

Epping Forest Local Plan Examination

Matter 1 – Legal Compliance

Examination Statement by Nexus Planning on behalf of St Congar Provincial

1. This statement have been prepared by Nexus Planning on behalf of St Congar Provincial.
2. St Congar Provincial control an omission site known as land at Old Farm, Chigwell (the site), which has been promoted for housing. Our response to relevant matters, issues and questions are set out below.

Issue 1: In preparing the Plan, has regard been had to national policies and advice; and to Neighbourhood Plans whether “made” or in preparation?

National Policy and Advice

Are there any “made” NPs in the District? If so, has regard been had to them in preparing the Plan? Is there any specific conflict between any policies of the submitted Plan and any made NP?

3. The Chigwell Neighbourhood Plan 2018-33 (“CNP”) received the Examiner’s Report in November 2018. This sets out that the CNP should not proceed to referendum. The Examiner’s Report sets out an array of fundamental issues with the CNP and that it does not meet the basic conditions. Accordingly, the CNP can only be afforded little or no weight in the consideration of the Epping Forest Local Plan (“EFLP”), having regard to paragraph 216 of the National Planning Policy Framework 2012 (“the Framework”). In any event, it is noted that paragraph 184 of the Framework outlines that *“neighbourhood plans must be in general conformity with the strategic policies of the Local Plan”* (my emphasis). At present, we are concerned that CNP’s preference for limited growth has unduly influenced the growth strategy at Chigwell, resulting in an unjustifiably low level of housing growth.

Issue 4: Has the Plan been informed by an adequate process of Sustainability Appraisal (SA)? Have the requirements of the SEA Directive and Regulations been met?

1. Is the SA comprehensive and satisfactory and has it sufficiently evaluated reasonable alternatives? In particular, I understand that a “dispersed” pattern of development was pursued as a result of the Community Choices consultation. Were alternative distributions considered through SA, such as a more concentrated pattern, or different dispersal patterns?
4. As detailed within our Regulation 19 representations to Policy P7 of the EFLP, the Council failed to make crucial site selection information contained within the Site Selection Report (December 2017) (EB802B) available at the time of the Regulation 19 consultation, severely prejudicing our ability to come to a view as to whether the allocated sites are the most appropriate strategy, when assessed against reasonable alternatives i.e. whether the Plan is legally compliant and sound, having regard to paragraph 182 of the Framework.
5. Paragraph 165 of the Framework advises that a Sustainability Appraisal (“SA”) should be *“an integral part of plan preparation process”*. The National Planning Practice Guidance (“NPPG”) explains that the role of a SA is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives (ID:11-001). The SA needs to compare all reasonable

alternatives including the preferred approach. It should predict and evaluate the effects of the preferred approach and reasonable alternatives, and clearly identify the positive and negative effects of each alternative. All reasonable alternatives should be assessed at the same level of detail as the preferred approach. The SA should outline the reasons why the alternatives were selected, the reasons why the rejected alternatives were not taken forward and the reasons for selecting the preferred approach in the light of the alternatives (NPPG ref. ID:11-018).

6. In the absence of the Site Selection Report appendices at the time of the preparation and publication of the Council's SA (December 2017) cannot comply with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 the (2004 Regulations), namely that an SA report must identify, describe and evaluate the likely significant effects on the environment of: a) implementing the plan; and b) the reasonable alternatives taking into account the objectives and the geographical scope of the plan, as plainly that information wasn't available at the time of the SA being prepared.
7. In light of the Council's admitted failure to make crucial appendices of the Site Selection Report available at the time of the Regulation 19 consultation, the Council has permitted specific parties (the basis of which is unclear) supplementary time to make representations in respect of Appendices B and C of the Site Selection Report. St Congar Provincial was given 4 weeks to respond, with the deadline being 5pm on 17th May 2018.
8. Given the timing of this additional information becoming available, it cannot be concluded with any confidence that the SA has sufficiently evaluated the reasonable alternatives.