

Epping Forest District Council

Chigwell Neighbourhood Plan

Regulation 16 Publication response form

This form may be photocopied or downloaded from the website. Further printed copies can also be obtained from the Council. **Please return by 4pm on Tuesday, 26 June 2018.**

This form can be returned by e-mail to LDFconsult@eppingforestdc.gov.uk by post to **Planning Policy, Civic Offices, High Street, Epping CM16 4BZ**. Email is the Council's preferred method of receiving comments, as it will help us to handle your representation quickly and efficiently.

Comments are invited, regarding whether the draft Chigwell Neighbourhood Plan and supporting documentation fulfil the "basic conditions", as required by paragraph 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011).

If you wish to make comments about the draft Neighbourhood Plan, please specify which of the seven "basic conditions" you are commenting on. Comments should set out a justification as to why you consider that the basic condition has **NOT** been met, or why you consider that the basic condition has satisfactorily been met. You can also suggest improvements or modification to the draft Neighbourhood Plan.

All comments will be forwarded on to the appointed examiner for the Chigwell Neighbourhood Plan. You should not assume that there will be an opportunity to add further information, although the examiner may request additional information from you, based on the matters he/ she identifies for examination.

The regulations require that any representations made during the consultation period for the Chigwell Neighbourhood Plan must be submitted to the examiner together with a summary of the main issues raised. Therefore, comments cannot be treated as confidential, although personal addresses will not be made publicly available.

Epping Forest District Council will consider all representations made if returned by the deadline. However, please note that late representations will not normally be accepted.

Personal Details		Agents Details (if applicable)	
<i>Organisation Name:</i>	The Chelmsford Diocese Board of Finance	<i>Organisation Name:</i>	Strutt & Parker
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Part 1

Seven “basic conditions” form the statutory requirements for the draft Neighbourhood Plan. These require that the Neighbourhood Plan:

Please tick the relevant basic condition / supporting documents and submit a separate Part 2 form for each of the basic conditions / supporting documents you are commenting on

a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).	<u>X</u>
b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.	
c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.	
d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.	<u>X</u>
e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).	<u>X</u>
f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with EU obligations.	
g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).	

<p>Other supporting submission document and supporting documents. Please specific which document you wish to comment on:</p> <p>Chigwell NP – Final Sustainability Appraisal Report</p>	
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Part 2

Question 1

Why do you consider that the draft Chigwell Neighbourhood Plan and/ or supporting documents do/ do not meet the specified “basic condition”? Please provide a brief summary of your comments.

Comments were provided for the earlier Chigwell Neighbourhood Plan (CNP) consultation in 2016, relating to potential Policy CHG12, and the identification of the Glebe Land at High Road/Vicarage Lane, Chigwell as a Local Green Space (LGS) and our client’s objection to the draft allocation.

We consider that the making of the Order (or Neighbourhood Plan) does not does not:

- (a) have regard to national policies and advice contained in guidance issued by the Secretary of State
- (d) does not contribute to the achievement of sustainable development
- (e) conform generally with the strategic policies contained in the development plan for the area

Summary

Further detail is provided in the following section of this form, but the main issues of concern are set out below for ease of reference:

- In order to designate a LGS, it must be justified and supported by robust and compelling evidence. No evidence has been provided which is contrary to Paragraph 77 of the National Planning Policy Framework (NPPF).
- Planning Practice Guidance states that the qualifying body (i.e. the Parish Council) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space (paragraph 19). There has been absolutely no contact or consultation from the Parish Council to the landowner or Strutt & Parker acting as their agents regarding the LGS.
- The allocation of the site at Rolls Park raises concerns in relation to sustainability, and is in direct conflict with the policies of the emerging Local Plan. Paragraph 184 of the NPPF requires NP’s to be in general conformity with the strategic policies of the Local Plan.
- The Chigwell Neighbourhood Plan (CNP) has also based many of its policies and methodology on Epping Forest District Council’s Emerging Local Plan (ELP). The ELP still has significant outstanding objections, and at the time of this consultation, has not been subject to an examination by an Independent Examiner. It cannot therefore be considered to accord with the Strategic Policies of the Authority.

Detailed explanation and proposed modifications. Please give further details of your opinion and the reasons for it, as well as any proposed improvements or modifications to the Plan (continue on a separate sheet as necessary).

Condition (a) – Regard to national policies and the advice contained in guidance issued by the Secretary of State

Policy CHG10 (Local Green Spaces) proposes the allocation of our client’s land at High Road/Vicarage Lane, Chigwell as a Local Green Space (LGS).

Paragraph 76 of the National Planning Policy Framework makes provision for local communities to be able to identify green areas of particular importance to them for special protection. Paragraph 77 advises:

“The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- *Where the green space is in reasonably close proximity to the community it serves;*
- *Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *Where the green area concerned is local in character and is not an extensive tract of land”.*

In order to designate a LGS, it must be justified and supported by robust and compelling evidence. No evidence has been provided. The Sustainability Appraisal (8.15-8.18) does deal with Policy CHG10 and LGS, but only references the other proposed site at Chigwell Convent.

A report to the Epping Forest District Council’s Neighbourhood’s Select Committee on the NP on 15th November 2016 identified a number of areas of concern in relation to the draft NP at that time, including a lack of detailed evidence in relation to LGS’s, and it would appear that the CNP has not remedied this lack of evidence in the interim period.

The land is already currently within the Green Belt and the NP has also failed to identify whether the additional designation is necessary, if it would serve a useful purpose and what additional local benefit would be gained by designation as a LGS.

Planning Practice Guidance acknowledges that a LGS does not need to be in public ownership. However it does state that the qualifying body (i.e. the Parish Council) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space (paragraph 19). There has been absolutely no contact or consultation from the Parish Council to the landowner or Strutt & Parker acting as their agents regarding the LGS.

There is no evidence provided with the NP or the Sustainability Appraisal as to why the site is demonstrably special as required by the NPPF and there is no justification of the benefit of the allocation over and above the existing Green Belt status. For these reasons, there is a direct conflict with national planning policy. This means that NP does not meet the basic conditions under paragraph 8(2) of Schedule 4B of the Town and County Planning Act 1990.

Condition (d) – Sustainable development

The Chigwell Neighbourhood Plan (CNP) does not provide a sustainable strategy for development in Chigwell. The approach to achieving the aims of the Plan do not follow from the earlier stage of consultation and the Parish Council have not engaged with consultees and stakeholders in order to identify a sustainable approach to development proposals. Furthermore, the Parish Council has not supported its Neighbourhood Plan with a robust evidence base (including the Sustainability Assessment).

The CNP identifies a site known as Rolls Park for residential development. Rolls Park is isolated from the main settlement of Chigwell, located on a greenfield site close to areas of ecology sensitivity and important amenity value. It is noted that the site is within the Green Belt and neighbourhood plans cannot alter the Green Belt.

The rationale within the CNP for allocating this site is not justified. The allocation, due to its distance from sustainable transport options, the lack of connectivity and its isolation within the Green Belt, does not reflect the aims of the ELP, the emerging CNP, National Planning Policy, or a sustainable approach to development in Chigwell.

Paragraph 76 of the NPPF confirms that *“identifying land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services”*. Taking into account the lack of justification for the proposed allocation of

the site at Rolls Park, it is considered that the identification of the LGS within Chigwell is not based on sustainable, and sufficient homes have not been identified within the CNP.

Condition (e) – General conformity with the strategic policies contained in the development plan

The Epping Forest District Council emerging Local Plan is currently subject to a legal challenge, the outcome of which is still yet to be heard at the time of this consultation; however, regardless of the outcome of the legal challenge, the ELP has still yet to be subject to independent examination. There are significant outstanding objections that need to be resolved, including housing supply and site allocations.

The CNP has based a large proportion of its policies and methodology on the evidence base provided alongside the Local Plan as set out on Page 9 of the Chigwell Sustainability Appraisal:

“3.1 The Neighbourhood Plan contains ten policies for the use and development of the land in the Parish in the plan period up to 2033. These policies, together with the policies of the adopted Local Plan and the National Planning Policy Framework (NPPF) will be used by the District Council to help determine planning applications once the Neighbourhood Plan is approved in due course. Although not yet adopted, the Neighbourhood Plan has been informed by the reasoning and evidence base of the emerging Local Plan”

It should also be noted that the revised NPPF is close to publication, which may also result in revisions to the draft CNP or an early review of its policies. We believe that examination of the proposed CNP would be premature, when considering that a number of the documents supporting its methodology are still subject to examination in relation to the ELP.

Proposed modification to the Plan

The allocation of the land as a LGS should be deleted from the SCNP and Policy CHG10, and the land should be identified within the Plan for the delivery of 15 new homes in order to provide a sustainable development strategy for the delivery of new homes in Chigwell, as well as a significant area of public open space for the benefit of the local community as a whole.

Question 2

The appointed examiner will consider all representations received by the deadline (**4pm, Tuesday 26 June 2018**). Normally, the examiner will seek to consider all responses through written representations. However, occasionally an examiner may consider it necessary to hold hearing sessions to discuss particular issues.

Please indicate whether you would like to request to be heard before the examiner at the Neighbourhood Plan Examination Hearing: Yes / **No**

If you have indicated that you wish to attend the Examination, please explain why you consider this to be necessary. Please note that this is entirely at the discretion of the examiner:

Question 3

Please indicate whether you wish to be notified of either or both of the following:

The publication of the recommendations of the Neighbourhood Plan Examiner

YES / NO

Final “making” (adoption) of the Neighbourhood Plan by Epping Forest District Council

YES / NO

Signature: Hayley Morley	Date: 26.06.2018
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Thank you for taking the time to respond.