

# 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>	Essex County Council	<i>Organisation Name:</i>	
<i>Contact Name:</i>	Rich Cooke	<i>Contact Name:</i>	
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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.	
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>
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.

#### **Whole Plan – Mineral Planning Issues and Safeguarding Mineral Development**

As a requirement of the NPPF, safeguarding mineral resources of national and local importance is carried out by the Mineral Planning Authority (ECC) through the designation of Mineral Safeguarding Areas (MSA).

MSAs aim to ensure mineral resources are adequately and effectively considered in land use planning decisions to prevent sterilisation by non-mineral development. The MSA designation signifies to the Local Planning Authority, Neighbourhood Planning Authority and prospective developers of non-mineral related proposals, to the potential presence of economically viable mineral resources. This ensures that the presence of minerals are considered at the earliest opportunity in the plan/development process, although the MLP acknowledges that this does not create a presumption that the resources defined will ever be worked (extracted).

**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).

Policy S8 of the MLP (see extract attached on ensuing sheet) identifies MSAs around economically viable mineral deposits in the county. Policy S8 is part of the Development Plan for the NP area so all decisions must be taken in accordance with it.

There are several areas of mineral resources (sand and gravel) which are subject to protection through an MSA within and in close proximity to the Neighbourhood Area, as outlined in Map 1 in the NP. Whilst it is recognised that the proposed development areas may not be subject to an MSA, or be of a size to trigger Policy S8, all maps used within the NP should include the MSA for sand and gravel as shown within the map accompanying this response. This information can be provided by ECC. It should be noted that ECC must be consulted on any planning application on a site located within a sand and gravel MSA that is 5ha or greater in line with Policy S8.

Paragraph 3.4 of the NP sets out those policies in the Combined Local Plan which are considered most relevant to the NP. A further paragraph should set out that Policy S8 of the MLP has relevance to the NP. Further commentary should explain the purposes of a MSA and that development proposals of 5ha or greater within a MSA would trigger the need to comply with Policy S8 of the MLP.

### 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 / ~~Ne~~

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:

In order to ensure that ECC is able to explain and clarify any changes sought (if necessary) and to help agree an appropriate form of changes, where necessary, through this discursive process

### 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

<b>Signature:</b> 	<b>Date:</b> 26/06/2018
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Thank you for taking the time to respond.

## **Appendix 1: Policy S8, Essex Minerals Local Plan 2014**

### **Policy S8- Safeguarding mineral resources and mineral reserves**

By applying Mineral Safeguarding Areas (MSAs) and/ or Mineral Consultation Areas (MCAs), the Mineral Planning Authority will safeguard mineral resources of national and local importance from surface development that would sterilise a significant economic resource or prejudice the effective working of a permitted mineral reserve, Preferred or Reserve Site allocation within the Essex Minerals Local Plan (MLP). The Minerals Planning Authority shall be consulted, and its views taken into account, on proposed developments within MSAs and MCAs except for the excluded development identified in Appendix 5 of the MLP.

#### **Mineral Safeguarding Areas**

Mineral Safeguarding Areas are designated for mineral deposits of sand and gravel, silica sand, chalk, brickearth and brick clay considered to be of national and local importance, as defined on the Policies Map.

The Mineral Planning Authority shall be consulted on:

- a. all planning applications for development on a site located within an MSA that is 5ha or more for sand and gravel, 3ha or more for chalk and greater than 1 dwelling for brickearth or brick clay; and
- b. any land-use policy, proposal or allocation relating to land within an MSA being considered by the Local Planning Authority for possible development as part of preparing a Local Plan (with regard to the above thresholds).

Non-mineral proposals that exceed these thresholds shall be supported by a minerals resource assessment to establish the existence or otherwise of a mineral resource of economic importance. If, in the opinion of the Local Planning Authority, surface development should be permitted, consideration shall be given to the prior extraction of existing minerals.

#### **Mineral Consultation Areas**

MCAs are designated within and up to an area of 250 metres from each safeguarded permitted minerals development and Preferred and Reserve Site allocation as shown on the Policies Map and defined on the maps in Appendix 6. The Mineral Planning Authority shall be consulted on:

- a. Any planning application for development on a site located within an MCA except for the excluded development identified in Appendix 5,
- b. Any land-use policy, proposal or allocation relating to land within an MCA that is being considered as part of preparing a Local Plan.

Proposals which would unnecessarily sterilise mineral resources or conflict with the effective workings of permitted minerals development, Preferred or Reserve Mineral Site allocation shall be opposed.

Map 1 – Extent of Mineral Safeguarding Area in Chigwell Neighbourhood Plan Area

