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# Pre-Hearing Statement Matter 15

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Places and Sites (Policy P4 Ongar)

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## 1. Introduction

- 1.1. This Pre-Hearing Statement has been submitted by Cirrus Land Ltd ('Cirrus') and L&Q New Homes Ltd ('L&Q') as part of the Examination of the Epping Forest District Local Plan (2011-2033). Savills has prepared Pre-Hearing Statements for a number of Matters as identified in the Inspector's MIQs;
- Matter 1 - Legal Compliance
  - Matter 4 - The Spatial Strategy
  - Matter 5 - Site Selection Methodology and the Viability of Site Allocations
  - Matter 14 - Infrastructure and Delivery
  - Matter 15 - Places and Sites
- 1.2. This Statement will have a particular focus on Matter 15, published by the Inspector in the Schedule of Matters and Issues for the Examination document published in November 2018. Full details of the questions to which this Statement responds is detailed as follows:
- **Issue 1:**
    - Question 2: Are all of the "Infrastructure Requirements" included within Policies P1-P15 intended to apply to every allocated site within each policy? Is this justified with reference to the tests in Paragraph 204 of the NPPF?
  - **Policy P4: Ongar**
    - Question 8: What effect would the development of the following sites have on the purposes of the Green Belt: **ONG.R1 – R7?** In particular, would **R1 & R2** close an important gap between two separate parts of the settlement?
- 1.3. Cirrus and L&Q made representations to both the Regulation 18 and Regulation 19 consultations of the draft plan in December 2016 and January 2018 respectively.

## 2. Issue 1: Question 2

- 2.1. Cirrus Land has consistently raised concerns about the ability of the allocations to **collectively** deliver the infrastructure requirements identified in the IDP to realise the Vision for Ongar set out in Policy P4. This has been previously commented on in detail through Pre-Hearing Statements submitted under Matter 5, Site Selection & Viability, and Matter 14, Infrastructure and Delivery (Representor ID: 19LAD0109).
- 2.2. Policy P4, Part D requires all of the allocations listed in P4 to *contribute proportionally* to the infrastructure items including expansion of the primary school, highway/junction upgrades, utilities and *the delivery* of open space. Whilst it is agreed that contributions should be proportional to meet the tests of Paragraph 204 of the NPPF, it is the actual delivery of the infrastructure that is the main concern, especially for those items where land is still to be assembled and identified. Part D also states that infrastructure *must* be delivered and *at a rate* in accordance with the IDP. There is no mechanism for the actual delivery of the off-site infrastructure once the proportional contributions have been made. The level of contributions required by each allocation to deliver the known IDP costed items alone are likely to be beyond that considered viable for each allocation<sup>1</sup>. Therefore land assembly and further costs once the evidence base advances, will only add to this viability challenge. EFDC Officers stated during the Matter 5 Examination session that they would report back on this viability matter when it was raised by Cirrus and L&Q.
- 2.3. Policy P4, Part E, also magnifies the concern of ONPCG (Ongar Neighbourhood Plan Community Group) that the much needed infrastructure around Ongar to make it more self-sufficient, will not be delivered. Part E effectively allows EFDC to amend future iterations of the IDP, this could mean the wider proposed infrastructure such as the community building, public park and formal/informal open space could be deleted from the IDP, providing no certainty of delivery.

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<sup>1</sup> See Matter 5, Site Selection & Viability Pre-Hearing Statement, Issue 4, Question 1 (Representor ID: 19LAD0109).

### 3. Policy P4: Ongar

- 3.1. Matter 15, Policy P4 relates to the settlement of Ongar. Historic England submitted Regulation 19 Local Plan Submission Version Representations dated 28 January 2018 (Representor ID: 19STAT0020). Within their Regulation 19 representations they set out the need to carry out Heritage Impact Assessments (HIAs) to assess the level of impact on the historical environment and any potential mitigation measures necessary.
- 3.2. Historic England and Epping Forest District Council signed and agreed a Statement of Common Ground (SoCG) in March 2019, during the Examination process. Within this document, Outstanding Objections are set out within Appendix 2 of the SoCG. Here under References 1, 2 and 3, it is suggested that HIAs should be undertaken for the Garden Town Communities and should be prepared as part of the evidence base to inform appropriateness. EFDC does not consider it is necessary to undertake HIAs of other preferred sites selected as part of the evidence base through the site selection process as set out in the SSM (considered in Matter 5 of the Examination process). Instead, EFDC considers it appropriate to undertake a HIA as part of the masterplan process solely for the allocated Garden Community Sites as well as through the Environmental Impact Assessments (EIA) at application stage. Clearly EIAs will not be required for many of the draft allocations and all of those at Chipping Ongar given their scale. Heritage Considerations though, have played a pivotal role in the preferred direction of growth at Chipping Ongar.
- 3.3. Historic England, in the SoCG, Appendix 2, Reference 2 state that *“Heritage Impact Assessments should be prepared prior to allocating sites which are likely to affect heritage assets to test the suitability of these sites in terms of the potential impact on the historic environment”*. Historic England goes on to state that the suitability of allocations should be established and if sites are suitable, the measures to avoid harm, or to mitigate where harm cannot be avoided, should be incorporated into the site application and its policy. In addition, within Appendix 2, Reference 3, Historic England states that there is no assessment within the Site Selection process of whether changes could be made to allocations to avoid impact, in addition, they contest the 1km buffer criteria used.
- 3.4. The impact of sites on Heritage and Archaeology has been assessed through Stages 2 and 6.2 of the Site Selection Process, as set out in the SSM (EB805AK). However, EFDC has not undertaken HIAs to inform this analysis, instead relying on GIS assessment, as set out on Page B91 of this document. This process relies entirely on a desk based analysis undertaken by the Council’s heritage officer, using GIS, rather than a HIA process. Heritage concerns appear to have had a major influence on the preferred strategy for settlements such as Ongar without the evidence to support the assumptions made in the SSM (EB805AK).
- 3.5. Given the importance of heritage and the significant role it took in the SSM, the Green Belt Review and also the influence on the direction of growth around Chipping Ongar, Cirrus Land and L&Q have commissioned the Heritage Impact Assessment (HIA) contained in Appendix 1 of this Statement. This Assessment updates the Heritage Report submitted with the Regulation 19 representations submitted in January 2018 by Cirrus and L&Q (Representor ID: 19LAD0109).

- 3.6. The HIA has been undertaken in accordance with the '5-step' process established as best practice by Historic England. It concludes that:
- i. The proposed development to the east of Ongar will have no impact on the majority of the designated heritage assets within a 300m buffer of the site boundary due to the secluded nature of the development site;
  - ii. Development to the east of Ongar will not extend the linear growth the town has experienced;
  - iii. The proposal would result in wider public benefits including the conservation and re-use of the Listed Buildings and Scheduled Ongar Castle in accordance with Paragraph 196 of the NPPF.
- 3.7. Discounting land to the East of Chipping Ongar so early in the SSM process also limited the ability for EFDC to consider the benefits and scale of development appropriate in this location. The assessments clearly show that only development of a strategic scale was assessed, effectively the whole of the tranche of land. Cirrus has always maintained that whilst they have control of the land SR-0914, it was not the intention to develop the whole site area. Landscape and heritage led masterplans have been developed to show a number of options that could contribute to Chipping Ongar's Vision in the short and medium and longer term.
- 3.8. The two master plan options (Appendices 2 and 3), show delivery of both housing and key infrastructure identified in the IDP such as public park. The two options demonstrate different scales of development within the site SR-0914. The smaller scheme could also be delivered in the first five years of the Local Plan, consistent with the timeline for the current draft allocations. Infrastructure within the two options includes a public park, sports facilities, leisure facilities, a pre-school, retail areas, employment areas and tourism infrastructure to facilitate the public-use of Ongar Castle, contributing to the Vision of Ongar becoming self-sufficient, generating homes and jobs.

## **4. Policy P4 Ongar: Question 8**

- 4.1. Our answer to this question has been prepared by Charles Crawford of LDA Design, whose credentials in relation to Green Belt were set out in our Matter 4 Statement.
- 4.2. Taking the second question first, R1 and R2 would close an important gap between two separate parts of the settlement. Ongar Neighbourhood Plan Community Group (ONPCG) has referred to the fact that Ongar is the civil area of four settlements: Chipping Ongar, Shelley, Marden Ash and Greensted (ONPCG Statement on Matter 4, issue 4, question 2). The Figures attached to this Statement in Appendix 4 illustrate how the four settlements were historically separate and, despite considerable growth during the last 100 years, remain separate to the present day.
- 4.3. Appendix 4, Figure 1 is an excerpt from the 1923 Ordnance Survey 6 inch map. The parish boundaries shown on the map have been highlighted to demonstrate that the four settlements each had a separate parish. The boundary between Shelley and Chipping Ongar largely followed the road which today is the A414, although an area of rural land north of that road and east of what is now the B184 was included in Chipping Ongar parish. The boundary between Chipping Ongar and Marden Ash generally followed the Cripsey Brook. Greensted lay some way to the west of the other three settlements, as remains the case at the present day.
- 4.4. Appendix 4, Figure 2 shows excerpts from the current Ordnance Survey 1:25,000 map, excluding Greensted. Although the former parishes have been amalgamated, the settlements of Shelley, Chipping Ongar and Marden Ash continue to be named separately. Shelley is named twice, making clear that it includes the substantial area of modern development immediately north west of the A414/B184 junction, as well as the area around the church and hall a little further north.
- 4.5. Appendix 4, Figure 3 shows equivalent excerpts from a present day aerial photograph.
- 4.6. Appendix 4, Figures 1, 2 and 3 all show Great Stony Park (named Hackney Cottage Homes on the 1923 OS map), which lies immediately south of the A414. This development, dating from the early 20<sup>th</sup> century, has a distinctive character, comprising two arcs of houses lying respectively north and south of a large, green open space. This central space opens out to the countryside at its eastern end and there is a broad, formal access to High Street at its western end. Looking east from the High Street, there are views across the central space to the countryside beyond. Great Stony Park, which is a Conservation Area in its own right, thus has a green, open character which contrasts strongly with the built development of Chipping Ongar to the south and Shelley to the north.
- 4.7. The excerpts on the right hand side of Appendix 4, Figures 2 and 3 highlight the green gaps that continue to separate Chipping Ongar from Shelley to the north and Marden Ash to the south. In the case of the former, the green gap draws the countryside in from the east, through Great Stony Park, and connects with the undeveloped fields immediately west of High Street which continue out into the wider countryside. This green gap maintains the historic separation between Shelley and Chipping Ongar. Development of sites R1 and R2 would remove this gap and merge the two settlements.

- 4.8. Appendix 4, Figure 4 shows the existing extents of Green Belt, which includes the gaps separating Chipping Ongar from Shelley and Marden Ash. These gaps include Great Stony Park. The way in which the Green Belt boundaries have been drawn recognises that the three settlements remain distinct and that the gaps between them are important.
- 4.9. Green Belt Purpose 2 is to prevent neighbouring towns merging into one another. The Council's assessment defines the towns that are considered to be relevant and, on this basis, Purpose 2 is not relevant to coalescence between Shelley and Chipping Ongar. We do not take issue with this.
- 4.10. Purpose 4 is to preserve the setting and special character of historic towns, and the Council's assessment identifies Chipping Ongar as one of the towns to which this Purpose applies. Our Statement on Matter 4 (Representor ID: 19LAD0109) set out serious concerns about the robustness of the Council's Green Belt Assessment, including in relation to Purpose 4 where we criticised the failure of the Council's assessment to define the characteristics that contribute to setting and special character. An understanding of the morphology and spatial definition of a historic settlement is fundamental to an assessment of its setting and special character, so the role played by sites R1 and R2 in forming a green gap between Chipping Ongar and Shelley, maintaining separation between the two settlements, is a key aspect of the performance of Purpose 4. However, the Council's assessment fails to give any consideration to this point.
- 4.11. Sites R1 and R2 comprise the only remaining gap between Chipping Ongar and Shelley west of High Street and it is therefore critical that they remain in Green Belt. Releasing them for development would cause substantial harm in terms of Purpose 4, removing a fundamental element of the morphology, and thus the setting and special character, of Chipping Ongar. Using the Council's scale of harm, this should be scored at the highest level, namely 'Very High'.
- 4.12. Another criticism in the submitted Matter 4 Pre-Hearing Statement (Representor ID: 19LAD0109), was the Council's failure to adequately assess harm to Green Belt, merely equating it with the highest level of performance of any single Green Belt purpose. As an illustration of this, the conclusions of the HIA at Appendix 1 to this Statement, relating to the site promoted by Cirrus and L&Q, east of Chipping Ongar, are that the proposed development would result in wider public benefits and have no impact on the majority of the designated heritage assets within a 300m buffer zone of the site.
- 4.13. EFDCs assessment of Green Belt Parcel 23.2 appears (without any explanation) to assume that any development to the east of Chipping Ongar would harm its setting and special character, and gives no consideration to the opportunity for enhancing its setting and character by revitalizing the castle as the central focus of the town. Given the findings of the HIA, and the fact that development of the site (with an appropriate greenspace buffer to Ongar Castle) would be consistent with the historical morphology of Chipping Ongar, the level of harm arising from a Green Belt release in relation to Purpose 4 would be modest. This contrasts with the Very High level of harm arising from sites R1 and R2 in relation to Purpose 4 for the reasons set out above.



## 5. Conclusion

- 5.1. This Hearing Statement is submitted by Cirrus and L&Q with respect of Matter 15, included in the Inspector's Schedule of Matters, Issues and Questions for the Examination, published prior to the Epping Forest District Council Local Plan 2011-2033 Examination in Public.
- 5.2. Cirrus Land and L&Q have consistently raised concerns that the proposed allocations will not collectively deliver the infrastructure requirements as set out in the IDP. In addition the effective, timely and proportional delivery of infrastructure as set out in Policy P4, (Parts D and E) is unlikely to be delivered by proportional contributions to off-site infrastructure .
- 5.3. Heritage has clearly influenced the preferred policy strategy for Ongar, through the evidence base and subsequently the drafting of Policy P4. However , EFDC has not undertaken HIAs as part of the Site Selection Process, despite guidance by Historic England and Outstanding Objections in the SoCG signed by both EFDC and Historic England. Both, Regulation 19 representations as well as the HIA submitted by Cirrus Land and L&Q under Appendix 1 of this Statement, demonstrate that the discounting of site SR-0914 so early in the Site Selection process was inaccurate and does not represent the impact of the proposed development on heritage assets to the east of Ongar. This heritage work would have also influenced the scoring reached in Purpose 4 of the Green Belt Assessment around Chipping Ongar.
- 5.4. Landscape and heritage led masterplans have been developed to show a number of options that could contribute to Chipping Ongar's Vision in the short and medium term which show delivery of both housing and key infrastructure set out in the IDP (See Appendices 2 and 3).
- 5.5. The Spatial Strategy favoured by EFDC has allocated a number of smaller sites early in the Local Plan trajectory to enable the Garden Towns to be developed in the medium to long term. This strategy should not be to the detriment of historic towns like Chipping Ongar, especially where a Neighbourhood Plan is emerging. ONPCG is currently developing an emerging Neighbourhood Plan and therefore, the Local Plan should therefore be amended to identify approximately 690 units at Ongar to be allocated in the Neighbourhood Plan (NP) process. Through this NP a more thorough and local assessment of the suitable sites can come forward, supported locally and with the identified infrastructure to make Ongar more self-sufficient.

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