

Your ref: SR0158B

Our ref: 39454

15 May 2018



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Attn: Planning Policy Team

Dear Sir / Madam

RE: Land designated SR0158B North Weald

Further representations to the Local Plan Submission Version [following late publication of the Arup Site Assessments]

- 1 Thank you for allowing us to make further representations to the plan following the late release of the site assessment proformas. We all await the outcome of the legal challenge. But in any event, as per our previous representations, the late delivery of key evidence raises significant questions around the sound preparation of a development plan.
- 2 We note that the Council's letter inviting further comments suggests that only limited parts of the Arup report were delivered late. Therefore, the letter suggests that comments should be restricted to only these elements.
- 3 But logic would dictate that for the main report to be considered sound, including its conclusions and recommendations, then these should have been based on the site assessment work and not the other way around?
- 4 As the Council will be aware the NPPF requires the plan be soundly based on evidence (NPPF 158 onwards) so while the opportunity to make further representations is helpful, it cannot repair the fact that the evidence base has been prepared out of sequence and the policies flowing are therefore flawed.

The Land

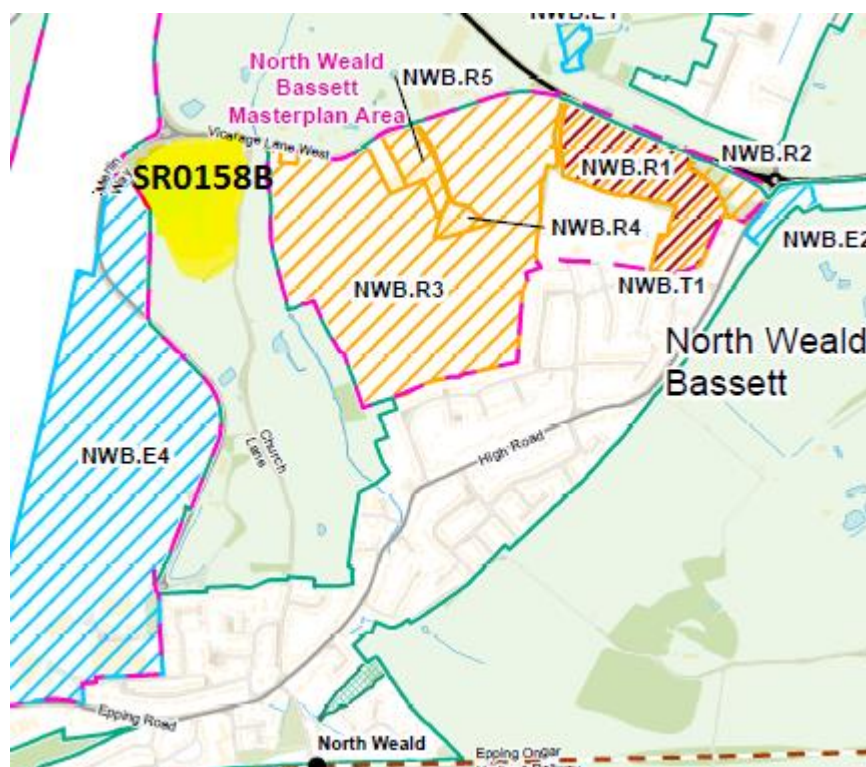
- 5 PBA has previously made representations regarding two possible development scenarios relating to land in our clients control. The land is designated SR0158B "Vicarage Lane/ east/west of Church Lane (east of Merlin Way), North Weald".
- 6 The map below shows the location of the land. It shows that land parcel SR0158B lies immediately to the east of the proposed mixed use allocation at the North Weald Airfield (40.8 ha – NWB.E4). It also lies to the west of a large housing allocation for 728 new homes (NWB.R3). So as currently proposed, the plan allocates significant development on both sides of our clients land. But does not allocate our clients site. Instead our client's site is left as part of a disjointed 'finger' of undeveloped land splitting the settlement into two.

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Location of SR0158B (site shown in yellow)



Further representations

- 7 The land has been promoted as a stand alone site for housing and/or employment and also part of a larger site conjoined with the airfield land.
- 8 In these representations, we focus only on our client's land, SR0158B.
- 9 In previous representations, we made the Council aware that errors in the early stage Arup work resulted in our clients site failing an early 'filter' stage used to select sites for allocation. With full sight of the March 2018 work it is clear that the site assessments were not updated following consultation feedback.
- 10 In summary; the 2016 Arup work had incorrectly scored our client's land as regards to its flood risk. In the assessment Arup had included land, not being promoted for development, which was at risk of flooding. This inclusion then resulted in the score awarded to the site being detrimentally affected. We provided technical flood evidence and asked that this be rectified, the score be corrected, and the verdict reconsidered.



- 11 We also noted that the way sites had been discounted due to their location was inconsistent and needed revisiting. At the time we noted how sites in the area had been inconsistently treated as regards to the weight afforded to the 2014 Masterplan with some sites being scored well because they were close to this boundary while others scored poorly because they were still remote to the existing built up boundary. We also stated that it was illogical to consider sites adjacent to proposed significant new development ‘remote’ or poorly located and exclude them from the assessment on this basis. We asked that sites be re-assessed to reflect their emerging context and to provide ‘defendable’ boundaries to the settlement.
- 12 This inconsistency is now very obvious given that in 2016 our clients site was discounted by Arups due to its ‘location’, remote from the settlement boundary. But the submission version of the plan is now proposing to make strategic allocations either side of our client’s land parcel, leaving it part of an isolated ‘finger’ of unallocated land splitting the village into two. This finger will essentially use the Green Belt, not to ensure separation between two or more settlements, but instead split the village into two – with employment and community facilities on the west and housing on the east.
- 13 We note that that from our client’s perspective there was a reasonable expectation that the sites would be revisited following consultation feedback.
- 14 This is because the broad terms of appointment, between Arup and the Council is public record. The Council needed to waive procurement rules and directly award Arup a contract to support the development plan. As the waiver explains this was because the cost of the work was significantly higher than originally envisaged and a waiver needed to bypass traditional procurement routes. Item D of the scope of works¹ states 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]*
- 15 Contrary to what we understood would happen the new (March 2018) appendix makes it clear that our clients site was not re-assessed following consultation feedback. When commenting on our clients site (SR0158B) in the new (March 2018) appendix for North Weald Arup’s note that the site:
“[SR0158B] was assessed as a Tranche 1 site in 2016 for residential use and not chosen for allocation”
- 16 It also appears as though the site was not assessed as an employment site, despite being promoted as a stand alone employment site in the original call for sites. The site is not included in appendix B1.2.1 which reports to list the discounted employment sites.

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



Remedy

- 17 The site assessment process should be re-run in this area to take into account the errors found in the original (2016) assessments but also to reflect the changed context of the settlement in the emerging local plan.
- 18 It is illogical that a site which is now adjacent to two strategic allocations, one either side, should continue to be excluded from further consideration because early work formed the opinion that the site was poorly related to the then settlement boundary.
- 19 To overcome this the land should be re-considered for either housing and/or employment in line with the original call for sites.
- 20 Further, in this context the most sensible and defensible Green Belt Boundary runs along Vicarage Lane and Merlin Way and not (as proposed) as is currently the case demarked by ownership as opposed to strong physical features. The current proposal fails the tests set out in paragraph 85 of the NPPF.

Yours sincerely

Peter Brett Associates.

For and on behalf of
PETER BRETT ASSOCIATES LLP