

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)	
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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).	
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.	x
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).	x
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> <ol style="list-style-type: none"> 1. Chigwell NP – Final Sustainability Appraisal Report – March 2018 2. Chigwell NP – Final Statement of Consultation – March 2018 <hr/>	x
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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.

We are concerned that the making of the order (or neighbourhood plan) does not contribute to the achievement of sustainable development (condition (d)) and the making of the order (or neighbourhood plan) is not in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) – (condition (e)).

Comments were provided for the earlier Chigwell Neighbourhood Plan (CNP) consultation in 2016, relating to potential site allocation CV2 – Chigwell Nurseries and our client’s support that allocation and the benefits that could be realised from its delivery. The Epping Forest emerging Local Plan (eLP) includes part of the site as an allocation for up to 65 dwellings, reference Chig.R5 (Policy P7 of eLP), but excludes the remaining brownfield and associated land (due to an inaccurate evidence base), which my client has objected to as part of the eLP process. This is not to be confused with CHG5 – the Community Hub – which is also referred to in these comments. These comments generally use the eLP reference of Chig.R5 in relation to the site allocation.

Summary

Our full comments are provided within these submissions. Our concerns and observations are provided in summary in the bullet point list below for ease of reference:

- The Rolls Park development raises serious concerns in respect of sustainability and legal compliance, which is in direct conflict with the Neighbourhood Planning Basic Conditions; the aims of the CNP; and the policies within the eLP;
- There is no sequential assessment of other potential locations for the ‘community hub’, nor was there any attempt to engage with promoters of other sites in the Parish to discuss the possibility of alternative locations or alternative means of funding the Community Hub (please refer to the letter attached);
- Many of the policies within the CNP are based on subjective assessments from their own evidence base, which are either factually incorrect or lack a robust technical background. For example, please find the extracts from the Sustainability Statement and Site Assessment Report (SAR) below regarding our client’s site (CHIG.R5 – Chigwell Nursery) and the proposed Rolls Park development. In relation to the second extract, Rolls Park is 1.2 miles from the underground station, as stated within the Parish Council’s own evidence base, which is not deemed to be an appropriate walking distance to reach more sustainable modes of transport, especially when older / less able people are taken into account.

“The Nursery site is probably not capable [emphasis added] of delivering the number of homes set out in the Draft Local Plan.” Sustainability Appraisal March 2018. There is no information or evidence to support this statement.

“This Community Hub is within walking distance of Chigwell Underground Station and will also be served by the new Chigwell Parish Bus Service.” Para 9.12, SAR (March 2018). The Hub, if located at Victory Hall, is within a suitable walking distance of the station. The supporting site to deliver it, Rolls Park, would not be.

- The Statement of Consultation for the NP states that the eLP intends to ‘release the same site from the Green Belt’ (para.3.22). However, this overlooks that there are fundamental differences

in the extent of the site identified in the eLP and the earlier CNP. The earlier CNP identified a more sustainable approach to the delivery of CV2 than is achieved by Chig.R5. CV2 should therefore be reintroduced into the CNP.

- In addition to the above, the CNP has also based much of its policies and methodology on Epping Forest District Council's Emerging Local Plan (eLP), which still has significant outstanding objections and has (at the time of writing this representation) not been subject to examination by an Independent Examiner. It cannot therefore be considered to accord with the Strategic Policies of the Authority.

Detailed Comments

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 logically 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 (specifically the Sustainability Assessment and Site Assessment Report) that has explored sequentially preferable and/or sustainable alternatives.

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. The allocation of Rolls Park is supported by a Site Assessment Report (SAR). It is published and prepared by Chigwell Parish Council (dated March 2018) on behalf of the site owner, which is unusual to see such support for an individual site, when other sites are available and have not been given the same level of attention.

The SAR states that it:

'Supports the proposed allocation of the Rolls Park site for a housing scheme, a community park scheme and the delivery of an off-site community facility scheme in Policy CHG2 of the submission version of the Chigwell Neighbourhood Plan. It is published by the Parish Council in the evidence base of the Neighbourhood Plan and has been used to refine the policy and to inform the assessment of the site in the Sustainability Appraisal of the Plan.' (para. 1.1)

It is noted that the site is within the Green Belt and neighbourhood plans cannot alter the Green Belt. The Assessment therefore expresses the view as to why very special circumstances exist to allow this development, in conflict with National Planning Policy and the previous planning refusal by EFDC, as shown below:

"2.2 The land has been subject to previous, albeit very different, proposals in the last decade. In September 2008, planning permission was refused on appeal to develop the site to provide 116 affordable homes (APP/J1535/A/08/2072646). The Inspector's decision letter provided four main reasons: the 'very special circumstances' test did not outweigh the harm of inappropriate development in the Green Belt; the scheme would not be accessible to sustainable means of transport; the site had not been identified as part of the sequential assessment; and the site was unsuitable for affordable housing. It is noted that the Neighbourhood Plan proposals have sought to successfully address each of these reasons." Chigwell Site Assessment Report.

The same justification (altering Green Belt boundaries) is not extended, or assessed, for any other site submitted through the Local Plan process or identified in the previous Chigwell Neighbourhood Plan consultation. This approach therefore opaque, being tilted towards this one site, and is in direct conflict with the Basic Conditions (as stated on page 6 of the CNP) of neighbourhood planning, which include:

- *Is the Plan consistent with the national planning policy, especially in respect of the protection afforded to the Green Belt?*

- *Is the Plan consistent with local planning policy?*
- *Does the Plan promote the principles of sustainable development?
Has the process of making of the Plan met the requirements of the European environmental standards?*

Paragraph 1.5 of the SAR states that the Parish Council have ‘discussed with the owner [the] opportunity to resolve a longstanding ambition – to replace the inadequate Victory Hall community building’. The value of that replacement is identified as £6.5m (SAR; para.1.5). The Assessment also states that this can *only* be funded through development of Green Belt land, justified by ‘very special circumstances’ (SAR; para. 1.5). The CNP confirms at paragraph 4.12 that CHG2 is included on land that will ‘remain in the Green Belt, but which will enable the delivery of the nearby Parish Community Hub proposal (see Policy CHG5)’ (emphasis added). While paragraphs 4.13-19 outline the very special circumstances that may allow the development within the Green Belt, the principle reason that the CNP supports the allocation is contained in para.4.13 – that is, the delivery of the Community Hub.

The rationale within the CNP for allocating the site is not justified. The allocation, due to its distance from sustainable transport options, the lack of poor safe connectivity (there is a long walking distance required from the bus or High Road, down an unlit / poorly lit footpath – making it especially dangerous for less able residents), and its isolation within the Green Belt, does not reflect the aims of the emerging Epping Forest Local Plan (eLP), the emerging CNP, National Planning Policy, or a sustainable approach to development in Chigwell. The relevant extract from the SAR is included below, which highlights the locational issues:

“3.7 Pedestrian and cycle connections are available from the western boundary of the site giving access to the village centre and amenities via the Chigwell Meadow footpaths and Grange Farm Lane with distances of 0.6 miles to Chigwell Primary School, 1.0 miles [to] shops[,] post office and pub, and 1.2 miles to Chigwell station which is on the central line” (emphasis added) (Chigwell SAR March 2018)

It is noted that no formal access agreement appears to have been reached (as per the extract below) with the Grange Farm Trust in order to allow access to Chigwell Meadow:

“4.11 The community park (F) will be laid out and managed to function as a SANG with the potential to become an extension to Chigwell Meadows and the wider green infrastructure network. Provision will be made for pedestrian links (G) from the community park to Chigwell Meadows in locations to be agreed with the Grange Farm Trust [emphasis added].” SAR (March 2018).

Of principle importance, there are other more sustainable options for securing the funding for the Community Hub that have not been explored by the Parish Council in the preparation of the CNP. This includes securing funding from other developments in Chigwell, either those identified in the eLP or the identification of more sustainable sites that should be identified in the CNP. An example of which is our clients site, previously referenced as CV2 (eLP allocation reference – CHIG.R5), a brownfield site adjoining the settlement boundary which could provide the required site area (to accommodate the ‘community hub’), in a sustainable location c.400m from the central line tube station. A site which we believe is consistent with the key aim of the NP, as per the following extract:

“Thankfully, our fears of a major loss of Green Belt land appear to have been allayed. The final Local Plan has come to many of the same conclusions as our own Plan in terms of finding smaller brownfield and edge of village sites for new housing” [emphasis added]. Page 3, Chigwell Neighbourhood Plan: Submission Version March 2018.

Representations were submitted to the 2016 CNP in support of the allocation of CV2 as a 5.46ha site capable of delivering 65 dwellings and a care home, along with a number of requests to meet with the Parish Council to discuss in detail. There is no commentary on why Chig.R5 has been removed from the CNP in favour of the site identified in the eLP, of 1.66ha, nor has there been any willingness to engage with our clients about the delivery of the Hub or any other matters.

Condition (e) – general conformity with the strategic policies contained in the development plan for the area of the authority

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 writing this representation; however, regardless of this outcome, the eLP has still yet to be subject to independent examination. There are significant outstanding objections that need to be resolved, relating to, *inter alia*, housing need, housing supply, site allocations and the adequacy of the SA.

The CNP has based a large proportion of its policies and methodology on the evidence base provided alongside the Local Plan:

“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” (emphasis added)(Page 9; Chigwell Sustainability Appraisal).

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.

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).

In order to ensure that development sites reflect the aims and aspirations of the local community, it is recommended that the site allocations within the pre-submission neighbourhood plan document are reconsidered and reinstated. This would give the Neighbourhood Plan Group the opportunity to thoroughly assess the option of delivering the ‘community hub’ through a sequentially preferable site, or set of sites, alongside developer contributions (from within the Parish) secured by condition or legal agreement. A letter supported by three developers (or their representatives) promoting sites within the Parish has been signed and submitted with these representations in support of this approach and explains that there was no attempt by the Parish Council to discuss this option with the developers.

In addition to the above, if funding for local infrastructure or housing allocations prove not to be deliverable, increasing density on appropriate sites close to sustainable transport nodes should be considered. This would enable the Parish Council to maximise the development opportunities within the district, whilst reducing the additional burden on local services.

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: 	Date: 25 th June 2018
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Thank you for taking the time to respond.