

# 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](mailto: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>	Freetown Homes	<i>Organisation Name:</i>	Aspbury Planning Limited
<i>Contact Name:</i>	C/o Agent	<i>Contact Name:</i>	Mr Antony Aspbury
<i>Address:</i>	C/o Agent	<i>Address:</i>	20 Park Lane Business Centre Park, Lane, Basford, Nottingham
<i>Postcode:</i>		<i>Postcode:</i>	NG6 0DW
<i>Tel:</i>	C/o Agent	<i>Tel:</i>	+44 (0)115 8528053
<i>Fax:</i>		<i>Fax:</i>	N/a
<i>E-mail:</i>	C/o Agent	<i>E-mail:</i>	office@aspburyplanning.co.uk

# 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> <u>No</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> <u>No</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> <u>No</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).	

Other supporting submission document and supporting documents. Please specific which document you wish to comment on:  _____	
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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.

### **Basic Condition a**

The draft Chigwell Neighbourhood Plan (CNP) displays the same deficiencies as the draft Epping Forest Local Plan (EFLP)(to which the Objector has also objected [see attached]) in that it fails to provide for adequate development, particularly housing development, in sustainable locations in the Plan Area. Both draft Plans recognise the need for a review of the boundaries of the Green Belt so as to meet the area’s objectively assessed housing need but, in both plan areas, the review of the Green Belt, such as it is, is partial, insufficiently rigorous, is self-serving and is predicated on an inadequate and unjustifiable assessment of housing need, and specifically has failed to identify enough land, including land released from the Green Belt. The CNP is in conflict with the following provisions of the NPPF: Paragraphs 7, 9 (particularly the fifth bullet), 14, 15, 16, 17, 47, 157, 158, 159 and 182. (The Objector reserves the right to identify the alternative/additional provisions in the review of the NPPF should that be published before the CNP is examined and made).

**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).

The appropriate vehicle for establishing and testing whether housing need has been fully objectively and effectively assessed, whether, accordingly, the housing provision in the Local Plan is adequate and whether a full review of Green Belt boundaries is the emerging EFLP and specifically the independent examination thereof, and not individual neighbourhood plans, such as the CNP. Chigwell is a highly sustainable settlement with, amongst other things, a station on the London Underground Central Line and an excellent and improving range of community facilities. It is therefore capable of accommodating more growth than is currently planned for in either the draft EFLP or the CNP. It is, therefore, most likely to be a prime candidate for *further* major housing allocations, including through the release of Green Belt land. Pending the further evolution, examination and testing of the EFLP which, the Objector contends, will inevitably result in the Local Planning Authority needing to increase the Local Plan’s housing provision, to make further allocations and, thus, to undertake a further review of Green Belt boundaries, then progressing the CNP to examination, and certainly to the making stage, is clearly **premature** and will unreasonably pre-empt strategic decisions in the EFLP.

### **Basic Condition d**

The CNP makes insufficient provision for sustainable development in and around the main built-up area of the settlement whose intrinsic sustainability credentials have been listed in the commentary on Basic Condition a. above.

The proposed allocations in Chigwell in the EFLP are disproportionately small and do not reflect the size, strategic location and the opportunities for sustainable development in the settlement. The one larger allocation at the Limes Farm Estate CHIG R6 (CNP CHG4), which is, in any event back-phased to the end of the Local Plan period is, in the submission of the Objector, unrealistic unsound by virtue of imprecision and uncertainty and not nor demonstrably deliverable. (See Draft CNP paragraph 4.25/-26).

The CNP proposes an additional allocation: Policy CHG2. In all respects this is a quite remarkable and irregular proposal, as it involves inappropriate development in the Green Belt – i.e. housing – without proposing the removal of the Site from the Green Belt. The explicit justification for this proposal is as ‘enabling development’ (to fund, amongst other things) the new Community Hub at Hainault Road. The Objector contends that that the development would occasion significant harm to the Green Belt by reason of loss of openness, sprawl and encroachment on the countryside. The alleged justification clearly does not amount to very special circumstances and the harm by reason of inappropriateness is not clearly outweighed by other considerations. In any event, the case for enabling development is not supported by a robust independent viability assessment.

Notwithstanding the compelling objection on Green Belt grounds the proposal would clearly constitute sporadic development in an unsustainable location in the open countryside, remote from the built up area of Chigwell and the main services and facilities. It is inaccessible, including by modes other than the motor car. It clearly does not, therefore amount to 'sustainable development' and the proposal should, accordingly be deleted from the draft Plan. The formulation of the Policy is also vague and imprecise. There are more sustainable locations on the edge of the built up area. Such allocations could through a properly formulated and justified policy (in the EFLP or the CNP), providing for a CIL charging schedule or (S106) Planning Obligations, secure reasonable and proportionate contributions to needed community infrastructure, such as the Community Hub.

**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).

It is relevant to the foregoing that the Objector is actively promoting, through the development plan process, the release from the Green Belt, and its allocation for a housing-led (200 dwellings) mixed use development, of land bounded by Hainault Road, the Chigwell Brook/Courtland Drive and the Central Line which immediately adjoins the Village Centre and the Station and which is well served by the area's core bus service. It also immediately abuts the proposed site for the new Chigwell Community Hub. This Omission Site (see attached Location Plan), is contained by built development on three sides and does not, in the Objector's submission fulfil any of the purposes of including land in the Green Belt. The Objector has also undertaken detailed technical assessments of the Site, including, Archaeology, Agricultural Land Quality, Ecology, Landscape and Visual Impact, Utilities, Transport, Drainage, Noise and Air Quality, which demonstrate that there are no compelling physical, environmental and amenity constraints upon its allocation and development for housing and other complementary uses (including a healthcare facility, a primary school and a nursing home. In addition, the Objector has prepared a Masterplan which demonstrates how the development can be successfully and sympathetically linked and integrated into its immediate surroundings, can deliver high quality design, landscape and biodiversity improvements on and improved public access to an area to be *retained* in the Green Belt adjoining the Site to the east. This proposal has been the subject of public consultation, including a public exhibition. The Objector proposes that this Site should be removed from the Green Belt as part of a fresh comprehensive review of Green Belt boundaries in the emerging EFLP and allocated for housing led mixed-use development in the Local and Neighbourhood Plans.

**Basic Condition e.**

See commentary above with reference to basic conditions a. and d.

Because there is no up-to-date local plan for the area and because emerging EFLP is subject to significant objection on the grounds that, amongst other things, it does not comply with paragraphs 157, 158 and 159 and does not meet the tests of soundness in Paragraph 182 of the NPPF, it cannot be said that the draft CNP 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), simply because these strategic policies, including, crucially, the review of Green belt boundaries have not even been examined and tested yet, let alone adopted.

This reinforces the Objector's assertion that the making of the CNP is premature

**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**

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:

Having regard to the representations made above, which demonstrate major structural and procedural defects with and the fundamental unsoundness of the proposed Submission Draft Neighbourhood Plan. occasioned principally by the unresolved strategic planning policy context, a full examination of the draft CNP is warranted if it is to be pursued at this time.

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**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**

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

**YES**

<p><b>Signature:</b></p>  <p>Antony Peter Aspbury</p>	<p><b>Date: 25 June 2018</b></p>
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Thank you for taking the time to respond.