

Decision by Portfolio Holder



Report reference: **PAG-003-2018/19**

Date of report: **08-June-2018**

**Epping Forest
District Council**

Portfolio: **Planning and Governance**

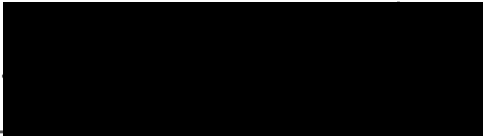
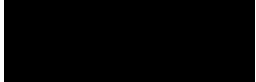
Author: **Alison Blom-Cooper (Ext 4066)**

Democratic Services: **J Leither**

Subject: **Epping Forest District Council's Response to Chigwell Neighbourhood Plan Regulation 16 publication**

Decision:

1. **To confirm the District Council's response to the Chigwell Neighbourhood Plan submission version and associated supporting documents.**

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ do not approve (delete as appropriate) the above decision:	
Comments/further action required:	
Signed: 	Date: 9/6/18
Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member: 	Dispensation granted by Standards Committee: Yes/No or n/a N/A

After completion, one copy of this pro forma should be returned to Democratic Services IMMEDIATELY

Reason for decision:

This report confirms the District Council's response to the Chigwell Neighbourhood Plan Submission Version (CNPSV) and associated supporting documents. The response attached at Appendix 1 includes a covering letter summarising the Council's main concerns and a detailed policy-by-policy assessment on individual policies. The deadline for response to the Chigwell Neighbourhood Plan is 12 noon on 26 June 2018.

Initialled as original copy by
Portfolio Holder: **SP**

Options considered and rejected:

Not to respond to the Chigwell Neighbourhood Plan, however, the District Council would not be discharging its statutory duties or its responsibilities under the National Planning Policy Framework.

The Chigwell Neighbourhood Plan:

1. The Government introduced Neighbourhood Planning as part of the Localism Act 2011. This was in order to enable Town/Parish Councils and Neighbourhood Forums to produce plans shaping the future of their area. A Neighbourhood Plan, once it has passed a referendum and been 'made' by the Local Planning Authority, forms part of the statutory development plan and must therefore be taken into account in the determination of planning applications. Neighbourhood Plans can include housing and employment land allocations, policies and design statements. Crucially, the Neighbourhood Plan must meet a number of 'basic conditions' set out in Schedule 4B of the Town and Country Planning Act 1990 and have regard to national planning policy as well as be in general conformity with the strategic policies of the District Council's Local Plan.
2. Chigwell Parish Council submitted an application for the designation of a neighbourhood area in November 2013. The Neighbourhood Plan Area Application was approved by Epping Forest District Council at a Cabinet meeting on the 3 March 2014, following an eight week consultation period from 16 December 2013 to 10 February 2014. Chigwell Parish Council subsequently published its Draft Neighbourhood Plan for a period of formal public consultation between Monday 10 October 2016 and 25 November 2016.
3. Local Authorities have a duty to provide advice and assistance to town/parish councils in the preparation of Neighbourhood Plans, and the Council has engaged actively with Chigwell Parish Council (CPC) in the preparation of the Chigwell Neighbourhood Plan (CNP). A number of meetings have taken place and comments provided including a briefing note, a formal response to the Draft Neighbourhood Plan and legal advice at various stages of plan-making. These are in addition to general Council liaison with town and parish councils through the Local Councils Liaison Committee and meetings during the preparation of the Council's Local Plan.
4. In October 2017 Chigwell Parish Council shared a submission draft Neighbourhood Plan and draft supporting documents with the Council. The Council produced detailed comments on this draft document.
5. The CNPSV covers the period 2018-2033. Officers in the Council's Policy Planning Team have reviewed the CNPSV. Officers have also corresponded with the Parish Council on a number of occasions and have received external Legal Advice which has been shared with the Parish Council.
6. The key correspondence/meeting dates are set out below:
 - a. 17 July 2015: Meeting with CPC with regard to progress of the CNP and EFDC's Green Belt review
 - b. 14 January 2016: Meeting with CPC to discuss the relationship between the Neighbourhood Plan and emerging Local Plan
 - c. 14 September 2016: Legal Advice provided over proposed site allocations in the CNP
 - d. 22 September 2016: Full response to the Draft CNP

- e. 15 November 2017: Full response to the CNP pre-submission draft
 - f. 30 January 2018: Meeting with CPC to discuss the Habitat Regulation Assessment
 - g. April 2018: Email correspondence with CPC in relation to Natural England's comment on the emerging CNP
7. Notwithstanding the engagement between the Council and Parish Council, a number of outstanding issues have been identified in the CNPSV including insufficient evidence to support the proposed policies and allocations, the financial viability of proposed developments and the need for a Mitigation Strategy to cover the potential impact on the Epping Forest Special Area of Conservation. These issues are explained in detail in the Council's proposed response to the CNPSV Regulation 16 publication (see Appendix 1).
8. Whilst overall the Council commends the Parish Council for the work undertaken in the production of their Neighbourhood Plan, given the number of outstanding issues the Council does not consider that the CNPSV as it stands will enable the examiner to conclude that it meets the 'basic conditions' at Examination.

Resource Implications:

The review of the CNPSV and preparation of the report are from within existing resources in the Policy Planning Team.

Legal and Governance Implications:

EFDC has a statutory responsibility to advise and assist with the preparation of all Neighbourhood Plans in the District. It is prudent for the District Council to make its views known regarding whether the Neighbourhood Plan meets the required basic conditions. The publication of the CNPSV under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015 is the final opportunity for a formal consideration from the Council before the Plan proceeds to Examination stage. The Council comes to its formal view as to whether a neighbourhood plan meets the basic conditions after the independent examination has taken place, after the examiner's report is received and once any modifications recommended by the examiner have been addressed by the Parish Council.

Safer, Cleaner and Greener Implications:

None specific at this stage.

Consultation Undertaken:

EFDC Legal Adviser

Background Papers:

Chigwell Neighbourhood Plan Submission Version and supporting documents
Epping Forest District Local Plan Submission Version 2017

Impact Assessments:

No specific.

Risk Management:

No specific risks identified.

Key Decision Reference (Y/N): No

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an Appendix to the report.

Initialed as original copy by
Portfolio Holder:

A handwritten signature in black ink, appearing to be 'SP', is written over the text 'Portfolio Holder:'.

Equality Impact Assessment

Section 1: Identifying details
Your function, service area and team: Interim Assistant Director, Planning Policy
If you are submitting this EqIA on behalf of another function, service area or team, specify the originating function, service area or team: n/a
Title of policy or decision: Epping Forest District Council response to Chigwell Neighbourhood Plan Regulation 16 publication and supporting documents
Officer completing the EqIA: Tai Tsui Tel: 01992 564547 Email: ttsui @eppingforestdc.gov.uk
Date of completing the assessment: 31 May 2018

Section 2: Policy to be analysed	
2.1	Is this a new policy (or decision) or a change to an existing policy, practice or project? Yes
2.2	<p>Describe the main aims, objectives and purpose of the policy (or decision): The Chigwell Neighbourhood Plan Submission Version (CNPSV) sets out planning policies which will influence future developments within the designated neighbourhood area of Chigwell. The Council's response to the CNPSV is part of the statutory process. The CNPSV, once 'made', will form part of the Council's Development Plan.</p> <p>What outcome(s) are you hoping to achieve (ie decommissioning or commissioning a service)? An agreed Council response to the CNPSV Regulation 16 publication and supporting documents</p>
2.3	<p>Does or will the policy or decision affect:</p> <ul style="list-style-type: none">• service users• employees• the wider community or groups of people, particularly where there are areas of known inequalities? <p>It will affect the Chigwell community but in the event of a positive recommendation from an independent examiner (without or without proposed modifications) and a subsequent decision by the Council that the CNPSV meets the basic conditions, a referendum will be held at which a majority must approve the Plan before it can formally be made by the Council</p> <p>Will the policy or decision influence how organisations operate? Yes. Once 'made' the Council will need to apply policies in the CNP in determining relevant planning applications.</p>

2.4	Will the policy or decision involve substantial changes in resources? No
2.5	Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes? Once 'made'. The CNP will form part of the Council's Development Plan and has the same weight as the Local Plan.

Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, eg service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1	What does the information tell you about those groups identified?
3.2	Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?
3.3	<p>If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:</p> <p>As part of their submission documents Chigwell Parish Council has published a 'Consultation Statement' detailing what steps have been taken to engage with local communities and other organisations.</p> <p>The Council has engaged constructively with Chigwell Parish Council and provided the Parish Council with advice and assistance in the preparation of its neighbourhood plan in accordance with its statutory duties throughout the process to date and will continue to provide such advice and assistance.</p>

Section 4: Impact of policy or decision

Use this section to assess any potential impact on equality groups based on what you now know.

Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age	Neutral – no impact	
Disability	Neutral – no impact	
Gender	Neutral – no impact	
Gender reassignment	Neutral – no impact	
Marriage/civil partnership	Neutral – no impact	
Pregnancy/maternity	Neutral – no impact	
Race	Neutral – no impact	
Religion/belief	Neutral – no impact	
Sexual orientation	Neutral – no impact	

Section 5: Conclusion

		Tick Yes/No as appropriate	
5.1	Does the EqIA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If 'YES', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts

What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
n/a	n/a	n/a

Section 7: Sign off

**I confirm that this initial analysis has been completed appropriately.
(A typed signature is sufficient.)**

Signature of Head of Service:

Date:

Signature of person completing the EqlA: Alison Blom-Cooper

Date: 1 June 2018

Advice

Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, eg after a consultation has been undertaken.

Submission CNP Policy / Supporting text	Reason(s) why it does not meet the basic condition	Suggested amendments
<p>Policy CHG1: A Spatial Plan for the Parish</p> <p>The Parish will continue to be defined by the Metropolitan Green Belt. Development will therefore only be appropriate within the urban area of the Parish within the Green Belt inset settlements of Chigwell Village and Chigwell Row and within the urban area of Grange Hill, unless it is suited to a countryside location.</p> <p>Proposals for the redevelopment of previously-used land, for infill development and for plot subdivision in these three locations will be supported, provided their standards of design accord with other relevant policies of the Neighbourhood Plan and the Epping Forest Local Plan. Proposals for development of existing public open land or private open land that acts as an effective visual break in the urban form in these three locations will be resisted.</p> <p>Mitigation for the potential adverse effects of any development proposal on the Epping Forest Special Area for Conservation (EFSAC) will be applied in accordance with</p>	<p>Policy CHG1 seeks to maintain the character of the Green Belt, which is broadly consistent with national policy. However, paragraph 89 and 90 of the NPPF and Policy DM 4 of the Local Plan Submission Version (LPSV) clearly set out what kinds of development should be deemed as 'not inappropriate' within the Green Belt. Policy CHG1 seems to suggest development may be appropriate in the Green Belt if 'it is suited to a countryside location.'</p> <p>Planning Practice Guidance states that "A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."</p> <p>Policy CHG1 fails to provide a clear indication as to what types of development</p>	<p>Amend the policy to comply with relevant NPPF/EFDC Local Plan requirements and specify which developments are considered 'not inappropriate' in the Green Belt, as defined in the NPPF.</p> <p>Await the adoption of a Mitigation Strategy which is being developed by EFDC and NE, or agree bespoke mitigation measures with NE and include those in the submission documents.</p>

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<p>the provisions of the Epping Forest District Local Plan including the creation of alternative natural green space and the financial contributions in the emerging SAC mitigation strategy.</p> <p>Paragraph 5.1 - The Parish Council will work with the District Council and Natural England to monitor the effectiveness of the Neighbourhood Plan provisions for mitigating the effects of new development on the SAC over the plan period. It will specifically seek to monitor the number and type of visitors to the Natural Green Space created as part of Policy CHG2 at Rolls Park to assess how effective the new park is in diverting potential short recreational trips that would otherwise have been made by car to the SAC.</p>	<p>will be deemed '<i>suited to a countryside location</i>' and it is also unclear as to how this policy relates to the relevant NPPF green belt policy. For instance, the policy could be interpreted as any development can be deemed as appropriate in the Green Belt if they can demonstrate that they are '<i>suited to a countryside location</i>'.</p> <p>Natural England (NE) has advised that in the absence of an adopted Mitigation Strategy for the Epping Forest Special Area for Conservation (EFSAC), they consider the CNP should await the adoption of the Local Plan where the relevant Mitigation Strategy and the relevant HRA will be tested through the Local Plan examination. If the CNP is to advance ahead of the Local Plan, NE is of the view that the Chigwell Neighbourhood Plan (CNP) will need to either remove allocations made in the plan or relocate to less sensitive areas, or produce bespoke measures to deal with the impacts of the allocations on the EFSAC that are supported by the Council, Natural England and the Conservators of Epping Forest. Such bespoke measures are currently absent from the submission documents.</p>
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<p>Policy CHG2: Enabling Development at Rolls Park, Chigwell</p> <p>Proposals for a mixed development scheme at Rolls Park, as shown on the Policies Map, will be supported, provided:</p> <ul style="list-style-type: none"> i. The scheme comprises a housing scheme, a community park scheme and the delivery of an off-site community facility scheme; ii. The housing scheme comprises the minimum number of homes to enable the financing in full of the off-site community facility scheme of Policy CHG5, subject to an agreement with the planning authority on the approach to delivering affordable housing and to the provision of a viability appraisal at the planning application stage; iii. The housing scheme accords with the following principles: <ul style="list-style-type: none"> a. The layout is confined to no more than 2Ha on that part of the site adjoining the existing Rolls Park complex of buildings and divides the scheme into three small development zones within that part of the site; 	<p>While a number of minor changes have been made to policy CHG2 since the draft submission plan which the Council commented upon, most of the comments the Council made to the previous version of the policy still applies. These can be summarised as follows:</p> <ol style="list-style-type: none"> 1. The site has been assessed as part of the Local Plan site selection process and is deemed unsuitable for housing development given its potential impact on the Green belt and its unsustainable location; 2. There is no financial viability of the proposals to support the policy. Given the size of the site in question, it is highly unlikely that the scale of housing development on site will be able to fund the proposed community facilities proposed in policy CHG5. 3. The proposed development could be delivered on more sustainable sites, identified in the emerging Local Plan, outside the Green Belt, within existing built up areas, or closer to 	<p>Policy CHG2 should be removed from the CNP.</p> <p>The principles of enabling development are set out in the Historic England (former English Heritage) guide to 'Enabling of Development and the Conservation of Significant Place' which is available at https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/</p>
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	<p>Given the above, the Council considers that Policy CHG1, in its current form, will <u>NOT</u> meet the following basic conditions:</p> <ul style="list-style-type: none">i. Basic condition A - because it doesn't have regard to the relevant national policies and guidance, especially the need to for the policy to be clear, unambiguous and supported by appropriate evidence;ii. Basic condition E - because it is not in general conformity with Local Plan policy; andiii. Basic condition F - because it is not compatible with EU obligations.	
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<p>b. the landscape scheme retains the existing mature trees on the edge of the developable area as part of an effective landscape buffer; and</p> <p>c. the layout, the landscape scheme and the public park are arranged in a way to prevent any future extension of the scheme into the Green Belt;</p> <p>iv. The community park scheme will comprise: a. a new public park and footpaths laid out in the form of a Natural Green Space to complement the adjoining Grange Farm Country Park to contribute to the Epping Forest SAC mitigation strategy; and b. a new Scout Hut with ancillary outdoor recreational uses;</p> <p>v. The delivery of the off-site community facility scheme proposed in Policy CHG5, which will be completed and available for occupation at a time during the delivery of the housing scheme that is agreed with the local planning authority; and</p> <p>vi. A satisfactory highways access is achieved.</p>	<p>the edge of existing settlements.</p> <p>4. It fails to demonstrate the very special circumstances that would be needed to justify inappropriate development in the Green Belt. In particular, it fails to demonstrate how public benefit outweighs the significant harm to the Green Belt.</p> <p>In addition, the Council would also make the following points.</p> <p>Given that this policy is an allocation policy, detailed financial viability assessment is essential at this stage and cannot be left to the planning application stage;</p> <p>The allocation of the site for residential development requires alteration to the Green Belt boundary. As it stands, it is not possible for a Neighbourhood Plan to make alterations to the Green Belt, and in any case the CNP fails to demonstrate the exceptional circumstances that are required to justify such Green Belt alterations.</p> <p>It seems that the CNP considers Policy</p>	
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<p>Paragraph 9.6 to paragraph 9.20 of the Rolls Park Site Assessment Report, which argues that very special circumstances exist for the proposed development on Rolls Park and outweigh harm to the Green Belt mainly on the basis that the scheme will help to finance new community facilities that are proposed under Policy CHG5, and that the impact on the EFSAC can be mitigated through onsite open space provision.</p>	<p>CHG2 as an enabling policy rather than an allocation policy. The notion of enabling development in planning terms normally applies to the preservation of important heritage assets with clear public benefits. The Council do not agree with the CNP's view and considers that Policy CHG2 is an allocation policy.</p> <p>Nevertheless, even if the policy can be considered as an enabling development policy in a wider sense, the Council has serious concerns that the Policy fail to demonstrate the following:</p> <ul style="list-style-type: none"> - Sufficient evidence that the said community infrastructure is urgently needed, or required; - That there are no other funding sources to achieve the improvement of the community infrastructure in question and such enabling development is the last resort; - That the scale of the proposed 'enabling development' will be able to provide sufficient funding for to deliver community infrastructure proposed; - That there is robust mechanism to link the delivery of the two 	
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	<p>developments (CHG2 and CHG5) in question; and</p> <ul style="list-style-type: none"> - The need for such enabling development on the Roll's Park site 'decisively outweighs the disbenefits of breaching other public policies' (as referred in the Enabling development policy produced by Historic England) i.e. harm to the Green Belt; <p>Given the above, the Council considers that Policy CHG2, in its current form, will <u>NOT</u> meet the following basic conditions:</p> <ol style="list-style-type: none"> i. Basic condition A - because it doesn't have regard to the relevant national policies and guidance, especially the need to for the policy to be clear, unambiguous and supported by appropriate evidence; ii. Basic condition D – because it does not contribute to the achievement of sustainable development; and iii. Basic condition E - because it is not in general conformity with Local Plan policy. 	
<p>Policy CHG3: Chigwell Row – A Sustainable Community</p>	<p>As with Policy CHG2, Policy CHG3 could be interpreted as facilitating development</p>	<p>Amend the policy to comply with relevant NPPF/EFDC Local Plan requirements and</p>

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<p>Development proposals to improve the sustainability of Chigwell Row as a distinct village settlement will be supported. Where such proposals are located in the Green Belt adjoining the inset settlement boundary, they will be supported, provided they can demonstrate they will not compromise the essential open character of the Green Belt and their public benefits are such to provide very special circumstances.</p>	<p>deemed as inappropriate in the Green Belt adjoining the inset settlement boundary if it can be demonstrated that they <i>'will not compromise the essential open character of the Green Belt and their public benefits are such to provide very special circumstances'</i>.</p> <p>While the policy is not too dissimilar to the NPPF requirements, there do seem to be subtle, but significant, differences as the policy omits other NPPF policy requirements, as set out in para 89 and 90 of the NPPF and Local Plan Policy DM 2, with regard to what should be deemed as appropriate development in the Green Belt.</p> <p>Given the above, the Council considers that Policy CHG3, in its current form, will <u>NOT</u> meet the following basic conditions:</p> <ul style="list-style-type: none"> i. Basic condition A - because it doesn't have regard to the relevant national policies and guidance, especially the need to for the policy to be clear, unambiguous and supported by appropriate evidence; ii. Basic condition D – because it does not contribute to the achievement of sustainable development; and iii. Basic condition E - because it is not in general conformity with Local 	<p>specify which developments are considered 'not inappropriate' in the Green Belt, as defined in the NPPF.</p>
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	Plan policy.	
<p>Policy CHG4: Regenerating Limes Farm</p> <p>Proposals for the comprehensive regeneration of Limes Farm, as shown on the Policies Map, will come forward through a review of the Neighbourhood Plan in the plan period. The review will adopt the strategic masterplanning principles established by the Epping Forest Local Plan and will provide an effective means of engaging the local community throughout the process.</p> <p>Proposals for housing or other development on the existing open spaces of the area will be not be approved until such a time that the comprehensive regeneration proposals have been made as part of the Neighbourhood Plan.</p>	<p>While a number of minor changes have been made to policy CHG4 since the draft submission plan which the Council commented upon, the policy still proposes an approach which makes it non-compliant the LPSV.</p> <p>The emerging Local Plan proposes that future development on the Lime Farm site must comply with a Strategic Masterplan that has been formally endorsed by the Council. Policy CHG4, however, proposes that Limes Farm regeneration can only take place following a review of the Neighbourhood Plan.</p> <p>There is no evidence provided to support such an alternative approach. In addition, it is difficult to understand why there is need to have a separate comprehensive regeneration proposal which <i>'adopts the masterplanning principles established by the Epping Forest District Local Plan'</i>, as these principles can be achieved through the masterplanning process as proposed in the Local Plan.</p> <p>It is unlikely that a review of the CNP will</p>	<p>Remove the requirement for the CNP to be reviewed as a pre-requisite for Limes Farm regeneration.</p>

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<p>Policy CHG5: Supporting Community Assets</p> <p>Proposals to develop a new Community Hub facility for Chigwell on the Victory Hall site on Hainault Road, as shown on the Policies Map, on land to be made available for this purpose by the Parish Council will be supported, provided:</p> <ul style="list-style-type: none"> i. they include multi-purpose facilities, a Parish Office, a Library and some provision for a doctor's surgery; and ii. the need to extend the scheme on to that 	<p>take place within a reasonable timeframe. If approved, this policy approach could cause significant delay in the redevelopment of Limes Farm.</p> <p>Given the above, the Council considers that Policy CHG4, in its current form, will NOT meet the following basic conditions:</p> <ul style="list-style-type: none"> i. Basic condition D – because it does not contribute to the achievement of sustainable development; and ii. Basic condition E - because it is not in general conformity with the emerging Local Plan policy. 	<p>The Policy to allocate the Victory Hall site for community facilities should be removed.</p> <p>Further evidence should be provided to justify the selection of the communities facilities listed in the second part of the policy.</p>
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<p>part of the site in the Green Belt is kept to the minimum necessary to deliver a viable facility and the design of the scheme does not cause harm to the essential openness of the Green Belt.</p> <p>Proposals that will lead to the unnecessary loss of the following community facilities, as shown on the Policies Map, will be resisted:</p> <ul style="list-style-type: none"> i. land and premises making up the Chigwell Riding School and Jubilee Lodge ii. the grounds and facilities of the Metropolitan Sports Ground iii. the churches of St. Mary's, St. Winifred's and All Saints iv. the community facilities at Limes Farm v. the Chigwell & Hainault Synagogue. <p>Proposals to establish a new dentist facility in the Parish will be supported, provided it is located outside the Green Belt and has sufficient off-street car parking spaces.</p>	<p>The merit of having community facilities on this site has been assessed in a recent planning application (EPF/2662/17). The application was refused by the Council and the reasons for refusal can be summarised as follows:</p> <ul style="list-style-type: none"> 1. The proposed development is inappropriate development in the Green Belt and no very special circumstances or other considerations have been advanced that would outweigh the harm caused; and 2. The proposed development is likely to be incongruous and dominant and therefore undermine the character and amenity of the surrounding area. <p>The second part of Policy CHG5 deals with the protection of a number of community facilities. While the principle of the policy is supported in that it seeks to protect essential facilities and services within the community, it is unclear as to what constitutes 'unnecessary loss'. Without further clarification the policy risks contradicting LPSV Policy D 4 which sets out detailed policy requirements in</p>	
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	<p>relation to the loss of essential facilities and services. The policy is also in potential conflict with Policy P 7 in relation to the redevelopment of Limes Farm.</p> <p>There seems to be a lack of evidence to justify the community facilities specified in the policy, and why other community facilities in the local area should not be protected.</p> <p>For instance, while it may be easier to understand why the Chigwell and Hainault Synagogue and the churches are included in the list, it is unclear as to why the land and premises making up the Chigwell Riding School should be included.</p> <p>Given the above, the Council considers that Policy CHG5, in its current form, will <u>NOT</u> meet the following basic conditions:</p> <ul style="list-style-type: none">i. Basic condition A - because it doesn't have regard to the relevant national policies and guidance, especially the need to for the policy to be clear, unambiguous and supported by appropriate evidence;ii. Basic condition D – because it does not contribute to the achievement of sustainable development; and	
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<p>Policy CHG6: Supporting Local Shops</p> <p>The Neighbourhood Plan designates village centres at Brook Parade, Chigwell, at Limes Farm, at Grange Hill and at Chigwell Row, as shown on the Policies Map, for the purpose of applying and implementing development plan policy in relation to shops in small local parades.</p> <p>Proposals that will lead to more than 25% of the total number of units in Brook Parade or Grange Hill village centres being in an A3 café/restaurant, A4 drinking establishment or A5 hot food takeaway use will be resisted.</p> <p>Proposals to increase the number of public car parking spaces at a village centre will also be supported.</p>	<p>iii. Basic condition E - because it is not in general conformity with Local Plan policy.</p> <p>The Council maintains its previously stated comments over the lack of evidence to justify the 25% threshold set out in Policy CHG6. The policy is considered to be overly prescriptive and potentially restrictive to market demands. To overcome this, this the policy should include a criteria similar to those in part G of Policy E 2 in the LPSV.</p> <p>Given the above, the Council considers that Policy CHG6, in its current form, will NOT meet the following basic conditions:</p> <ul style="list-style-type: none"> i. Basic condition A - because it doesn't have regard to the relevant national policies and guidance, especially the need to for the policy to be clear, unambiguous and supported by appropriate evidence; ii. Basic condition D – because it does not contribute to the achievement of sustainable development; and iii. Basic condition E - because it is not in general conformity with Local Plan policy. 	<p>Either further evidence needs to be provided to justify the proposed policy requirement, or the policy should be amended to ensure that it complies with part G of LPSV Policy E 2.</p> <p>The Epping Forest District Council Town Centres Study (2010, available from the Council's website http://www.efdclocalplan.org/local-plan/evidence-base/) contains some useful background information.</p>
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<p>Policy CHG7: Supporting Local Businesses</p> <p>Development proposals to create new businesses within a built-up area will be supported, provided they are of a scale that is appropriate to a village location and are responsible for implementing any mitigation measures necessary to avoid harm to the amenities of adjoining residential areas.</p> <p>In determining development proposals to create new businesses within the Green Belt, very special circumstances will be justified for inappropriate development if:</p> <ul style="list-style-type: none"> i. the proposals are located on land that has been assessed as making only a low to moderate contribution to the essential purposes of the Green Belt; ii. the applicant can demonstrate there is no suitable and available land within the built-up area for the specific business use; and iii. the applicant can demonstrate that the direct economic benefits of the proposal to the local community outweigh the scale of 	<p>The policy has been amended since the pre-submission draft and a new section has been added which sets out the very special circumstances for new businesses in the Green Belt.</p> <p>While the Council appreciates the good intention of the policy to support local business, the policy as it stand, is not in compliant with national and local planning policy.</p> <p>As it stands the policy fails to clearly define what 'new business' means. Current policy wording seems to suggest that only new businesses should be assessed against this policy, which means existing businesses wishing to expand will not benefit from this policy.</p> <p>It is also not clear whether the policy intends to cover all types of new businesses which could include a wide range of different use classes including A1 retail, C2 care homes, B8 warehousing etc. Without specifying the types of business the policy intends to support, the policy fails to provide clear guidance for decision making and poses a risk in allowing</p>	<p>Amend the policy to provide further clarification of which types of business are to be supported and align the very special circumstances more closely with relevant national and local policies.</p>
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<p>harm to the Green Belt.</p> <p>Proposals that result in the loss of an existing business use will be resisted, unless it can be demonstrated that its continued use is no longer viable.</p> <p>Proposals to expand an existing employment or business use will be supported, provided their impact on flood risk, local amenity, traffic and landscape can be satisfactorily mitigated and they are consistent with Green Belt policy.</p> <p>Proposals to enable working from home that require planning permission will be supported, provided the business use remains ancillary to the main residential use and there is no significant harm caused to local residential amenity by way of car parking, traffic movements or noise.</p>	<p>inappropriate development in the Green Belt.</p> <p>The three criteria set out in the policy are flawed in that they omit the requirement for development to take place in a sustainable location. The policy fails to provide the parameters that these criteria should be assessed against, making it very difficult to implement such a policy.</p> <p>Given the above, the Council considers that Policy CHG7, in its current form, will <u>NOT</u> meet the following basic conditions:</p> <ol style="list-style-type: none"> i. Basic condition A - because it doesn't have regard to the relevant national policies and guidance, especially the need for the policy to be clear, unambiguous and supported by appropriate evidence; ii. Basic condition D – because it does not contribute to the achievement of sustainable development; and iii. Basic condition E - because it is not in general conformity with Local Plan policy. 	
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<p>Policy CHG8: Promoting Good Design in the Parish</p> <p>Development proposals will be supported, provided their design respects the important features of the street scene and they utilise materials which are in keeping and are not obviously incongruous with the character of the Parish.</p> <p>Proposals should have special regard to:</p> <ul style="list-style-type: none"> • The significance of larger buildings set in large plots to establishing the character of much of the Parish, whereby proposals for plot subdivision to deliver flattened accommodation will not normally be appropriate • The scale of gates and railings on the property frontage, which should complement the street scene and should not be overbearing and out of character • The use of weatherboarding and agricultural vernacular in the detailing of buildings • The desire for front and rear gardens to new dwellings in those parts of the Parish 	<p>The Council welcomes the removal of the relevant policy text in relation to basement development.</p> <p>The Council maintains its objection to the policy as the first bullet point of the policy is still unclear, suggesting that some subdivision would be appropriate, but not explaining how. Both national and local planning policies (LPSV Policy DM 3, DM 9 and DM 10) encourages effective use of land, and Policy CHG8 would benefit from setting out clearer guidance as to what kinds of flattened development could be deemed appropriate.</p> <p>Given the above, the Council considers that Policy CHG8, in its current form, will <u>NOT</u> meet the following basic conditions:</p> <ol style="list-style-type: none"> Basic condition A - because it doesn't have regard to the relevant national policies and guidance, especially the need to for the policy to be clear, unambiguous and supported by appropriate evidence; Basic condition D - because it does not contribute to the achievement of sustainable development; and Basic condition E - because it is not in general conformity with Local 	<p>Amend the policy to clarify which kind of flattened development would be deemed appropriate.</p>
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where this is already very common	Plan policy.	
<p>Policy CHG9: Promoting Good Design in the Chigwell Conservation Area</p> <p>Development proposals in the Chigwell Conservation Area, as shown on the Policies Map, will be supported, provided have special regard to the following design principles:</p> <ul style="list-style-type: none"> • There is no subdivision of existing residential plots • The views along High Road into and through the Conservation Area from the south west and north east are not obstructed or punctuated by new development • The mature landscaping of trees and hedgerows that forms part of a front boundary should not be removed to enable the implementation of a development proposal • There is no unnecessary loss of a non-designated heritage asset in the Conservation Area • The building line of properties with little or no front garden on High Road north of Chigwell School is maintained • Views of St. Mary's Church from the north are not obstructed by development in the 	<p>The Council considers that a blanket ban on subdivision of existing residential plots is overly restrictive and is in conflict with Policy DM 7 of the LPSV.</p> <p>Bullet point 2 and point 6 lack clarity in terms of how views should be protected and how is this justified. The Protected Views SPD produced by the City of London Authority which protects views to and from St Paul's Cathedral could be used as example of how similar policy should be framed.</p> <p>All mature trees within the conservation area are already protected by the requirement for consent before their removal. Any mature trees and hedgerows that form part of a front boundary will be considered under any development proposals and where appropriate conditions can be imposed. The Council does not consider a blanket ban on the removal of tree and hedgerows as proposed by this policy provides sufficient flexibility in terms of achieving high quality design and the most efficient use of land.</p>	<p>Amend the policy so that there is no blanket ban on subdivision of existing residential plots.</p> <p>Further clarification and evidence is also required in relation to protected views.</p> <p>Amend policy to remove blanket ban on the removal of tree and hedgerows that forms part of the front boundary.</p>

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<p>setting of the Conservation Area</p>	<p>Given the above, the Council considers that Policy CHG9, in its current form, will <u>NOT</u> meet the following basic conditions:</p> <ul style="list-style-type: none"> i. Basic condition A - because it doesn't have regard to the relevant national policies and guidance, especially the need to for the policy to be clear, unambiguous and supported by appropriate evidence; ii. Basic condition D - because it does not contribute to the achievement of sustainable development; and iii. Basic condition E - because it is not in general conformity with Local Plan policy. 	
<p>Policy CHG10: Local Green Spaces</p> <p>The Neighbourhood Plan designates the following as Local Green Spaces, as shown on the Policies Map:</p> <ul style="list-style-type: none"> i. Land at Chigwell Convent, High Road, Woodford Bridge ii. Glebe Land at High Road/Vicarage Lane <p>Proposals for development within a Local Green Space will be resisted unless</p>	<p>Policy P 7 of the LPSV allocates Chigwell Covent for residential development (CHIG.R5). Development of this site will be required to be designed in a way to preserve the special architectural or historic interest of the surrounding heritage assets (see site requirements set out in Appendix 6 of the LPSV). This approach is supported by Historic England. Planning Practice Guidance clearly states that "<i>Designating any Local Green Space will need to be consistent with local planning for sustainable development in the</i></p>	<p>Remove the proposed allocation of Chigwell Convent as a Local Green Space.</p>

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<p>exceptional circumstances can be demonstrated.</p>	<p><i>area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.</i> The proposal to allocate this site as a Local Green Space is therefore unjustified and not in general conformity with the LPSV.</p> <p>Given the above, the Council considers that Policy CHG10, in its current form, will <u>NOT</u> meet the following basic conditions:</p> <ul style="list-style-type: none"> i. Basic condition A - because it doesn't have regard to the relevant national policies and guidance, especially the need to for the policy to be clear, unambiguous and supported by appropriate evidence; ii. Basic condition D – because it does not contribute to the achievement of sustainable development; and iii. Basic condition E - because it is not in general conformity with Local Plan policy. 	
<p>Matters around community bus services Paragraph 5.5 to 5.7 of the CNP</p>	<p>The Council notes that contribution for a community bus service is no longer a policy requirement for the Rolls Park allocation. This is welcomed.</p>	<p>The proposed community bus should not be used to justify the sustainability of proposed development in the CNP.</p>

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<p>5.5 The Parish Council is in the process of establishing and operating a community bus service serving all of Chigwell Village, Grange Hill and Chigwell Row. The project is now fully funded having secured £1.6m of funding from previous development schemes. The successful operation of these buses will transform the ability of Chigwell residents to move around the Parish without the use of a motor car and should alleviate severe parking problems currently associated with having two stations with no parking and three schools with no easy access from inside Chigwell by bus.</p>	<p>The Council also notes that references to community bus service are still being used in the CNP and the Rolls Park Site Assessment Report to support the proposed development for Rolls Park and Victory Hall site. As such, many of the comments made previously by the Essex County Council (ECC) Bus Services still apply. In essence, ECC considers that while it is possible to have a free Hail & Ride service, there are a number of practical concerns including the reliability and regularity of the service, and the effectiveness of the service in encouraging non-car trips.</p>
<p>5.6 The routes will operate on a 'hail and ride' system and will connect the development sites with the main local services in the Parish on a regular timetable from early morning to early evening, seven days a week. As such, the scheme will be a major means by which the distribution of smaller housing sites across the three settlements in the Parish (to minimise the effects on the Green Belt) can be mitigated in respect of encouraging non-car trips to local services.</p>	<p>Given ECC's comment and all the available evidence, the Council is not satisfied there is sufficient evidence that the proposed community bus service can be used to justify proposed developments in the CNP.</p>
<p>5.7 In particular, it will allow Chigwell Row</p>	

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<p>residents easy access to Chigwell's London Underground Stations and schools as well as shops and services. It will do the same for the residents around Turpins Lane and Brunel Road, who currently have no bus access into the centres of Chigwell at all. And it will provide a service which will link up with the new community hub on what is the Victory Hall site to enable access to</p> <p>Paragraph 8.12 of the Rolls Park Site Assessment Report – 'Although being served by the new Chigwell Parish Bus Service and being within a reasonable walking distance of both the London Underground and bus services.....'</p> <p>Paragraph 9.5 of the Rolls Park Site Assessment Report – 'Further, the new Chigwell Parish Bus Service will serve both schemes with a regular service connecting them with Chigwell, Grange Hill and Chigwell Row'</p> <p>Paragraph 9.12 of the Rolls Park Site Assessment Report – 'This Community Hub is within walking distance of Chigwell Underground Station and will also be served by the new Chigwell Parish Bus</p>		
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<p>Service.'</p> <p>Matters around other infrastructure requirements</p> <p>Paragraph 5.8 and 5.9 of the CNP</p> <p>5.8 Proposals for the following infrastructure developments will also be supported by the Parish Council and financial contributions will be sought from developments through planning obligations and/or the Community Infrastructure Levy:</p> <ul style="list-style-type: none"> • New off-street parking facilities adjacent to the London Underground Stations of Grange Hill • improvements to the existing roads and pavements by Essex County Council • measures which seek to improve traffic flows during peak use times • proposals to invest and improve local schools at: <ul style="list-style-type: none"> o Chigwell School o Chigwell Primary School o Limes Farm School o Wells Park School o Chigwell Row School o West Hatch School 	<p>Paragraph 5.8 and 5.9 identifies the infrastructure projects to be supported by the CNP including improved parking at Grange Hill Station, highway improvement, traffic measures to improve flow at peak use times and investment and improvement for local schools.</p> <p>As alluded to in section 3 of the Briefing Note the Council provided on an earlier version of the draft CNP, funding for this type of projects would usually be secured or funded by planning obligations that comply with the Regulations 122 and 123 of the CIL Regulations 2010 (as amended). However, in advance of the completion of the LP Infrastructure Delivery Plan (IDP), it is unclear how the infrastructure proposals identified within the CNP will relate to proposals within the LPSV. It is also unclear whether these infrastructure proposals are financially viable as no evidence have been provided in the submission documents.</p> <p>In addition to the comments made in the Briefing Note, the Council would like to point out that the Chigwell School may not</p>	<p>Remove reference to Chigwell School from the supporting text.</p> <p>Further clarification is needed to demonstrate the feasibility and viability of the proposed schemes, and also how they relate to the Council's Infrastructure Delivery Plan.</p>
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<p>5.9 The Parish Council will seek to secure investment from financial contributions from development schemes in the Parish towards these projects. Contributions will be made in the form of S106 planning obligations if the project has a direct, beneficial relationship with the development scheme in line with the NPPF §173. Otherwise, investment will be secured through the Community Infrastructure Levy when that is adopted in the District.</p>	<p>be able to receive public funds via S106 as it is an independent/private school.</p>	
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Epping Forest District Council

Representation to Chigwell Neighbourhood Plan Submission Version

1. Chigwell Parish Council has submitted their Neighbourhood Plan and associated documentation and has requested that the Chigwell Neighbourhood Plan (CNP) be submitted for independent examination.
2. Under paragraph 3 of Schedule 4B to the Town and County Planning Act 1990 (as amended), the local planning authority must 'provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order'. Epping Forest District Council (EFDC) has provided support and advice to the Chigwell Parish Council at various different stages of the CNP's preparation. This includes:
 - a) Meeting to discuss CNP progress and potential green belt release– 17 July 2015
 - b) A policy scoping session in January 2016
 - c) Meeting to discuss the relationship between the CNP and the emerging Local Plan – 14 July 2016
 - d) Legal Advice provided in relation to site allocations - September 2016
 - e) Detail response to the Draft CNP – 22 September 2016
 - f) Meeting to discuss CNP progress and potential impact on Epping Forest SAC –11 July 2017
 - g) Detail response to the Pre-submission CNP – 15 November 2017
 - h) Meeting to discuss the Habitat Regulation Assessment for the CNP– 31 January 2018
3. Having now reviewed the CNP Submission Version, and notwithstanding comments and advice previously given to the Parish Council, EFDC has identified a number of outstanding concerns about the CNP and associated supporting documents.
4. Appendix 1 attached to this letter contains a table summarising the Council's assessment of each of the submission CNP policies. The table also includes the Council's view on whether the policies meet the 'basic conditions' for neighbourhood plans and suggested amendments to the CNP which the Council considers necessary for the CNP to meet the 'basic conditions'. Supplementary comments from other organisations are also attached:
 - a) Comments made on 24 April 2018 by Natural England in relation to the CNP's potential impact on the Epping Forest Special Area of Conservation (EFSAC); and
 - b) Comments from ECC's highway and bus services in relation to the proposed community bus service and highway improvements
5. The Council considers that all of the policies in the CNP fail to meet the 'basic conditions' set out in Schedule 4B to a greater or lesser degree. The Council's main concerns about the CNP can be summarised as follows:

- i. In light of the comments received from Natural England, the CNP should await the adoption of the Local Plan where the Mitigation Strategy for the EFSAC will be tested through the Local Plan examination. If the Parish Council does not want to wait for the adoption of the Local Plan, the CNP will need to agree bespoke mitigation measures with EFDC, Natural England and the Conservators of Epping Forest in order for it to comply with the EU Habitats Directive as regards potential harm to the EFSAC. Such agreed measures are currently absent from the submission documents.
 - ii. In terms of the Mitigation Strategy for the EFSAC, a Memorandum of Understanding has been agreed between the relevant local planning authorities, the Conservators and Natural England (see Appendix 2). It has been agreed that a joint strategy should be developed to address potential adverse impacts on the integrity of EFSAC, and that EFDC will act as the coordinating competent authority. It is anticipated that an interim visitor strategy, which comprises schemes which can be delivered in the short term, will be in place by June / July 2018 (subject to confirmation from the Conservators of Epping Forest and Natural England of the schemes and projects to be funded). A longer term strategy will be developed over the Summer/Autumn 2018 period. This will be informed by the current review of the Epping Forest Management Plan being undertaken by the Conservators.
 - iii. The development proposals for Rolls Park (Policy CHG2) and Victory Hall site (Policy CHG5) are in conflict with national policy and the Local Plan Submission Version (LPSV). In particular, Policy CHG2 is considered to be an allocation policy rather than an 'enabling development' policy;
 - iv. The allocation of Chigwell Convent as Local Green Space (Policy CHG10) is not based on sufficient evidence and is in conflict with housing allocation CHIG.R5 of the LPSV;
 - v. The proposal for a review of the Neighbourhood Plan to take place before the Limes Farm (Policy CHG4) regeneration is brought forward is in conflict with Policy P 7 of the LPSV and could cause significantly delay in the delivery of the site;
 - vi. Elements of Policy CHG1, CHG2, CHG3, CHG5, CHG6, CHG7, CHG8, CHG9 and CHG10 are unclear and/or ambiguous and would require clarification or further justification to demonstrate how they comply with national and local policies;
 - vii. The Council is pleased that the policy requirements for a contribution towards a community bus service have been removed. However, given the concerns raised by ECC, the Council does not believe that the proposed bus service can be used to justify the sustainability of the proposed allocations in the CNP.
6. In conclusion, while the CNP has taken on board some of the comments EFDC made to previous iterations of the plan there remains a number of substantial concerns meaning that significant number of amendments will be required if the CNP policies are to meet the 'basic conditions' as prescribed in relevant legislation. In light of the comments from Natural England, the Council

also recommends the CNP examination should be postponed until the Mitigation Strategy for the Epping Forest Special Area of Conservation is adopted.

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to consist of the letters 'SP'.

