongar. Consider if a site by site assessment was preferable. If Spatial Options how many options there should be and what were the most appropriate boundaries. Lastly did they check whether sites falling within a spatial option reflect the constraints of that option. No explanation or justification has been supplied contrary to the regulation.

The approach taken in establishing the North South East and West spatial options as reasonable alternatives inevitably implies all sites within each alternative exhibit common characteristics which are determinative as to their suitability (or unsuitability) for development. However, there is no evidence that all sites within each alternative exhibit the characteristics that are deemed to render unsuitable the strategic option.

Step 2 of the Report on Site Assessment (page 14) states :

"If sites were located in spatial options judged to be a less suitable location for growth they were not considered further through the site selection process."

As a direct consequence of the misuse of the spatial methodology at Ongar the Plan has been denied an accurate picture of what reasonable alternatives were available.