

Epping Forest District Council
Planning Policy
Civic Offices
High Street
Epping
Essex
CM16 4BZ

Our Ref: JAC/SG/11933

12th June 2018

(Also sent by email to ldfconsultseppingforestdc.gov.uk)

Dear Sir/Madam

**RE: REPRESENTATIONS MADE ON BEHALF OF MR STUART ISSACS OF [REDACTED]
[REDACTED] IN RESPECT OF THE REGULATION 16 DRAFT CHIGWELL
NEIGHBOURHOOD PLAN**

I refer to the above matter and set out below our representation in respect of the draft Neighbourhood Plan.

Before setting out our representations we wish to place on record a concern that the PC do not appear to have considered our clients site at The Grange Chigwell, notwithstanding the fact that it was e-mailed and handed in at the PC office at the time of the Call for Sites.

In short we do not consider that the plan or its drafting and background research meet the seven basic conditions that form the statutory requirement for the draft Neighbourhood Plan. In particular we consider that the draft plan is not consistent with national policies and advice contained in guidance issued by the Secretary of State and indeed that the plan is in large part contrary to such advice.

- We consider that the proposal does not present a plan that would deliver sustainable development.
- We do not consider the plan in general conformity with strategic policies for the local area.
- We consider that the site selection process is perverse and entirely at odds with what would normally be expected in the production of such a plan.

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As a starting point we are seriously concerned that notwithstanding that previous submissions on the neighbourhood plan were sent to the Parish Council and indeed hand delivered to the Parish Council, those submissions were not in the possession of the Parish Council when our client visited their offices.

As introduction we are concerned that the draft document suggests that the neighbourhood plan has found small and brownfield and edge of village sites for new housing. That is clearly not the case.

Another major concern with the plan is that it seems to be based around how the Parish Council can replace its existing Victory Hall with a new community facility. The plan appears to revolve around a suggested case of very special circumstances (VSC). Such a case is inappropriate in a Plan such as a Neighbourhood Plan.

It appears to seek to do so by seeking to identify a site that is divorced from the settlement. On the face of it, it would appear that Rolls Park is purely identified on the basis that it will pay for the new village facility. In other words, development of a rural sites will pay for a new facility for community purposes. The fundamental flaw is that the site is not sustainably located and would represent development unrelated to the settlement.

In our submission that is in effect to select a site based on an enabling type case. Site selection purely on that basis is not an objective mechanism or indeed a sustainable mechanism to site identification.

There are other appropriate mechanisms to seek to deliver community facilities. Site selection should have followed an appropriate process with the identification of brownfield sites within existing settlements and then edge of settlement locations where such settlements are of themselves well served by facilities and transport modes. Brownfield sites in the rural area should only be considered where they are well connected and where their development would not increase the impact on the openness or attractiveness of the Green Belt. That is clearly not the case with this proposal.

Any Wednesbury reasonable objective assessment of this neighbourhood plan demonstrates that such proper and appropriate assessment has not been undertaken. In making this statement we note that we have also objected to the emerging Epping Forest District Plan on the basis that its site selection process does not follow a logical sequential approach. Its emphasis on rural brownfield sites is to fail to understand the definition of previously developed land as set out in the NPPF.

It is clear from paragraph 3.11 of the document that the underlying reason for the Parish Council wishing to allocate land at Rolls Park is because within the local plan it is suggested that allocated sites will not be required to help meet the cost of the project. It is submitted that it is entirely inappropriate for this to form the basis of site selection.

For one thing there is nothing to stop a contribution being requested through the District Plan for facilities where justified.



Policy CHG1

It is submitted that this policy is poorly worded and fails to appropriately apply National Green Belt policy as set out in the framework. Phrases such as “*previously used land*” are incorporated whereas it is assumed that this is intended to mean previously developed land. However, bearing in mind the Parish Council’s proposed allocation of land at Rolls Park, serious concern must be raised that CHG1 is simply not in accordance with National Planning Policy.

Policy CH2 – Enabling Development at Rolls Park, Chigwell

It is strongly submitted that the intended allocation of land at Rolls Park, Chigwell for a mixed use residential and community facility scheme is entirely at odds with the NPPF and normal town planning practice.

Rather than consider whether the facilities could be located on a sustainable site on the edge of the settlement, the Parish Council have simply sought to take the easy route of working with a compliant land owner for the mutual benefit of both. The result is a development that does not relate well to the built-up area where members of the public will be wholly reliant on public transport to access the facilities.

In addition we submit that the proposal has not properly considered the visual or functional impact and there is no evidence that sites that have been promoted by other parties have been considered on a systematic or logical basis.

Proposals such as Rolls Park should not be presented as policy and if the Parish Council consider they wish to present an application for the Rolls Park scheme that should be presented as a planning application with a case of *Very Special Circumstances* made. As part of that process they would be required to properly assess whether other sites could deliver the community facilities. We are certain that there are other sites available that could deliver the facilities in a far more sustainably located place.

As a consequence of the above we consider that basic condition (a) as set out on page 2 of the Council’s representations form is not met in that having regard to national policies and advice contained in guidance issued by the Secretary of State the draft Neighbourhood Plan is clearly inconsistent with national policy.

- In respect of Criteria (d) it is clear that by providing community facilities in a rural location where access will be reliant on the car the plan does not contribute to the achievement of sustainable development.
- The proposal fails to take account of strategic policies contained in the current or emerging plan for the area in that it seeks to promote residential and other development in a rural location separate from the urban area. This fails to follow any logical or objective site selection process and is rather a plan based on the availability of a site rather than a plan based on objective site assessment.



In addition to all the above matters we are concerned that the Parish Council have failed to appropriately consider representations made in respect of the availability of edge of built-up area sites and that in effect they have not considered the suitability of all sites on a consistent basis.

In this respect we wish to put on record that our client site at The Grange, Chigwell could have delivered housing and contributed to the provision or redevelopment of a community facility and that alongside other similar sites a sustainable pattern of development could have been achieved. A failure to follow proper procedures, a failure to properly and consistently undertake objective assessment of sites presented to the Parish Council is a failure to follow appropriate procedure.

We note that no objective detailed assessment of individual sites in terms of their landscape impact has been undertaken and instead sweeping statements and assumptions are the only basis of conclusions.

This is not a basis for the preparation of plans based on an aim of providing sustainable development.

Policy CHG3 – Chigwell Row

The way the policy is worded flies in the face of the NPPF. It is not appropriate for a Neighbourhood Plan to seek to remove a site from the Green Belt. The policy is vague, and woolly at best.

If the Neighbourhood Plan was to be considered sustainable it should carefully and objectively assess any sites presented through the Call for Sites and should then make specific allocations based on an objective and careful assessment of those sites that were both most sustainably located and which removal would have least impact on the purposes and functions of the Green Belt. A failure to do so means that Policy CHG3 is not consistent with the NPPF or the Emerging Local Plan and has failed to follow appropriate procedure.

Policy CHG4 – Regenerating Lymes Farm

This is a particular concern in that the wording is not a policy but an aspirational statement.

If open spaces within the development are considered of particular value a policy should instead identify these, make comment upon why they are of such value and then introduce a policy to protect them.

The proposed wording is far too vague to be a policy.

It would appear the intention of the wording is whilst encouraging the comprehensive regeneration of Lymes Farm to protect open spaces within it. The policy should be re-worded on that basis.



Policy CHG5 – Support Community Assets

This policy is inappropriately worded. What the Parish Council appear to be suggesting is that an exception case could be made for development on the Green Belt to deliver additional community facilities. If that is what is intended, a detailed assessment of the impacts on the Green Belt should be undertaken and then other sites should also be considered as to whether they are more suitable and of less impact.

The fact that this has not been done means that the policy does not fit with an objective, consistent and careful assessment and identification of sites and fails to consider the overall sustainability of the proposal.

It is a very serious concern that we do not consider that the Neighbourhood Plan process has considered sites on a fair or even basis.

The site selection process would as stated appear to have begun simply with a compliant land owner where housing is promoted in an unsustainable location based on it delivering community facilities that will similarly be in an unsustainable location.

The level of inconsistency with Government guidance is very significant and it is clear that the plan is not soundly made.

It is similarly clear that a failure to consider sites on an objective basis and crucially, failure to properly consider other promoted sites and options sites against a matrix of tests as to their level of sustainability, means that the plan does not deliver a sustainable form of development.

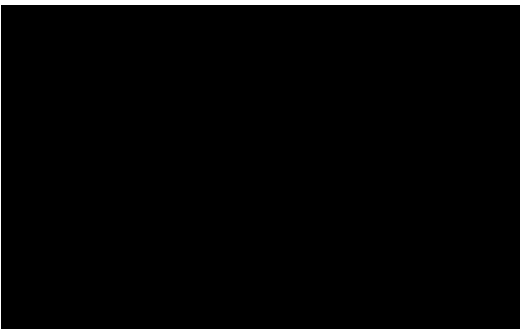
It is clear from the above that the proposal is not consistent with the strategic policies contained in the Development Plan and it is also clear that the plan has failed to consider submitted sites on any level of a consistent basis.



In all of the above circumstances we put Epping Forest District Council and Chigwell Parish Council on notice that we wish to appear at Hearing sessions in respect of this plan to express our strong objections to it and to demonstrate how and why the Plan has not been soundly prepared.

We do not consider it can be found sound through minor modification and will vehemently oppose any action to seek to do so.

Yours sincerely



John Collins
Director
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