

## **The draft Chigwell Neighbourhood Plan fails to meet the specified “basic condition” of A - that of having regard to national policies and advice contained in guidance from the Secretary of State**

### **Comments and proposed modifications**

According to the Secretary of State’s guidance, a qualifying body (in this case Chigwell Parish Council) may wish to consider what infrastructure needs to be provided in their neighbourhood area alongside development such as homes, shops or offices. Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way.

The following may be important considerations for a qualifying body to consider when addressing infrastructure in a neighbourhood plan:

- what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way
- how any additional infrastructure requirements might be delivered
- what impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefore its delivery
- what are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services, which could help shape decisions on the best site choices

Qualifying bodies should engage infrastructure providers (eg utility companies, transport infrastructure providers and local health commissioners) in this process, advised by the local planning authority.

In the matter of the hub and bus service, the structure of how any additional infrastructure might be delivered has not been adequately addressed. More seriously in the matter of the bus, no consideration has been given to the possible failure of the bus project and the impact of such a failure has not been considered in the draft neighbourhood plan and thus its delivery.

Contrary to guidance, a transport infrastructure provider has not been engaged and the concerns of Epping Forest regarding the viability and long term sustainability of the proposed bus service have not been adequately addressed by CPC.

The relationship between any group engaged in the NP and the formal functions of the parish council should be transparent to the wider public. Where a parish council chooses to produce a neighbourhood plan it should work with other members of the community who are interested in, or affected by, the neighbourhood planning proposals to allow them to play an active role in preparing a neighbourhood plan or Order. The decision of CPC to discuss items within the NP such as the Hub and Bus Service in private whilst excluding the public and press is contrary to that transparency and the community having an active role.

Where a community wants to take up the opportunities offered by neighbourhood planning, the legislation enables 3 types of organisation, known as qualifying bodies, to lead it:

- a parish or town council
- a neighbourhood forum
- a community organisation

The options of these other two organisations being formed was not made clear at the time by CPC .

The NP is currently not meeting many of the specified “basic conditions” and it appears the current Parish Council would benefit from more community involvement and assistance. It is suggested that the parish council establish an advisory committee under

[section 102\(4\) of the Local Government Act 1972](#)

and appoint local people (who, as per the Secretary of State's guidance, are not necessarily parish councillors) to sit on and chair this committee.

Members of such committees or sub-committees would have voting rights under section [13\(3\), \(4\)\(e\) or \(4\)\(h\) of the Local Government and Housing Act 1989](#).

The terms of reference for this body would be published and the minutes of meetings be taken in detail and made more widely available to the public than they are now.

The Parish Council can be said not to have consulted fully with local residents in the matter of the proposed bus route or community hub and these items should be removed from the NP pending independent assessment of their feasibility and viability. The logistics and practicalities of the current proposed bus service are considered at risk of being unviable and the Community Hub project was not detailed in the pre-submission NP; there has been little opportunity for residents to consider the logistics and feasibility of either due to Chigwell Parish Council's practice of excluding the public and press at council meetings where the bus and hub are discussed.

The "Report and Assessment of Chigwell Community Hub" produced by RCHE Planning Consultants on behalf of CPC and submitted as a supporting document to the NP submission includes details of the proposed development by CPC on Green Belt land which was comprehensively refused planning at a planning committee meeting in March 2018.

The recommendations included in the report included:

*In order to fully satisfy the justification for a new Community Hub and to validate the demolition of the existing buildings a full structural and condition survey should be undertaken*

*Encourage CPC to engage more fully with the public specifically on this major project and to undertake further investigations and develop a detailed business plan to enable this project to progress in separation to the planned Rolls Park development.*

It was planned that the Community Hub would provide 2509m<sup>2</sup> of floor space over two floors on a site adjacent to the existing buildings currently farmed by a local farmer but owned by CPC. This site is Green Belt and, after CPC spent a considered sum fencing it off, it became the subject of an adverse possession action by the farmer who has an agricultural tenancy.

Considerable expenditure went on submitting a refused planning application by the Parish Council to build the Community Hub on Green Belt land; it is considered that no further expenditure is appropriate and the item is not considered part of the NP until the objectives, viability, sustainability and financing of this and the bus projects have been properly established with consultation from the residents and a community NP body is established. In the meantime it should not be considered routine that members of the public are excluded from council meetings when infrastructure matters that are form part of the NP are being discussed.