



Chigwell Parish Council

Chigwell Neighbourhood Plan 2018-2033

Submission Plan

CONSULTATION STATEMENT



Published by Chigwell Parish Council for Examination under the Neighbourhood Planning (General) Regulations 2012 and in accordance with EU Directive 2001/42.

March 2018

CHIGWELL NEIGHBOURHOOD PLAN 2018 – 2033**SUBMISSION PLAN: CONSULTATION STATEMENT****CONTENTS**

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1. INTRODUCTION

1.1 This Consultation Statement has been prepared to fulfil the legal obligations of the Neighbourhood Planning (General) Regulations 2012 in respect of the Chigwell Neighbourhood Plan.

1.2 The legal basis of the Statement is provided by Section 15(2) of Part 5 of the 2012 Neighbourhood Planning Regulations (as amended), which requires that a consultation statement should:

- Contain details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- Explain how they were consulted;
- Summarise the main issues and concerns raised by the persons consulted; and
- Describe how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

1.3 However, a greater level of consultation and formulation work has been undertaken over the full project period than the legislation requires, and this is set out in summary below.

1.4 Essentially, the project commenced as early as the 2012 Issues & Options Document of the Local Plan published by the local planning authority, Epping Forest District Council. Although the Parish Council had not yet sought to designate the Parish as a Neighbourhood Area for the purpose of making a Neighbourhood Plan, it has begun to gauge local opinion on the emerging proposals of the Local Plan. Not surprisingly, there were many local objections to the options rehearsed in that document, which examined a series of major land releases from the Green Belt to enable housing development in the Parish.



1.5 Once designated in 2014, the Parish Council formed a Neighbourhood Plan Committee and marshalled the information it already held on community opinion. It then organised an extensive, informal consultation exercise in September 2014 to January 2015 to begin to shape the scope and intent of the Plan.

1.6 Together with its own technical sites assessment information, this opinion formed the basis of the draft proposals published in the Chigwell Neighbourhood Pre-Submission Plan in October 2016.

1.7 The nature of the comments made on the Plan, especially by the District Council and by Natural England, meant that 2017 was used to re-scope and re-draft many of the policies to resolve their respective concerns. Drafts of the Submission Plan were prepared in May 2017 and again in October 2017 to share with both organisations as part of this process. The conclusion to the Habitat Regulations Assessment process in February 2018 has now enabled the Neighbourhood Plan to be submitted for examination and referendum.

2. CONSULTATION PROCESS

Early Plan Making Stage (September 2014 – September 2016)

2.1 The community engagement process began in earnest once the Parish Council had understood more about the opportunities and constraints on preparing its Neighbourhood Plan. The fact that all of the rural Parish lies in the Green Belt meant that the Plan could not allocate land in the conventional way due to national planning policy.

2.2 The informal consultation exercise of September 2014 to January 2015 was intended to raise the profile of the project with the local community and to better understand their preferences for managing housing growth and development, on the assumption that saying 'no' was not going to be an option (see Appendix A). A series of open days was arranged at the Parish Council offices, where people could use 'post-its' and maps to identify planning issues and opportunities. The Council also used Door to Door Ltd to circulate a questionnaire to every household and business in the Parish and an independent research company was used to analyse and report the results to the Neighbourhood Plan Committee.

2.3 The questionnaire was very successful, with a response rate of 30% of households. It provided some key messages, notably the dislike of one or two major Green Belt releases for housing development and of the idea of building on existing open spaces in the urban areas of the Parish. It provided an indication that there may be some support for a strategy that allowed for the release of Green Belt for housing land, if it was done through a number of small schemes dispersed around the edges of the urban area. Opinion seemed to favour this approach as it would limit the impact in any one location and would help distribute additional traffic by the houses across the road network. The community also showed a keen interest in the Parish Council finding a way to build a new community facility in the main village.

2.4 Members of the Committee met with District Council officers in November 2015 and in January 2016 to discuss how the Neighbourhood Plan may relate to the emerging Local Plan, given the Green Belt policy-making constraints. It was agreed that, although final decisions on Green Belt land releases could only be made by the Local Plan (and this was inevitable, given the housing need in the District), the Neighbourhood Plan could be useful in shaping where and how this might be done. The basis of a site assessment methodology was noted (blending the SHLAA data, Green Belt Review criteria and Sustainability Appraisal criteria) and work commenced on that process over summer 2016, once the latter criteria has been consulted on with the statutory bodies.

2.5 The Committee formed a long list of sites from the SHLAA and from the interest shown by other land interests in the Parish and, using the methodology to exclude sites, formed a short list of sites that would be included in the Pre-Submission Plan. At that stage, the Committee was still assuming that the District Council would have to plan for making significant land releases from the Green Belt and that its Plan would present a sustainable and deliverable means of doing so that accorded with the technical analysis and, crucially, with local opinion.

2.6 It had wanted to undertake informal consultations on the short-listed sites during this period, but the timetable for the preparation of the Local Plan did not allow it. Instead, it focused on refining the necessary technical work for the site assessments and decided to use the opportunity presented by the formal Pre-Submission consultation period, which for the most part, would be coinciding with the equivalent consultation by the District Council on the Draft Local Plan in autumn 2016.

Pre-Submission Neighbourhood Plan (October 2016)

2.7 This public consultation commenced on 6 October 2016 for a duration of six weeks to conclude on 23 November 2016. With the advice of the District Council in respect of meeting the requirements of Schedule 1 of the Regulations, the following table shows the variety of organisations and groups consulted:

Statutory Consultees	Local Consultees
Essex County Council	Chigwell Row Ward residents
Epping Forest District Council	Chigwell Village Ward residents
Buckhurst Hill Parish Council	Grange Hill Ward residents
Loughton Town Council	Local landowners
The Environment Agency	The Chigwell Residents Association
Historic England	
Natural England	
London Borough of Redbridge	
Theydon Bois Parish Council	
Highways England	
Homes & Communities Agency	

2.8 The following methods were used to seek the views of the consultees:

- Written letters and pamphlets
- 12 public meetings (with Parish Councillors)
- On line consultation (via the Chigwell Parish Council website)
- Parish Open-days forums (with Parish Councillors)

2.9 Copies of the Neighbourhood Plan (and the Draft Local Plan, which was published shortly afterwards) were made available at the Parish offices during the entire duration of the public consultation and were uploaded to its website.

2.10 All statutory consultees were contacted in writing while residents received two information pamphlets delivered to their door. The first pamphlet provided details of the consultation dates, the purpose and information on where the respective documents could be obtained. The second pamphlet set out the primary differences between the Neighbourhood Plan and the Draft Local Plan proposals.

2.11 A public meeting was arranged during the consultation period for the residents of the Limes Farm Estate. The attendance observed was in excess of four hundred residents. The Chigwell Residents Association held a meeting in late October, during the public consultation period. The Chairman of the CPC Neighbourhood Plan Committee addressed attending members to explain the rationale of the Neighbourhood Plan and to listen to their feedback. This meeting was held solely to discuss the Neighbourhood Plan and was attended by a variety of committee members.

2.12 Two long weekends (Friday, Saturday and Sunday) of Drop In sessions were provided so that further information could be obtained and residents could make their views known. These were attended by both officers and councillors.

2.13 To ensure that residents were properly made aware of the Neighbourhood Plan and the respective consultation the Parish Council employed Door to Door Ltd to distribute information pamphlets directly to residents. This delivery was verified using a tracking service that demonstrated residents had received the circular.

Sustainability Appraisal

2.14 The Parish Council consulted the statutory consultees – the District Council, Essex County Council, Natural England, Historic England and the Environment Agency – on a Sustainability Appraisal Scoping Report in April 2016, as per the 2004 Environmental Assessment of Plans & Programmes Regulations. Although the District Council had not made a formal screening opinion, it was agreed with the Parish Council that the scope of the Neighbourhood Plan has the potential for significant sustainability effects.

2.15 Again, as per the Regulations, the Draft Sustainability Appraisal was published alongside the Pre-Submission Neighbourhood Plan for the statutory consultation period in October 2016. Representations were received on both the Plan and Appraisal, as summarised in the summary report in Appendix B.

2.16 The many changes made to the Neighbourhood Plan during 2017 have meant a number of reiterations of the Appraisal have been necessary. A final version of the report is published as part of the submission documentation.

Habitat Regulations Assessment (HRA)

2.17 At the outset of the project, the Parish Council was made aware of the need to screen the Neighbourhood Plan for any significant effects on the Epping Forest Special Area of Conservation (SAC). As per the Conservation of Habitats & Species Regulations 2017 (“the Habitat Regulations”), the Parish Council has shared with the District Council (as the ‘competent authority’) the required information to screen for effects (in the form of a HRA Screening Assessment report, February 2018). It has also consulted with the ‘responsible nature conservation body’ (Natural England) throughout the process (see Appendix D) up to and including on the HRA screening report during February 2018.

3. KEY ISSUES RAISED IN THE CONSULTATION

Local Consultees

3.1 Approximately 1,124 responses were received during the consultation (i.e. approx. 10% of the population). This was a smaller response than the 3,000 made on the Local Plan Issues & Options in 2012 and to the informal consultations in late 2015. However, the response was strong enough for the Committee to have a clear idea on the nature of the support for its Plan, especially in comparison with the proposals of the Draft Local Plan.

3.2 To some extent, the lower response rate was a result of the lower levels of development proposed (down from the 1,200 dwellings proposed in 2012 to approximately 650/700). The sites selected by the Parish Council for development were generally deemed to be far more rational and feasible. However, there were some exceptions, notably the Chigwell Nursery site and the Land west of Froghall Lane.

3.3 The table below lists the localities in order of the number of responses received.

Location	Number of individual replies	Total Number of responses	Traffic Concerns (%)	Lack of Infrastructure (%)	Green Belt concerns (%)	Open Spaces concerns (%)	Favoured CPC NP (%)	Opposed EFDC LP (%)
Limes Farm Estate (surrounding area)	436	436	100%	NIL	NIL	100%	100%	100%
Mount Pleasant Road	332	332	100%	90%	100%	NIL	20%	NIL
Parish Council Offices (Open Day Forums)	126	126	60%	50%	50%	70%	90%	90%
Millwell Crescent	15	15	100%	50%	40%	40%	50%	50%
Chigwell Row & Grange Crescent	6	12	100%	60%	40%	20%	50%	50%
Chigwell Village(High Road)	7	14	70%	50%	40%	40%	50%	50%
Manor Road & Northdene	5	10	70%	60%	40%	50%	50%	50%
Chigwell Rise & Chase Lane	3	6	60%	60%	40%	40%	50%	50%
Chester Road, Lambourne	2	14	60%	70%	40%	50%	50%	60%

Road, Dicken's Rise, Great Oaks, Oak Lodge Avenue, Trotwood, & Tudor Close								
High Elms, Lechmere Avenue, Chigwell Park Drive, High Meadows, Courtland Drive, Daleside Gardens, Smeaton Road, Brook Rise, Fencepiece, Fontayne Avenue, Station Road, Turpin's Lane, Chigwell Park & Woodford Green.	1. (from each road named)	14	70%	70%	40%	40%	50%	50%

3.5 The slow traffic flow during periods of peak travel was a major concern for residents and that proposed developments would further exasperate this situation. Of the responses received from local residents over 75% expressed this view.

3.6 Another notable concern was the consequential reduction in Green Belt Land and Green Open Spaces that proposed development could cause. Again, of the response received from local residents over 50% conveyed this view that a reduction in Green Belt Land and public open spaces would have a negative impact upon the amenity of local residents.

3.7 A significant number of responses expressed the concern that any increase in residential development should be supplemented with the appropriate and proportionate infrastructure e.g. road-ways, drainage, medical facilities, libraries etc. Of the responses received approximately 40% to 50% expressed this view.

3.8 The most responses received from a particular area were from residents of the Limes Farm Estate; 436. The primary concerns expressed was their opposition to the development of open spaces within Limes Farm, as proposed in the Draft Local Plan. Every one of these responses were opposed to the Local Plan and in support of the Neighbourhood Plan policy.

3.9 Closely following this total was responses from Mount Pleasant Road residents; 332. Their concern was that any large scale development at Land west of Froghall Lane, which would be accessed via Mount Pleasant Road, would severely impact upon the amenity of local residents because of a consequential increase in road traffic. The overall preference was that the proposed development of this site should be accessed from Woodland Road. In addition, concerns regarding the loss of Green Belt land were also stated. Over 90% of the responses received expressed this view.

3.10 Of the total number of responses received from local residents more than 50% expressed a preference towards the development of sites as described in the Neighbourhood Plan. However, there were notable exceptions; residents in close proximity to the Chigwell Nursery and Land west of Froghall Lane sites opposed these proposals. This amounted to approximately 10% of the total number of responses and 30% respectively.

3.11 Lastly, of the total number of responses received over 90% expressed opposition to the EFDC Local Plan, especially the proposal to develop the Chigwell Convent site and the public open spaces at Limes Farm Estate.

Statutory Consultees

3.12 A summary of the comments made by the statutory consultees during the consultation period is included in the Report attached as Appendix B.

3.13 The District Council made a significant number of comments both in the form of an officer report (Appendix C) and of a legal opinion. Both identified the fundamental matter of the role of the Neighbourhood Plan to lead the process of shaping the future growth of the Parish, rather than this role lying solely with the emerging Local Plan. The District Council maintained that it would continue to propose the allocations of its Draft Local Plan of October 2016, which are significantly different to those proposed in the Neighbourhood Plan (though there is some degree of cross over). In doing so, it argued that the Neighbourhood Plan has not properly considered the case for land releases in the Green Belt, nor how such releases are part of a sequential test that first favours exhausting the supply of other development locations.

3.14 Its other major comments are as follows:

- Policy CHG1, 7, 10 and 11 – are all generally supported, subject to greater evidence being provided at the submission stage to justify decisions made and their evaluation in the SA SEA process
- Policy CHG8 and 9 – are also generally supported, but notes the emerging Local Plan seeks to promote non-car trips to retail centres
- Policy CHG12 – it objects to the proposals to designate land at Limes Farm and Chigwell Convent as Local Green Spaces

- Policy CHG5 – it considers the proposal for the new bus service to partially mitigate the transport effects of the spatial strategy and site selections of policies CHG2 – CHG4 but does not do enough; it notes the challenges in financing the service within the new rules for operating S106 pooling of financial contributions
- Policy CHG6 – it objects to this policy as being contrary to the adopted and emerging Local Plans, with insufficient evidence to justify the case
- Draft SA SEA Report – although no specific issue has been raised with this report, the means by which the Neighbourhood Plan has reached its site assessment conclusions, and the way this has been informed by the SA SEA work, have not been made clear and this appear to be contrary to the approach taken by the Local Plan; it has also noted that Natural England needs to be involved in discussing how the Plan will meet the obligations of the Habitats Regulations

3.15 Natural England reminded the Parish Council that if the Neighbourhood Plan proceeds to examination prior to the conclusion of the Local Plan examination, then the Neighbourhood Plan will require screening for an Appropriate Assessment under the Habitat Regulations. It raised no objections to the content of the Plan itself (see Appendix D).

3.16 Historic England also broadly supported the Plan and its attention to heritage matters (see Appendix E). It suggested some further analysis of effects on heritage assets in the site assessments report (and then the SA SEA report) to show more clearly that such effects have been understood and taken into account in the allocation policies. It did not raise the specific matter of the heritage assets at Chigwell Convent and the alternative proposals in the emerging Local Plan although this has since been drawn to its attention.

3.17 The Environment Agency raised the presence of water quality issues in relation to the Waste Transfer site (CV5) in Policy CHG2 and to Policy CHG8 (see Appendix F). It has not objected but requires that both policies better reflect the effects of development on Chigwell Brook in their details.

3.18 The County Council commented that “the development proposals are likely to be well received and sustainable with little change to the existing infrastructure being required.” It has also requested that the future relocation and expansion of Chigwell Row Infant’s School on Lambourne Road be considered. It confirmed that there are no current plans to close the Waste Transfer Station on Luxborough Lane. And it noted that there are a number of minerals safeguarded areas that may affect some proposals in the Plan.

3.19 Savills acts for The Trust for London in respect of the land at Lambourne Road (site CR3). It supported the principle of Policy CHG4 but indicated that the land is capable of accommodating a larger number of homes (60 – 80) than provided for in the draft policy. The Trust proposes that the homes will be a mix of low cost open market and affordable homes and has committed to either retaining and improving a building as a community facility, or to providing a new building if that is more feasible. It has not objected to the bus service contribution (Policy CHG5) but noted the S106 rules constraints on pooling. It objected to Policy CHG6 as unnecessarily constraining its vision for the site without sufficient supporting evidence.

3.20 Carter Jonas acts for London Square Developments in respect of land at Chigwell Grange (site CV3). It supported the principle of Policy CHG2 but has indicated that the site is better developed for flatted development rather than houses and can therefore accommodate 55 – 65 dwellings. It has objected to Policy CHG6 as unnecessarily constraining its vision for the site without sufficient supporting evidence.

3.21 Icenl Ltd acts for Pegasus Life, which has an interest in the land at Frogmore Lane (site GH1) at Grange Hill. It supported the principle of Policy CHG3 but indicated that the land is capable of accommodating a larger number of homes (100+) than provided for in the draft policy, as the site is well suited to an extra care/independent living scheme delivering homes at a higher density than conventional housing. It has not objected to Policy CHG6 but has queried how it will operate and it has suggested an improvement to the wording of Policy CHG11 on design control.

3.22 Strutt & Parker acts for Scott Properties in respect of the Chigwell Nursery site (CV2). It supported Policy CHG2 in this regard and requested a meeting with the Parish Council to discuss the details of the policy, noting that the emerging Local Plan intends to release the same site from the Green Belt. It also acts for the Chelmsford Diocesan Board in respect of land at High Road/Vicarage Road that is proposed for designation as a Local Green Space in Policy CHG12. It considered the land does not meet the tests of §77 of the NPPF and instead should be released from the Green Belt and allocated for c.15 homes. It considered that the provisions of policies CHG2 – 4 fall short of the emerging Local Plan housing target of 430 homes for the Parish.

3.23 DHA Planning acts for the owner of land near to Grange Farm that has not been included in Policy CHG2. It considered the land is better suited for a housing development (of c. 30 homes) than some of those proposed in the Neighbourhood Plan and Local Plan.

3.24 Gerald Eve acts for the land owner of the proposed Local Green Space designation in Policy CHG12 at Chigwell Convent. It objected to the policy as being contrary to the provisions of §77 of the NPPF and as it conflicts with the emerging Local Plan proposal to allocate the land for housing development.

3.25 Leith Planning acts for Stenprop Ltd in respect of land at Abridge Road comprising a country club and other facilities. It considered the land is better suited for a housing development (notably an extra care scheme) than some of those proposed in the Neighbourhood Plan and Local Plan.

3.26 The neighbouring Buckhurst Hill Parish Council and Loughton Town Council chose to make no comments.

3.27 In drawing conclusions from this exercise, the Parish Council noted the following:

- The Neighbourhood Plan had received a far more positive response than the Draft Local Plan, though there were reservations expressed concerning the quantity of dwellings being suggested at certain sites
- The Plan received overwhelming support for not building on important green spaces. The only support for such development came from the landowners, one of which is the District Council.
- The concerns about the absence of infrastructure were most prevalent and the need for improvement was unanimously expressed. The slow traffic flow during periods of peak travel was a major concern for residents, especially when journeying towards London via Manor Road and Chigwell Road. As a consequence of these concerns there was significantly more support for building in smaller, less concentrated numbers on the outskirts of the Parish as opposed to sites where existing traffic was at its most intense during peak times
- There was significant support for a local circulating bus service which would be free to users and link the three wards of Chigwell whilst providing connectivity with the existing London bus services. It is believed that such a service would reduce the dependency on private vehicles to access the two underground stations and near-by schools.
- It is recognised that there are no Medical GP's with the parish at present. The proposed Community Hub on the 'Victory Hall' site at Hainault road Chigwell would allow a library, multi-purpose hall, café and theatre to be co-located within a single building. The Parish Council offices would be relocated within this hub allowing the present location to be used as offices for a GP. This entire project would be financed by 'Developer Contributions.'
- With all that said, the District Council had made it clear that it did not support the Plan in most aspects, most importantly in terms of its original aim of helping to shape housing growth in the Parish.

3.28 It concluded that had the District Council offered greater support for the Plan, as was originally hoped from the meetings of late 2015/early 2016, then it could proceed to submit the Plan for examination making only relatively few modifications. However, the nature of the District Council representations, and the content of its own Draft and Pre-Submission versions of the Local Plan, made this approach untenable and a new approach would be required.

4. CONSULTATION OUTCOMES

4.1 By far the most important challenge to resolve for the submission of the Plan was that of the approach to take to directing the allocation of housing development land within and outside the Green Belt in the Parish. Although issues had been raised on the other policies of the Plan, they could all be addressed with reasonable ease.

4.2 The District Council's position was clear but represented a shift from the approach agreed with officers at two meetings in late 2015/early 2016. At that time there was a positive working relationship between the two councils and a shared desire to see the Neighbourhood Plan work closely with the Local Plan in shaping where and how housing growth would happen in the Parish, recognising that the majority of such development would have to be located on land released from the Green Belt (as indicated in the 2012 Local Plan Issues & Options document).

4.3 Be that as it may, the Parish Council proposed a series of locations (primarily inside the Green Belt) where allocations could be justified as part of a spatial strategy that sought to disperse housing growth around the edges of the three settlements in the Parish in line with the total quantum of approx. 400 new homes indicated by the District Council. It had continued to assume that the District Council would be obliged to propose one or two large Green Belt land releases to deliver this scale of development, and it considered that its spatial alternative ('more, smaller sites') a reasonable counterpoint.

4.4 The publication of the Draft Local Plan very shortly after the Pre-Submission Neighbourhood Plan therefore came as a surprise. Not only did that Plan propose no significant Green Belt land releases (and proposed a number of the same smaller sites as the Neighbourhood Plan), but it also proposed significant allocation on existing urban green spaces (at Limes Farm and at Chigwell Convent). In August 2017, the District Council published a report outlining its approach to strategic masterplanning that would bring its approach to the regeneration of Limes Farm into line with that of the Parish Council.

4.5 As a result of the Neighbourhood Plan having to wait until the District Council had resolved the HRA mitigation strategy for the Epping Forest SAC with Natural England, much of 2017 was spent on refining the Plan in the light of this change in context. With the Parish Council being generally content with the Local Plan housing proposals, the decision was made to focus its final version on complementing the Local Plan in respect of housing allocations with only one new allocation (at Rolls Park) and one Local Green Space designation to counter the proposed Local Plan housing allocation at Chigwell Convent.

4.6 A draft of the Submission Plan was sent to the District Council in June 2017 to inform a meeting in July 2017 and to seek informal comments before completing the submission documents. The District Council considered that some of its concerns had been addressed but it required further clarity and some modifications to be made to resolve other 'basic conditions' matters (see again Appendix C from November 2017). Aside from policies CHG2 (Rolls Park) and CHG10 (Local Green Space – Chigwell Convent), on which the two councils will have to agree to disagree and leave to the Neighbourhood Plan examiner to make a recommendation, the Parish Council has endeavoured to resolve all the outstanding matters.

4.7 The Parish Council has liaised with the land owner at Rolls Park to agree changes to that policy (CHG2), most notably in respect of the approach to be taken to how affordable housing may be addressed in a future planning application. The site, however, continues to be argued as an enabling scheme to invest in delivering the new Community Hub nearby and one that, in doing so, will also play a major part in delivering the Epping Forest SAC mitigation strategy in this area.

4.8 It also liaised with the developer of the Froghall Lane site on the edge of Grange Hill. It was keen for the scheme to succeed, as it provided expansion land for the adjoining cemetery and had resolved to change the access proposals of the policy to respond to the concerns of local residents. However, although a planning application for a housing scheme had been refused permission in 2017, the District Council has since proposed to release the land from the Green Belt in its Local Plan and there is no need for the Neighbourhood Plan to repeat that proposal.

4.9 The Parish Council has also considered how to best address Limes Farm. It is sceptical that an estate regeneration project is necessary in the plan period but is willing to support the District Council's long term aims. However, this support is now contingent on the 'strategic masterplanning' principles being incorporated into a timely review of the Neighbourhood Plan in a few years' time. This will allay the fears of the local community that have been expressed to the Parish Council in large numbers that a conventional regeneration scheme will pay little regard to their opinions. The Parish Council is well aware of such projects in London that have caused great upset to the resident communities and does not wish to see those mistakes repeated here. Instead, it knows of other communities that have used Neighbourhood Plans to shape estate regeneration projects and it has now committed to doing so in order to deliver the District Council's policy objective.

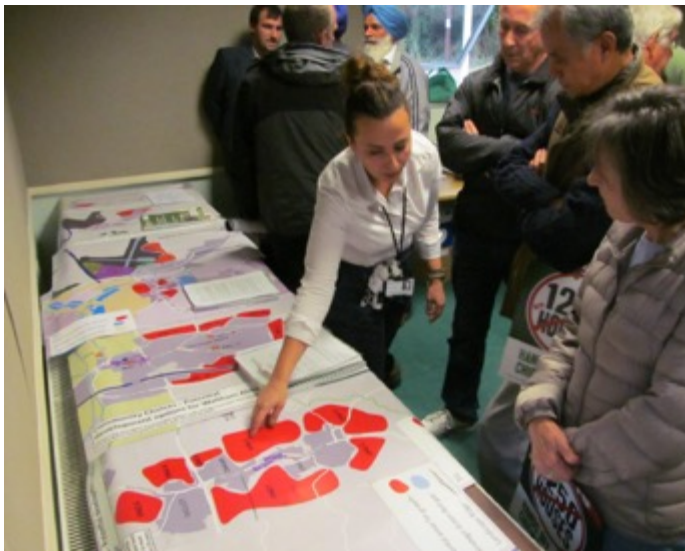
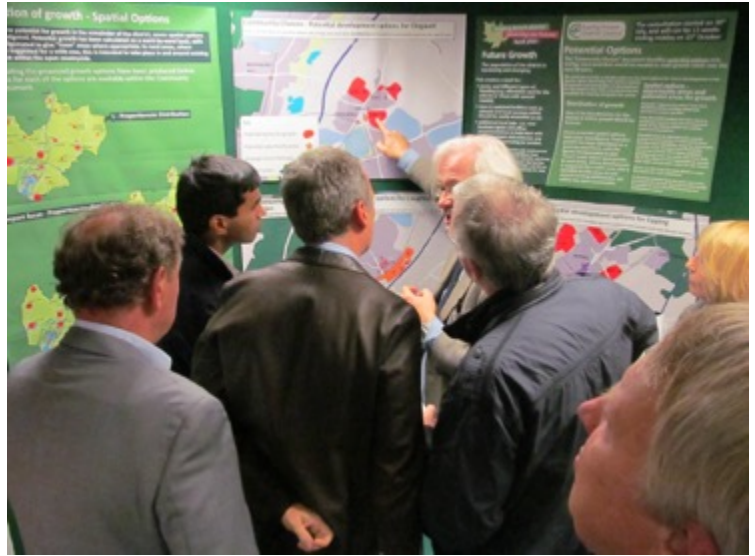
4.10 The approach to improving the sustainability of Chigwell Row has changed, with Policy CHG3 now confined to a more general support for development proposals that will pursue that goal, rather than the series of small allocations proposed in the Pre-Submission Plan. The Local Plan does now make some housing proposals in the village but the long term ambitions to upgrade the school and to deliver other community benefits, and any necessary, enabling housing development, will rely upon planning applications coming forward and being determined in accordance with normal Green Belt policy. The Parish Council was sympathetic to the proposals of the Trust for London on the Camping Ground site but saw no opportunity to persuade the District Council of this case through the Plan.

4.11 Finally, the Parish Council has undertaken some further historical research to support its case for demonstrating the heritage value of the open land in front of the Grade II listed Chigwell Convent (formerly Chigwell Manor) and therefore the Local Green Space designation.

4.12 As a result, the Submission Neighbourhood Plan is considerably shorter and contains far fewer site-specific proposals. It no longer seeks to shape the proposals of the Local Plan, which itself will be examined in the coming months. Aside from their counter proposals for the land at Chigwell Convent, the two plans are now synchronised to enable the District Council to use both effectively to manage future development proposals in the Borough.

APPENDIX A

EXAMPLES OF COMMUNITY ENGAGEMENT ACTIVITIES



Community and Social Culture

Chigwell should make a green area around it in order to make it desirable to live.

Strongly agree Agree Disagree Strongly disagree

Community spirit would be improved by expansion in Chigwell?

Strongly agree Agree Disagree Strongly disagree

The following facilities are important for maintaining a sense of community in Chigwell.

Strongly agree Agree Disagree Strongly disagree

- Widge Hall
- Headwood/Furness Area
- Allotment gardens
- Children's Play Areas
- Widge Green
- Restaurants/Cafe
- Public Houses
- Library
- Adult Fitness Equipment

Other Please describe _____

The following facilities would be highly desirable and frequently visited.

Strongly agree Agree Disagree Strongly disagree

- Tennis Court
- Skateboard Park
- Adult Fitness Equipment
- Children's Play Areas
- Outdoor Stage
- Conference facilities/Meeting Rooms
- Indoor Sports facilities e.g. badminton, Squash Court

Other Please describe _____

About Chigwell

The following services in Chigwell are adequate:

Strongly agree Agree Disagree Strongly disagree

- Broadband or cable
- Conveniently located shops
- Community buildings
- Convenient shopping
- Digital television reception
- Recycling
- Plan Drainage
- Public Phone Coverage
- Road Safety
- Public open spaces
- Public Transport
- Refuse collection/recycling/green waste
- Traffic/Water Drainage
- Traffic Lighting
- Water pressure
- Broadband and mobile networks

This section is about your views on telecommunications in Chigwell

How essential to your household is good access to broadband?

Highly essential Desirable Not important

If you're a regular on-line user, what's your main usage?

Work Education Leisure

Do you plan to use broadband differently in the foreseeable future, for example an increase in working from home? Please describe. _____

What's the speed of your broadband, if known? And do you think this is good or poor?

Speed: Fast Good Poor

Economic growth in our area

This section is about your views on business development in Chigwell.

What type of working would you like to see? Please tick all that apply.

Small business home based Small business units/office space Modernised business/industry

Large business/industry None Other _____

What do you think of the current quantity of businesses in Chigwell?

Too Many Too Few Adequate

- Tourism, leisure and clubs
- Food and drink production
- Office space
- Restaurants and cafe
- Hot Food Takeaways
- Shops - retail
- Transport, storage and distribution
- Social enterprises
- Repair and professional services
- Light industrial and manufacturing
- Restaurants and Pubs/Hotels
- DIY & Home Improvement
- Carpet agents
- Supermarkets
- Florists
- Pharmacies
- Salons
- Travel agents
- Post Offices
- Dry Cleaners
- Car Washes/Car Detailing
- Taxi Agencies
- Children's Nurseries
- Public Houses

The following types of site should be allocated for business in Chigwell.

Strongly agree Agree Disagree Strongly disagree

- Site occupied by existing buildings
- Brownfield land
- Greenfield land
- None
- Other (Please Specify) e.g. Agricultural

Where should new leases be situated in Chigwell?

In/around Green Belt Open fields

Previously developed sites Green Belt of strategic importance to separating community from London

Other things that might be important to you:
This section is for you to share your concerns and comments for the present, or the future.

Are any of the following of direct concern to you? Please tick all that apply.

Burglary and theft Anti-social behaviour Litterfly-spilling

Dog fouling Lack of a local police station Street Lighting

Do you feel that the current traffic speed limits in Chigwell are adequate to ensure pedestrian and driver safety?

Yes No

Where would you like to see speed limits changed?

Where would you like to see the existing speed limit enforced?

Housing
 In line with national and local planning policy, our Neighbourhood Plan will need to provide for a number of new homes. This section is about your views on housing needs in Cligwell.

What type of new homes would be most appropriate for Cligwell? Please tick all that apply.

Small starter homes (0-2 bedrooms) Medium homes for families (3-4 bedrooms) Apartments
 Large homes for families (4-6 bedrooms) Small homes for retirement

Other Please describe: _____

In what form would you prefer to see new housing? Please tick all that apply.

Developments of 1-4 homes Developments of 5-10 homes Developments of 10-20 homes
 Developments of 20-50 homes Developments of 50+ homes

Would you support the conversion of existing redundant agricultural/commercial buildings into homes?

Yes No

How important is it for new housing to be designed in sympathy with its surroundings?

Very important Quite important Not very important Not at all important

Should newly-built homes be designed to have their own off-street parking?

Yes No

What are your views about renewable energy in the context of planning and development?

It is important for building design to be eco-friendly Eco-friendliness is not a key issue
 Renewable energy use should be encouraged Supportive of small wind turbines for personal use
 Supportive of a larger wind farm Not supportive of wind turbines
 Supportive of solar technology for personal use Supportive of larger solar power projects
 Not supportive of solar technology Supportive of thermal energy technology for personal use
 Supportive of larger thermal power projects Not supportive of thermal energy (like pump) technology

What proportion of new homes built in Cligwell should be low cost?

Above 50% About half None of them

8

Please rank the following sites in ascending order of preference (from 1 to 5) for business development in Cligwell

Site occupied by existing buildings	1	2	3	4	5
Brownfield land	1	2	3	4	5
Greenfield land	1	2	3	4	5
None	1	2	3	4	5
Other (Please specify) e.g. Agricultural	1	2	3	4	5

Where in Cligwell might new business facilities be best located? Please complete: _____

Schools, transport and other local amenities

This section is about your views on the facilities available locally.

If you have children, where do they go to school?

Name and location of nursery school(s) _____

Name and location of primary school(s) _____

Name and location of secondary school(s) _____

School and Educational Institutions are appropriate and adequate.

Strongly agree Agree Disagree Strongly disagree

Are you concerned about the distance travelled to the school(s) you or your children attend?

Yes No

If yes, why does this concern you?

Please complete with brief journey details: _____

The following services in Cligwell are adequate.

	Strongly agree	Agree	Disagree	Strongly disagree
Car parking facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bus services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cycling routes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
London Underground access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Taxi services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8

The transportation infrastructure is well maintained, and sufficient for the community's needs.

Strongly agree Agree Disagree Strongly disagree

There are enough footpaths and cyclepaths

Strongly agree Agree Disagree Strongly disagree

Traffic management is an essential requirement for our community and must be appropriate and sufficient. The following measures are acceptable ways of controlling traffic flow in Cligwell.

Strongly agree Agree Disagree Strongly disagree

Vehicle activated speed signs

Traffic Calming bumps

Speed checks by the police

Randomly timed speed traps throughout Cligwell

Community speed-watch by local residents

Unsuitable for HGV signs

Vehicle weight restriction signs

Single track road signs

One-way signs

Other Please describe: _____

If better public transport facilities existed within Cligwell, would you use them frequently?

Yes No

If yes, for what purpose? _____

Travelling to and from work Going to and from school Leisure and shopping

And in which route(s) would you wish bus services to be introduced or improved?

Please describe: _____

8

The following aspects of life in Cligwell are important and need preserving

	Strongly agree	Agree	Disagree	Strongly disagree
Public rights of way access to greenery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rural characteristics of tranquillity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village Hall	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Presence of good quality food-producing wildlife land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Historic character, timber framed buildings/traditional buildings-style	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sense of community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community clubs and local activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public houses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cligwell Conservation Areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grange Farm Reserve	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Partners from neighbouring urban areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local Post Office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other Please describe: _____

Medical and Other Health Services are adequate within Cligwell.

Strongly agree Agree Disagree Strongly disagree

Are the following services adequate?

Strongly agree Agree Disagree Strongly disagree

NHS General Practitioners

NHS Dentists

Other Please describe: _____

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APPENDIX B

REGULATION 14 SUMMARY REPORT OF STATUTORY CONSULTEE COMMENTS FEBRUARY 2017

Purpose

1. The purpose of this report is to summarise part of the outcome of the consultation period on the Pre-Submission Chigwell Parish Neighbourhood Plan held from October to January 2017. The report reviews the representations made by some of the statutory consultees, including the local planning authority – Epping Forest District Council – and by developers/landowners. It then makes recommendations for minor modifications to the Plan for its submission.

2. The report will be published by Chigwell Parish Council and it will be appended to the Consultation Statement that will accompany the submitted Plan in due course, in line with the Neighbourhood Planning (General) Regulations 2012.

Consultation Analysis

3. During the consultation period there were representations made by local people and by developers/landowners and by other local and interested organisations. The District Council has made formal comments, comprising its Neighbourhood Plan Select Committee report of 15 November 2016 and a legal opinion of 14 September 2016 (in respect of a prior informal draft of the plan shared with the District Council).

4. The District Council has made a significant number of comments – some highlight the fundamental differences of opinion on the principles of neighbourhood planning. The most fundamental matter is that of the role of the Neighbourhood Plan to lead the process of shaping the future growth of the Parish, rather than this role lying solely with the emerging Local Plan. The District Council maintains that it will continue to propose the allocations of its Draft Local Plan of October 2016, which are significantly different to those proposed in the Neighbourhood Plan (though there is some degree of cross over). In doing so, it argues that the Neighbourhood Plan has not properly considered the case for land releases in the Green Belt, nor how such releases are part of a sequential test that first favours exhausting the supply of other development locations,

5. Its other major comments are as follows:

- Policy CHG1, 7, 10 and 11 – are all generally supported, subject to greater evidence being provided at the submission stage to justify decisions made and their evaluation in the SA SEA process
- Policy CHG8 and 9 – are also generally supported, but notes the emerging Local Plan seeks to promote non-car trips to retail centres
- Policy CHG12 – it objects to the proposals to designate land at Limes Farm and Chigwell Convent as Local Green Spaces
- Policy CHG5 – it considers the proposal for the new bus service to partially mitigate the transport effects of the spatial strategy and site selections of policies CHG2 – CHG4 but does not do enough; it notes the challenges in financing the service within the new rules for operating S106 pooling of financial contributions
- Policy CHG6 – it objects to this policy as being contrary to the adopted and emerging Local Plans, with insufficient evidence to justify the case
- Draft SA SEA Report – although no specific issue has been raised with this report, the means by which the Neighbourhood Plan has reached its site assessment conclusions, and the way this has been informed by the SA SEA work, have not been made clear and this appear to be contrary to the approach taken by the Local Plan;

it has also noted that Natural England needs to be involved in discussing how the Plan will meet the obligations of the Habitats Regulations

6. Natural England has reminded the Parish Council that if the Neighbourhood Plan proceeds to examination prior to the conclusion of the Local Plan examination, then the Neighbourhood Plan will require screening for an Appropriate Assessment under the Habitat Regulations.

7. Historic England also broadly supports the Plan and its attention to heritage matters. It has suggested some further analysis of effects on heritage assets in the site assessments report (and then the SA SEA report) to show more clearly that such effects have been understood and taken into account in the allocation policies. It did not raise the specific matter of the heritage assets at Chigwell Convent and the alternative proposals in the emerging Local Plan, and so has been requested to provide another response.

8. The Environment Agency has raised the presence of water quality issues in relation to the Waste Transfer site (CV5) in Policy CHG2 and to Policy CHG8. It has not objected but requires that both policies better reflect the effects of development on Chigwell Brook in their details.

9. The County Council in its highways commented considers that "the development proposals are likely to be well received and sustainable with little change to the existing infrastructure being required." It has also requested that the future relocation and expansion of Chigwell Row Infant's School on Lambourne Road be considered. It confirms that there are no current plans to close the Waste Transfer Station on Luxborough Lane. And it notes that there are a number of minerals safeguarded areas that may affect some proposals in the Plan.

10. Savills acts for The Trust for London in respect of the land at Lambourne Road (site CR3). It supports the principle of Policy CHG4 but has indicated that the land is capable of accommodating a larger number of homes (60 – 80) than provided for in the draft policy. The Trust proposes that the homes will be a mix of low cost open market and affordable homes and has committed to either retaining and improving a building as a community facility, or to providing a new building if that is more feasible. It has not objected to the bus service contribution (Policy CHG5), but has noted the S106 rules constraints on pooling. It has objected to Policy CHG6 as unnecessarily constraining its vision for the site without sufficient supporting evidence.

11. Carter Jonas acts for London Square Developments in respect of land at Chigwell Grange (site CV3). It supports the principle of Policy CHG2 but has indicated that the site is better developed for flatted development rather than houses, and can therefore accommodate 55 – 65 dwellings. It has objected to Policy CHG6 as unnecessarily constraining its vision for the site without sufficient supporting evidence.

12. Icen Ltd acts for Pegasus Life, which has an interest in the land at Frogmore Lane (site GH1) at Grange Hill. It supports the principle of Policy CHG3 but has indicated that the land is capable of accommodating a larger number of homes (100+) than provided for in the draft policy, as the site is well suited to an extra care/independent living scheme delivering homes at a higher density than conventional housing. It has not objected to Policy CHG6 but has queried how it will operate and it has suggested an improvement to the wording of Policy CHG11 on design control.

13. Strutt & Parker acts for Scott Properties in respect of the Chigwell Nursery site (CV2). It supports Policy CHG2 in this regard and has requested a meeting with the Parish Council to discuss the details of the policy, noting that the emerging Local Plan intends to release the same site from the Green Belt.

14. It also acts for the Chelmsford Diocesan Board in respect of land at High Road/Vicarage Road that is proposed for designation as a Local Green Space in Policy CHG12. It considers the land does not meet the tests of §77 of the NPPF and instead should be released from the Green Belt and allocated for c.15 homes. It notes that the provisions of policies CHG2 – 4 fall short of the emerging Local Plan housing target of 430 homes for the Parish.

15. DHA Planning acts for the owner of land near to Grange Farm that has not been included in Policy CHG2. It considers the land is better suited for a housing development (of c. 30 homes) than some of those proposed in the Neighbourhood Plan and Local Plan.

16. Gerald Eve acts for the land owner of the proposed Local Green Space designation in Policy CHG12 at Chigwell Convent. It objects to the policy as being contrary to the provisions of §77 of the NPPF and as it conflicts with the emerging Local Plan proposal to allocate the land for housing development.

17. Leith Planning acts for Stenprop Ltd in respect of land at Abridge Road comprising a country club and other facilities. It considers the land is better suited for a housing development (notably an extra care scheme) than some of those proposed in the Neighbourhood Plan and Local Plan.

Modifying the Submission Plan

18. The primary focus of the Plan is on using the combination of policies CHG2 – CH4 to shape the future growth of the three settlements in the Parish and policies CHG5 and CHG12 to mitigate the effects of that growth and to prevent inappropriate development respectively. With the exception of Policy CHG6 on housing mix, the remaining policies are relatively minor in their effects and have proven uncontroversial during this consultation.

19. The differences in outcome and approach between the Neighbourhood Plan and Local Plan as perceived by the Parish and District Councils appear irreconcilable in terms of their fundamental principles. In effect, the District Council considers that the presence of the Green Belt here does not allow this Neighbourhood Plan to play the same role as those in areas beyond the Green Belt in shaping development in the way envisaged by §16 and §183/184 of the NPPF. It has gone to considerable lengths – notably the legal opinion of September 2016 – to evidence its case. It does not accept that its approach of focusing the majority of new development primarily on two sites in the urban area and outside of the Green Belt is unsustainable, as it has succeeded in preventing any major requirements for Green Belt release, as per its sequential approach. By contrast, it considers the Plan's proposals for Chigwell Row and Grange Hill as leading to unsustainable patterns of development that cannot be mitigated.

20. It does not therefore seem possible to provide any additional technical evidence to support the case made by the Plan. Although the documentation has gone to some lengths to explain the methodology used to arrive at its outcome, the District Council still considers this unclear. This is most evident in it considering the Parish Council has not complied with the sequential approach adopted by the emerging Local Plan (set out in its §3.54).

21. In actual fact, this approach has been taken it is just that the Parish Council has come to a different planning judgement on the third of the tests of that approach (i.e. sites located on open spaces within settlements). As it considers that developing the land at Limes Farm nor Chigwell Convent will have substantial harmful effects on public open space and heritage respectively, the approach then rests with available land under the fourth (brownfield land in the Green Belt) and fifth (Green Belt land on the edge of settlements) tests to deliver new homes over the plan period.

22. However, the Draft Local Plan contains 4 additional sites in the built up area totalling 37 homes and has assumed a higher total yield of 30 homes on the three sites that are common to both plans (i.e. Beis Shammai, Nursery and Grange Farm). The Beis Shammai site is no longer available and should therefore be deleted. The Nursery site is probably not capable of delivering the number of homes set out in the Draft Local Plan. There is therefore little of difference between the plans in these respects.

23. The various land interests have either supported or objected to the proposed site policies based on whether or not the Plan has proposed their land for development, as one would expect. Again with the exception of the effects of Policy CHG6 on the housing mix, those supporting the Plan accept the main provisions of the policies, though three have proposed that the Plan allows for higher housing numbers in its final version. The cases made by the interests at sites CV3 (Chigwell Grange), GH1 (Frogmore Lane) and CR3 (Lambourne Camping Ground) may be credible, but this may best be left to planning applications to determine in due course.

24. The Rolls Park site (CG4) will require a robust case from the owner in relation to its financial contribution to deliver a new community hub for the village, as well as on-site benefits, to support housing development as an exceptional case in the Green Belt (i.e. not requiring the land to be released). The Gravel Lane site (CR1) cannot at this stage provide sufficient evidence to show the site is visually integral to Chigwell Row by way of its existing appearance and function, and it is recommended that the site should be deleted.

25. The Waste Transfer site (CV5) may only become available in the later part of the plan period (justified under Green Belt test 4)– with new homes now being developed further along Luxborough Lane this remains a developable, long term aspiration and a better reuse than for employment purposes, as proposed by the Local Plan. Should the operations continue, then this allocation may be revisited and replaced when the Neighbourhood Plan is first reviewed in a few years' time. For now, it sends a signal to the owner of how the site may be reused should it be reviewing its operations in due course.

26. At Grange Hill, the Frogmore Lane owner has clearly shown that the land falls within test 5(a) in being of little value to the Green Belt. Assuming it can be shown that the development of either Limes Farm and/or Chigwell Convent is unsustainable (both test 3), then this land should be favoured and a higher housing capacity assumed.

27. It is Chigwell Row where the difference between the two plans is starkest. The Neighbourhood Plan considers the village has the potential to deliver approximately 110 homes; the District Council argues that the village is unsustainable as a matter of principle, irrespective of its Green Belt location. The judgement in the planning balance ultimately rests on the weight of the distance of the village from the higher order services (ostensibly the tube stations and village centre at Chigwell Village) compared to the value in achieving a greater self-contained, sustainable community outcome for Chigwell Row.

28. The proposal of the Trust at site CR3 is of special interest – the opportunity to deliver a larger scheme of almost entirely low cost and affordable homes controlled by its freehold interest will deliver an important housing benefit for local people. And the delivery of a community facility for the village will also help build greater community identity. The location of all the village sites – with the possible exception of CR1 – means that all would comply with test 5(a). The County Council view that the Neighbourhood Plan presents an opportunity to relocate the Chigwell Row Infant's School may be relevant here, as this site is larger enough and central to the village to serve this purpose, as well as providing new homes. It is recommended that the whole site is removed from the Green Belt by the Local Plan and the Neighbourhood Plan policy should identify its potential for housing, community and education uses. A planning application in due course will resolve precisely how such a mixed use scheme may best be delivered.

29. In overall terms, it is clear that the Neighbourhood Plan can deliver at least 260 homes to replace those proposed in the Draft Local Plan for the Limes Estate and Chigwell Convent. The Habitat Regulations matter needs to be addressed prior to the submission of the Plan, as guided by Natural England.

30. In respect of Policy CHG5, the proposal is robust but would benefit from a clearer explanation of its viability, of the use of S106/CIL to secure contributions from the housing schemes and of its value in mitigating the effects of development on the road network.

31. In respect of Policy CHG12, the designations will benefit from more detailed evidence to show how each site meets the tests of NPPF §77, including how the local communities support the retention of the three spaces.

32. In respect of Policy CHG6, there must be significantly more evidence provided to show why the Parish should depart from the adopted and emerging Local Plans and how its new provisions are appropriate.

33. In respect of all the other policies, there are only some minor modifications to be made, e.g. the references proposed by the Environment Agency re. Chigwell Brook.

34. It is not considered necessary to fundamentally change the approach taken in the SA SEA report. The statutory bodies have not raised objections to the approach. However, the few points raised should be answered for clarity and transparency in the final report. Some will be addressed in any event through the modifications to the Plan itself; others through a clearer explanation of how the assessment has been undertaken to ensure that a) the potential for significant environmental effects of the Plan has been properly considered and b) the reasonable alternatives were selected, assessed and discarded.

35. In conclusion, it is considered that with a combination of minor modifications and some site/policy deletions, the Plan can proceed to submission, rather than require another pre-submission consultation.

APPENDIX C

EPPING FOREST DISTRICT COUNCIL COMMENTS

Sustainability Appraisal Screening (February 2016)

Thank you for your request sent on behalf of Chigwell Parish Council requesting a SEA screening opinion in respect of your emerging neighbourhood plan to help steer your scoping report. I am sorry not to be able to provide anything more definitive at this stage but hopefully the following informal comments are helpful to you in progressing matters.

We recognise that screening should be undertaken as early as is practicably possible and, as your consultant will be aware, where a neighbourhood plan is likely to have a significant effect on the environment a Strategic Environmental Assessment (SEA) must be carried out. Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required, for example where:

- a neighbourhood plan allocates sites for development
- the neighbourhood plan area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan for the area.

As soon as it is clear about the type and quantum of development that is to be proposed, together with the identification of any potential sites that the plan intends to allocate, then a screening can be undertaken and provided. Ideally we would need the following information to be able to provide a screening opinion on your neighbourhood plan

- A copy of your baseline information (evidence base)
- A list of any identified issues and challenge
- The Plan vision and its objectives
- Any intention to allocate land
- Details of any public consultation undertaken (consultation statement)

Once your thoughts on what to cover have crystallised we will of course be happy to discuss the steps that Parish Council needs to take with regards both SEA and potentially in respect of the Habitats Regulations (HRA) too. We will provide advice (through the Screening Opinion) and assistance to produce a scoping report. As I expect you are already aware, further information on the SEA process is set out in the Government's National Planning Policy Guidance and the Environmental Assessment of Plans and Programmes Regulations 2004.

Stating the obvious perhaps, but there is no doubt that SEA and HRA will be required later this year for the District Plan due to the proximity of (likely) proposed development to the Forest and other SAC/SPA. Whilst not wishing to pre judge any future screening opinion in respect of your neighbourhood plan it would be prudent to bear this thought in mind.

Are you still on track with the informal community engagement that I think your consultant was suggesting takes place around this time? I'll await to hear from you when you think it might be sensible for us to meet again to discuss the outcome of this engagement and your thoughts / preferred policy options etc going forward.

Regards

Ken Bean

Draft Neighbourhood Plan Response (September 2016)

22 September 2016

Mr M Hembury
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Dear Mark,

Thank you for sharing the Draft Chigwell Neighbourhood Plan (CNP) with the Council. Following our meeting on 18 July, we committed to consider in more detail the content of the CNP and provide comments following the receipt of advice from Counsel. Unfortunately this has taken more time to obtain due to holiday commitments than we would have hoped and I apologise for the delay in getting back to you.

To assist Chigwell Parish Council moving forward positively with the preparation of a Neighbourhood Plan which will meet the basic conditions, the following information is now enclosed:

- Advice of Counsel dated 14 September 2016
- Green Belt Review Stage 2 (and Technical Appendix) *Land Use Consultants* (August 2016)
- The Site Selection Methodology (SSM) *ARUP* (September 2016) used by the Council in assessing all sites put forward for potential allocation in the District Plan
- Site analysis under the SSM for all sites in the District assessed at Stage 2
- Strategic Land Availability Assessment *NLP* (March 2016)

It would seem helpful to provide you with a reminder of the progress EFDC are making with the District wide Draft Local Plan covering the period from 2011 to 2033. The Draft Local Plan will be published for the formal statutory consultation for 6 weeks from 31 October 2016. In this Draft Local Plan, sites will be identified for residential including traveller development, and potential employment sites will also be included. Further assessment of these sites is programmed. The draft site allocations will be accompanied by a full range of draft Planning and Development Management Policies. The Draft Local Plan and supporting papers will be available on the Council's website on 28 September 2016, and will be considered at the 6 October Cabinet meeting and Full Council on 18 October 2016. The consultation period provides an opportunity for any interested parties to submit comments on the content of the Draft Local Plan.

At our meeting we raised some initial concerns about the sites the draft Chigwell NP is proposing for potential allocation. All but one of the sites selected are within the Green Belt. The Draft CNP identifies that these sites would be supported for development should the District Council remove them from the Green Belt, recognising that only the District Local Plan can make amendments to Green Belt boundaries. The Green Belt Review Stage 1 (published September 2015) and the Green Belt Review Stage 2 (to be published on 28 September 2016), provide evidence for your

consideration. Both reports have helped shape the District Council's Draft Local Plan. The advice from Counsel has considered the specific matter of the potential allocation of sites within the Green Belt through the Neighbourhood Plan. The advice is attached for your information, but it is clear that in the current form that Counsel does not consider the Draft CNP would meet the basic conditions test as set out by legislation.

The Parish Council were supplied with an extract of the draft Strategic Land Availability Assessment update in January 2016 (the final SLAA is now enclosed with this letter). It is not clear from the information provided how the Draft CNP has reached the selection of sites now presented and the methodology/criteria used to identify them. The file notes provided do not give a comprehensive assessment of sites. There is concern that many of the sites being promoted in the Draft CNP do not promote sustainable development, largely because they are remote from the existing services and facilities in the Parish. Two further notes were provided on 20 September 2016, one setting out CPC's overall approach to establishing a strategy for the Parish, and the second giving details of proposed new bus routes to be introduced shortly. The first note helps in explaining the rationale that CPC have sought to follow, however, it does not fully justify the approach taken where it is contradictory to policy contained within the NPPF. Consequently we remain concerned that the strategy being pursued will not lead to a sustainable form of development. The details of the proposed bus routes and funding sources for operating them are noted.

Chigwell Parish are encouraged to consider including positive land allocations and policy to bring forward the long-held aspiration for redevelopment of the Victory Hall site for community uses. The Neighbourhood Plan provides an appropriate and positive opportunity to manage this change. The note of 20 September makes reference to this, and it would be expected this will be translated into positive content for the CNP in due course.

I hope you will take this letter and the attachments in the positive spirit in which they are intended, and that Chigwell Parish Council will work closely with EFDC to bring forward a Neighbourhood Plan. I would be happy to discuss this further with you.

Yours sincerely,



Glen Chipp
Chief Executive

cc Cllr John Philip, Cllr Chris Whitbread

Cllr Alan Lion, Cllr Gagan Mohindra, Cllr Kewal Chana, Cllr John Knapman, Cllr Lesley Wagland, Cllr Brian Sandler

Nigel Richardson, Asst Director: Development Management, EFDC

Report to Neighbourhoods Select Committee

Date of meeting: 15 November 2016

Subject: Draft Chigwell Neighbourhood Plan

Officer contact for further information: Kassandra Polyzoides

Committee Secretary: Adrian Hendry



Recommendations/Decisions Required:

To endorse the points below as the main substance of a response to Chigwell Parish Council following the publication for consultation of the Draft Chigwell Neighbourhood Plan.

Introduction:

1. The Government introduced Neighbourhood Planning as part of the Localism Act 2011 in order to enable Town/Parish councils and Neighbourhood Forums to produce plans. A Neighbourhood Plan, once it has passed a referendum and been 'made' by the Local Planning Authority, forms part of the statutory development plan and must therefore be taken into account in the determination of planning applications. Neighbourhood Plans can include housing and employment land allocations, policies and design statements. Neighbourhood Development Plans can be as simple or as complicated, as broad or narrow in subject, as the Town/Parish council choose. Crucially, the Neighbourhood Plan must have regard to national planning policy as well as be in general conformity with the strategic policies of the adopted District Council Local Plan. Where a new District Local Plan is being produced by the Council it is sensible that the Neighbourhood Plan also looks toward emerging policy to avoid any relevant made neighbourhood plan policies becoming immediately out of date on adoption of the new District Local Plan.
2. Chigwell Parish Council submitted an application for the designation of a neighbourhood area in November 2013. The Neighbourhood Plan Area Application was approved by Epping Forest District Council at a Cabinet meeting on the 3 March 2014 following an eight week consultation period from 16 December 2013 to 10 February 2014.
3. Chigwell Parish Council has published its Draft Neighbourhood Plan for a period of formal public consultation which commenced on Monday 10 October 2016 and will run for six weeks, finishing on Monday 21 November 2016. The closing date for submission of comments is 25 November 2016. The District Council commends the Parish for the work undertaken in production of the Draft Neighbourhood Plan and seeks to make a formal representation to the plan through this report.
4. The requirements that apply to plan making at the neighbourhood level are not as onerous as those required by a District Local Plan. The examination process is 'light touch' and considers a limited number of matters. In order to pass examination a Neighbourhood Plan must comply with the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004. The plan meets the basic conditions if:
 - a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan.
 - b) The making of the plan contributes to sustainable development,

- c) The making of the 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), and
 - d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
5. The Neighbourhood Plan policies do need to be based on evidence but are not generally required to be supported by the same level of evidence that would be expected for a District Local Plan. They can use the evidence base for the District Local Plan in addition to evidence gathered by the Town/Parish Council.
 6. This report sets out the Council's response to the Chigwell Neighbourhood Plan 2015-2030 Pre-Submission Plan. It will first set out those policies which are considered to be in general compliance with the existing and emerging District Local Plan and then turn to areas of concern.

Report:

7. As referenced in paragraph 4 above, all neighbourhood plans must be in general conformity with the adopted Local Plan for the area. The adopted Local Plan for the District is the Local Plan 1998 and the 2006 Alterations and is referred to as the 'Combined Local Plan' in the Draft Chigwell Neighbourhood Plan. Legal advice has previously been obtained regarding the compliance of the District's existing policies as set out in the adopted Plan with the draft National Planning Policy Framework (NPPF). In considering the Draft Chigwell Neighbourhood Plan the analysis of the Plan has focussed on the relevant adopted development plan policies considered to be compliant with the NPPF, and indeed the Draft Chigwell Neighbourhood Plan notes that the weight it attaches to each policy in the 'Combined Local Plan' may vary depending upon the extent to which the policy is consistent with the NPPF (paragraph 3.5).
8. Epping Forest District Council has recently published for public consultation the Draft Local Plan for the period up to 2033. This sets out the proposed strategy for managing residential growth across the District. Following consideration of the accommodation of growth across the West Essex and East Hertfordshire Housing Market area and assessment of strategic sites in and around Harlow a quantum of growth of about 3,900 homes is proposed for allocation on sites to the South, West and East of Harlow within the District. The Council is proposing that the remaining housing need identified for the District will be delivered by taking a sequential approach to where new homes will be delivered. The approach to the allocation of sites has been to take each settlement and consider the most appropriate sites in accordance with the order of priority set out in the table below:

- 1 A sequential flood risk assessment – proposing land in Flood Zone 2 and 3 only where need cannot be met in Flood Zone 1
 - 2 Sites located on previously developed land within settlements
 - 3 Sites located on open space within settlements where such selection would maintain adequate open space provision within the settlement
 - 4 Previously developed land within the Green Belt (in anticipation of the NPPF being updated to take account of the proposed changes published in December 2015).
 - 5 Greenfield/Green Belt land on the edge of settlements:
 - a. Of least value to the Green Belt if the land meets other suitable criteria for development.
 - b. Of greater value to the Green Belt if the land meets other suitable criteria for development.
 - c. Of most value to the Green Belt if the land meets other suitable criteria for development.
 - 6 Agricultural land:
 - a. Of Grade 4-5 if the land meets other suitable criteria for development.
 - b. Of Grade 1-3 if the land meets other suitable criteria for development.
 - 7 Enable small scale sites in smaller rural communities to come forward where there is a clear local need which supports the social and economic well-being of that community.
- Epping Forest District Council *Draft Local Plan* paragraph 3.54

9. The Draft Chigwell Neighbourhood Plan covers the period 2015-2030, and provides for approximately 400 new homes that are proposed for allocation on 12 sites and includes a number of policies which seek to manage the impacts of development within the Parish. The Neighbourhood Plan itself cannot change Green Belt boundaries and thus recommends to Epping Forest District Council that the revised boundary account for these proposed allocations.
10. There are a number of policies in the Draft Chigwell Neighbourhood Plan that are clearly in compliance with the emerging policy in the Epping Forest District Draft Local Plan 2016:
 - i) The Council finds that Policies CHG 1 'A Spatial Plan for the Parish', CHG7 'Supporting Community Assets', CHG 10 'Promoting Good Design in the Parish' and CHG 11 'Promoting Good Design in the Chigwell Conservation Area' are in compliance with the basic principles of the NPPF and therefore with the emerging local policy in the form of the Draft Local Plan and national planning policy. However, this view is subject to the evaluation of any evidence upon which the Parish Council have based their policies beyond that explained in the Draft Sustainability Appraisal /Strategic Environmental Assessment Report. Such evidence does not currently appear to be in the public domain neither have the Council received supporting documents on these matters to support the Draft Chigwell Neighbourhood Plan.
 - ii) In relation to Policies CHG 8 'Supporting Local Shops' and CHG 9 'Supporting Local Businesses', the Council finds the policies are mostly in compliance with the basic principles of the NPPF. The Council would like to note the issue of sustainable transport in relation to these two policies. CHG 8 supports an increase in the provision of parking spaces at village centres whilst the NPPF highlights that local authorities should seek to improve the quality of car parking in town centres (paragraph 40). In line with Draft Policy T 1 the Council is focusing on sustainable modes of transport and providing genuine alternatives to the car. The Council will be developing its own residential car parking standards but the Draft Local Plan is silent on the matter of parking provision in town and village centres. CHG 9 supports the provision of jobs in areas that do

not exacerbate traffic movement. In line with Draft Policy T 1 and the definition of sustainable development provided in Paragraph 7 of the NPPF the Council supports new development in sustainable locations that give a wide range of transport choices.

Matters of concern

11. The Draft Chigwell Neighbourhood Plan approach to site selection will not, in the Council's view, meet the basic conditions at examination.
 - i) The strategy for identifying potential development sites in Chigwell Parish differs to the approach taken by the Epping Forest District Draft Local Plan 2016 (refer Paragraph 3.10 of the Draft Chigwell Neighbourhood Plan). It is recognised there is little available previously developed land in Chigwell Parish, in common with the wider District. In the District Draft Local Plan as noted above the Council has sought to propose allocations taking into account the feedback from the Community Choices (Issues and Options) consultation in 2012, government policy set out in the National Planning Policy Framework and a thorough consideration of all the sites put forward to meet the identified housing need. On this basis the Council is proposing that housing provision should be spread across the District, with areas around Harlow (within the District) to be a focus for growth. In line with Government Policy the Council has then sought to maximise the potential for allocations within existing settlements focusing on land that has previously been developed and utilising open space within settlements where such selection would maintain adequate open space provision within the settlement. This is in order to ensure that there is a limited release of land in the Green Belt to provide for housing on the edge of settlements.
 - ii) Policy CHG12 in the Draft Chigwell Neighbourhood Plan proposes a "Local Green Space" designation in accordance with paragraph 77 of the NPPF to three open spaces in the Parish namely: Glebe Land at High Road/ Vicarage Lane; Land at Chigwell Convent, High Road, Woodford Bridge and Limes Farm Open Space. Two of the areas of open space identified (Limes Farm Open Space Draft Local Plan reference SR-0557, and Land at Chigwell Convent and The Gate Lodge Draft Local Plan reference SR-0588) are proposed for allocation for residential development within the Epping Forest District Draft Local Plan. No detailed evidence has been supplied as part of the Neighbourhood Plan consultation to demonstrate how the proposed designations of Local Green Space meet the requirements of the NPPF.
 - iii) Whilst a difference in priorities pertaining to site choice is not in and of itself considered to be of concern the Council finds that the Plan's two-tier site selection process does not constitute a robust evaluation process in comparison to the site selection methodology used for the proposed allocation of sites in the Draft Local Plan. This is also not necessarily a concern given the differing tests of veracity applied to neighbourhood and district plans. However, the outcome of the application of different criteria and the weight afforded them in the site selection process has resulted in two quite different options for the future growth of Chigwell. Of the 12 sites proposed by the Draft Chigwell Neighbourhood Plan, only 2 have been proposed in the Draft Local Plan namely the former Beis Shammai School, High Road (Draft Local Plan Reference SR-043, Draft CNP reference CV1) and land at the former Grange Farm, High Road (SR- 0601, CV3). Two sites proposed in the Draft Chigwell Neighbourhood Plan (CV5 Waste Transfer Facility - SR-0560 and CR5 The Maypole no Draft Local Plan reference) were not evaluated through the site selection process for residential use but are currently being assessed using the Council's site selection methodology. It is anticipated that the outcomes of the evaluation will be available by the time of the Committee meeting.

- iv) Of concern regarding the fit between the emerging Epping Forest District Draft Local Plan proposed site allocations and those identified in the Draft Chigwell Neighbourhood Plan is the approach taken to judgements regarding
 - a) the sustainability of sites that are in the proposed allocations made by the Parish Council and:
 - b) the impact of those proposed allocations on the Green Belt.

Sustainability of the proposed site allocations

12. With regard to the sustainability of sites the Council's view is that the Parish Council proposes to allocate a number of sites that are not within the existing settlement or on the edge of the existing settlement and as relatively remote locations would not contribute to the achievement of sustainable development in Chigwell Parish or Epping Forest District. A key issue lies in the differing approaches taken by the Draft Chigwell Neighbourhood Plan and the EFDC Draft Local Plan in the assessment of accessibility via the local transport network together with the accessibility of sites to services and facilities.
13. In the application of a four stage site selection method (as outlined in the Report on Site Selection and Appendix A Site Selection Methodology) the Council sifts sites based on major policy constraints (Stage 1), the detailed qualitative and quantitative criteria (Stage 2), the best fit of sites for the particular settlement considering reasonable alternatives (Stage 3) and finally the deliverability of sites (Stage 4).
14. Stage 2 of the EFDC Draft Local Plan site selection methodology is predicated on a wide range of 32 detailed qualitative and quantitative criteria applicable to residential uses including 2 relating to the proximity of sites to transport networks and 5 to the proximity of sites to key services and facilities in addition to 1 on traffic impact. These are:
 - a. 3.1: Distance to the nearest rail/ tube station
 - b. 3.2: Walking distance to nearest bus stop (with at least peak hourly day service)
 - c. 3.3: Access to employment locations
 - d. 3.4: Distance to local amenities
 - e. 3.5: Distance to nearest infant/primary school
 - f. 3.6: Distance to nearest secondary school
 - g. 3.7: Distance to nearest GP surgery
 - h. 6.6: Traffic impact (on sites with capacity greater than 25 dwellings)
15. In the case of Chigwell at Stage 3 the more suitable strategic options were assessed as intensification and eastern expansion. The Council considers that its site selection methodology has enabled a choice of sites that is fully compliant with the NPPF.
16. The Draft Chigwell Neighbourhood Plan site selection methodology takes a long list of sites primarily from the EFDC SLAA 2014 and assesses them against the spatial objectives of the Chigwell Neighbourhood Plan, the EFDC Green Belt Stage 2 criteria and the Chigwell Neighbourhood Plan SEA Objectives. The Draft Chigwell Neighbourhood Plan makes clear that one of its main objectives is to manage new growth in such a manner that the effects on the existing congested local road network will be minimised (objective bullet 5 paragraph 4.2). The outcome of its site selection process is to seek to allocate development in locations that are remote from the road network. In so doing, it is argued that new residents will either use the proposed new bus service, or those using private vehicles will take longer to reach congested areas, which will therefore help to alleviate pressure. No evidence is provided to support this approach, and by placing development away from main services and facilities in the

Parish the District Councils view is that occupants will inevitably resort to the use of private cars. Whilst the District Council welcomes the provision of a new bus service the Council is concerned that the funding arrangements are not fully in place and that the bus service will not be retained in perpetuity (refer also paragraph 22 below)

17. It is considered that the approach in the Draft Chigwell Neighbourhood Plan falls short of having regard to national policy in respect of the NPPF as follows: *'Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.'* paragraph 34. In addition *'developments should be located and designed, where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.'* paragraph 35.
18. In addition, the Draft Chigwell Neighbourhood Plan is not considered to have due regard to core principle 11 of the NPPF *'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'* paragraph 17.

Impact on the Green Belt

19. The impact on Green Belt of the locations proposed in the Draft Chigwell Neighbourhood Plan is of concern to Epping Forest District Council. In broad locational terms CV4 (Rolls Park) falls within the strategic locations considered to be least favourable by the Council due to concerns regarding coalescence of Chigwell with Loughton. In particular sites have been selected that are separate from the built area and the pattern of development proposed by the Draft Chigwell Neighbourhood Plan if allocated would punch holes into the Green Belt e.g. Site CV4 (Rolls Park) and CR1 (Gravel Lane). It is the Council's view that the allocation of these sites would be more likely to lead to further future pressure to join these developments to others close by thus causing unacceptable harm to the openness of the Green Belt in these locations.
20. In the Council's view the approach to site selection does not meet the basic conditions, and in particular in contributing to sustainable development. This concern has previously been expressed to Chigwell Parish Council by way of considered legal opinion, which has been shared.

Policy CHG5 – Bus Service

21. A matter directly related to the issue of transport impact and the accessibility of developments proposed is Policy CHG5 'Chigwell Parish Bus Service' which proposes the establishment of a bus service to operate around key locations across the Parish. If this were implemented it would clearly act as some degree of mitigation for the traffic impacts of the proposed locations and assist occupants in accessing services using an alternative to the private car. Whilst Draft Policy D 1 of the Draft Local Plan requires all new development to make best use of existing infrastructure before considering the provision of additional services it is feasible that the Parish could operate a bus service that would provide for these new locations. However, this is not in the Council's view adequate mitigation for the relatively remote location of the proposed sites when there are sites available within the settlement that would not need to rely on a bus service to access the existing public transport network, local shops and other services. In the implementation of Policy CHG5, the Parish should be mindful that there may also have to be on- and off-site infrastructure and services that will be identified in the forthcoming Infrastructure Delivery Plan for the Draft Local Plan. It should be noted that the Parish Council has not supplied any evidence regarding projections of the financial feasibility of the bus scheme and the ability to maintain the service in the long term.
22. On an advisory note the Parish Council's stipulation that all contributions should be made through the S106 mechanism is unlikely to be feasible in the current context. Paragraph 123 of the Community Infrastructure Regulations (2010) explains that the

use of pooled S106 contributions may only be sought from five separate development proposals. These restrictions would prevent all of the development sites contributing to the service through S106. Should the District Council adopt the Community Infrastructure Levy, the neighbourhood proportion of the levy collected in the Parish could be used for such a service by the Parish Council.

Policy CHG 6 'Housing Mix'

23. Policy CHG 6 'Housing Mix' is not compliant with the currently adopted approach to the provision of affordable housing in Policy H7A of the Local Plan 1998 and the 2006 Alterations which require the provision of 40% of affordable homes on sites with 15 or more units. In addition it is not in conformity with the emerging policy contained within the Draft Local Plan. Draft Policy H 2 requires the provision of 40% of affordable homes on sites of 11 or more dwellings. The policy approach contained within the Draft Local Plan is supported by the Strategic Housing Market Assessment and Housing Background Paper provided in the Council's evidence base. The Draft Chigwell Neighbourhood Plan does not present any evidence to demonstrate why a change from the currently adopted policy approach, or the emerging position within the Draft Local Plan, is justified. The data presented in the Draft Sustainability Appraisal/Strategic Environmental Assessment Report is purely relating to tenure mix and travel to work patterns prior to the last census in 2011. This is of significant concern and a clear matter for objection to the Draft Chigwell Neighbourhood Plan. It is not clear what evidence is available to support the proposal that 30% of open market units in every development should be suited for occupation by older households (independent living or extra care dwellings). The Draft Local Plan provides for all new homes to be built to Category 2: Accessible and Adaptable Homes standards

Other matters of importance

24. The Council notes the Parish intent with regard to the Habitats Regulation Assessment prior to submission of the Chigwell Neighbourhood Plan for examination – refer Paragraph 1.11 of the Draft Chigwell Neighbourhood Plan. This will be required to meet the basic conditions.
25. Whilst some level of detail has been provided in this report the District Council will continue to engage with the Parish Council regarding the future versions of the Neighbourhood Plan but also reserves the right to raise further matters in the course of both the Chigwell Neighbourhood Plan and the Local Plan production.

As a number of concerns have been raised about the Draft Chigwell Neighbourhood Plan, it would be advisable for the Parish Council to seek an early "health check" review of their Plan using the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

Reason for decision:

EFDC has a statutory responsibility to advise and assist with the preparation of all Neighbourhood Plans in the District. It is prudent for the District Council to make its views known regarding whether the Draft Neighbourhood Plan meets the required basic conditions at as early a stage as possible although a formal view from the Council is not required by the regulations until later in the process. The publication of the Draft Chigwell Neighbourhood Plan for consultation under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015 is the first opportunity for a formal consideration of the Draft Chigwell Neighbourhood Plan in this regard.

Options considered and rejected:

To not provide a response to the Draft Chigwell Neighbourhood Plan.

Consultation undertaken:

Some early engagement with Chigwell Parish Council on their emerging draft Neighbourhood Plan. Further discussion with the Parish Council is required.

Resource implications:

Budget provision: Review of Draft CNP and preparation of report from within existing resources in the Planning Policy team.

Personnel: None

Land: Contradiction highlighted between the Draft Epping Forest District Local Plan and the Draft CNP. Views expressed concern the Limes Farm Estate, which is largely within the ownership of EFDC.

Community Plan/BVPP reference: None

Relevant statutory powers:

Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015 set out that those preparing a Neighbourhood Plan must consult and send a copy of the proposal for a neighbourhood development plan to the local planning authority

Background papers:

- Draft Chigwell Neighbourhood Plan
- Draft Sustainability Appraisal / Strategic Environmental Assessment
- Epping Forest District Draft Local Plan 2016
- Site Selection Report and Appendices 2016

Environmental/Human Rights Act/Crime and Disorder Act Implications: None

Key Decision reference: None

Draft Submission Neighbourhood Plan (November 2017)

Epping Forest District Council Neighbourhood Planning Briefing Note

Review of the Chigwell Neighbourhood Plan (Submission Draft, July 2017) against:

- (i) the emerging Epping Forest District Local Plan; and
- (ii) the basic conditions for neighbourhood plans in paragraph 8(2) of Schedule 4B to the Planning and Compulsory Purchase Act 2004 ("the 2004 Act").

1. Epping Forest District Local Plan

1.1 Policy relating to the Parish of Chigwell

The Draft Epping Forest District Local Plan (Draft LP) was published for consultation in October 2016. When adopted, the new Local Plan will replace the combined Policies of the Epping Forest District Local Plan Alterations (1998) and Alterations (2006) published in February 2008. The Draft LP sets out the proposed approach to guide the future development of the District and includes detailed draft policies for the whole District for the period up to 2033 ("the plan period").

The Draft LP spatial development strategy seeks to provide for approximately 11,400 new homes and approximately 10,000 new jobs, 18 traveller pitches and one traveller showpeople yard, over the plan period. Draft LP Policy S2 aims to deliver new homes by permitting development proposals within the defined settlement boundaries (subject to compliance with relevant policies of the Local Plan) and through the development of sites around Harlow and at other settlements identified as Draft LP allocations. The Draft LP proposes nine residential site allocations in and around Chigwell to provide approximately 430 new homes. The following table lists the Draft LP site allocations within the Parish of Chigwell.

Draft Local Plan Site Allocations within Chigwell Parish	
Site	No. of dwellings (approx)
SR-0433 (former Beis Shammai School, High Road) ¹	29
SR-0478B (part of Chigwell Nurseries, High Road)	66
SR-0557 (the Limes Estate)	210
SR-0588 (land at Chigwell Convent and The Gate Lodge, Chigwell Road)	52
SR-0601 (land at the former Grange Farm, High Road)	30
SR-0894 (land at Manor Road)	12
SR-0895 (land at Manor Road and Fencepiece Road)	6
SR-0896 (land at Manor Road)	10
SR-0898 (Grange Court, High Road)	9

¹ This site has been withdrawn since the Draft Local Plan (2016) consultation

The vision for Chigwell² highlights the need for infrastructure improvements associated with healthcare and education, bringing forward small-scale residential development in the village, maintaining the rural and historic character of the settlement and maintaining separation of development from Outer London settlements.

Draft LP Policy E1 outlines that the Council's preferred approach to identifying sites for employment uses is to support the redevelopment, renewal or extension of existing premises before identifying new sites. The Draft LP identified the following five possible new employment sites:

- Land at Luxborough Lane (SR-0190);
- West Hatch High School playing fields and adjacent land (SR-0366);
- Land adjacent to West Hatch Academy (SR-0558);
- Chigwell Civic Amenity Site (SR-0560); and
- Olympic Compound Site (SR-0551).

The village of Chigwell is surrounded by the Metropolitan Green Belt. Proposed allocations in the Draft LP would therefore require alterations to be made to existing Green Belt boundaries to the north and south-west of the village. National planning policy on Green Belts makes clear that "[o]nce established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan ..."³

The Council expects to publish the submission version of the Draft LP under Regulation 19⁴ in late 2017.

1.2 Future work on strategic site allocations and strategic masterplans

The Draft LP states that the Council will be undertaking further work to enable more detailed guidance to be provided on the proposed residential Draft LP site allocations. This would include broad site development guidelines relating to scale and density for example. The Council will also be holding discussions with promoters with the aim of entering into Statements of Common Ground.

Draft LP Policies SP3, SP4 and DM9 indicate the broad requirement for strategic masterplans to be prepared in order that development is delivered in a cohesive and timely manner, in accordance with the envisaged

² Draft Local Plan, page 154

³ National Planning Policy Framework, DCLG, March 2012, paragraph 83

⁴ Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Regulation 19

housing trajectory. A report was presented to the Council's Cabinet on 15 June 2017 which set out details of the proposed approach to produce strategic masterplans.⁵ It is proposed that relevant stakeholders, including Town and Parish Councils, are involved as an integral part of the process, although the precise nature of this involvement is yet to be determined.

A group of four sites to the south of Chigwell village are allocated for approximately 238 dwellings. This group of sites would benefit from being addressed in a cumulative and cohesive manner through a single strategic masterplan. The following sites to the south of Chigwell are therefore being considered to form part of a potential Chigwell Strategic Masterplan:

Potential Chigwell Strategic Masterplan	
Site	No. of dwellings (approx)
SR-0557 (the Limes Estate)	210
SR-0894 (land at Manor Road)	12
SR-0895 (land at Manor Road and Fencepiece Road)	6
SR-0896 (land at Manor Road)	10

2. Chigwell Neighbourhood Plan (Submission Draft, July 2017)

The Parish of Chigwell was formally designated a 'neighbourhood area' for the purposes of producing a Neighbourhood Plan in March 2014. Regulation 14 consultation on the draft Chigwell Neighbourhood Plan (CNP) was undertaken in October 2016. Responses to the consultation are summarised in the CNP Regulation 14 Report (February 2017). Comments made by the Council are summarised below:

- Policies CHG1, CHG7, CHG10 and CHG11 were generally supported, subject to greater evidence being provided at the submission stage to justify CNP policies and outline their evaluation through the Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) process;
- Policies CHG8 and CHG9 were generally supported, however it was highlighted that the draft LP seeks to promote travel to retail centres through sustainable modes of transport;
- Concerns were raised regarding:
 - Proposals to designate land at Limes Farm and Chigwell Convent as Local Green Spaces in Policy CHG12;
 - The development site selection process and the sustainability of sites proposed within the CNP. Only 2 proposed development sites within the CNP were consistent with the proposed growth

⁵ Further details are available at:
<http://rds.oxfordshire.gov.uk/ol/ist/Documents.aspx?CID=295&Mid=9078&Ver=4>

strategy for the area in the emerging LP;

- The need for further evidence to demonstrate the site assessment process, outlining how the draft SA / SEA Report informed the identification of proposed development sites;
- The deliverability of proposals for a new bus service within Policy CHG5;
- Policy CHG6, where housing mix proposals were contrary to the adopted and emerging LP, with insufficient evidence to justify the alternative strategy; and
- The need for further consultation with Natural England to determine how the CNP will meet the requirements of the Habitat Regulations Assessment (HRA).

The Submission Draft CNP (July 2017) presents an amended Neighbourhood Plan, which has sought to address concerns raised within the Regulation 14 consultation. Section 2 of the CNP outlines some of the key issues for the area which the Plan will seek to address, including:

- Maintaining Green Belt land in the Parish, to maintain the rural character of the area;
- Community leisure provision through improvements to village greens and recreation areas;
- Additional housing to meet population growth;
- Improved primary education facilities and increased provision of secondary school places in the local area;
- Maintaining the visual amenity of the area;
- Protecting listed buildings and historic trees; and
- Pressure on the transport system at peak times, particularly for commuters from London.

The CNP is proposed to cover the period up to March 2030. Section 4 of the CNP sets out the vision and objectives of the Plan, which includes the following:

- Maintain the visual character of Chigwell Parish;
- Protect the character of the Green Belt within the Parish;
- Create major new recreation community facility and biodiversity assets;
- Create a successful and commercially sound Parish Bus Service;
- Regeneration of Limes Farm, delivering a significant number of new homes;
- Protection of the historic character and special heritage of Chigwell Parish;
- Retention of the open rural character of the Parish;

- Manage traffic by not exacerbating existing congestion; and
- Improve community facilities and services.

The CNP is supported by the following documents which have been provided to the Council:

- Basic Conditions Statement (August 2017);
- Site Assessment Report (August 2017);
- SA / SEA Report (June 2017);
- Highway Appraisal (June 2017);
- Draft New Chigwell Bus Service Business Plan (dated February 2018); and
- Rolls Park Site Assessment Report (August 2017).

The Submission Draft of the CNP includes 11 policies. The Annex to this Briefing Note includes a table which summarises each CNP policy (Column 1); identifies any current and/or potential future conflicts between the Draft LP (Column 2); and identifies any failure to meet the 'basic conditions' for neighbourhood plans (Column 3). The 'basic conditions' are specified in Paragraph 8(2) of Schedule 4B to the 2004 Act and explained in Planning Practice Guidance on Neighbourhood Planning (PPG).⁶ The assessment within the Annex to this Briefing Note is intended to assist the Parish Council's further work to refine and finalise the CNP before it is formally submitted to the Council under paragraph 6 of Schedule 4B to the 1990 Act.

3. Infrastructure projects

Section 5 of the CNP concerns implementation and identifies the infrastructure projects to be supported by the Plan. The projects relates to improved parking at stations, highway works to improve traffic flows at peak

⁶ The PPG states that a Neighbourhood Plan must meet the basic conditions set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, which (as relevant) are:

- a) the Neighbourhood Plan has regard to national policies and advice contained in guidance issued by the Secretary of State;
- b) the making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- c) the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Local Plan;
- d) the making of the Neighbourhood Plan does not breach and is otherwise compatible with, EU obligations; and
- e) prescribed conditions are met in relation to the Neighbourhood Plan and prescribed matters have been complied with in connection with proposals within the Neighbourhood Plan.

times and improvements to local schools are generally consistent with the aims of the draft LP and are the type of projects which, usually, would be secured or funded by planning obligations that comply with the Regulations 122 and 123 of the CIL Regulations 2010 (as amended). However, in advance of the completion of the LP Infrastructure Delivery Plan (IDP), it is unclear how the infrastructure proposals within the CNP will relate to proposals within the emerging LP.

The CNP aims to establish a Chigwell Parish Bus Service, which would be run by the Parish Council and managed by Essex Community Transport, to provide a free public bus service offering three⁷ routes with regular weekday services to connect new developments in the Parish to local services and facilities. The purpose of the bus service is to provide a sustainable mode of transport to new developments in the Parish and to reduce the impact of new developments on the level of congestion on local roads at peak times.

A draft Business Plan for the proposed Chigwell Parish Bus Service has been submitted to the Council as a supporting document to the CNP. The draft Business Plan sets out the proposed routes and times and outlines how the service will be funded. Funding for the new bus service is proposed as follows:

- £950,000 which the draft Business Plan states has already been offered by developers — however, it is unclear to which sites these contributions relate;
- Section 106 contributions from two further development proposals, estimated to provide at least £1 million in contributions;
- Community Infrastructure Levy payments by developers;
- £150,000 from Community Benefits funds and Parish Council reserves;
- Further funding from precept planning, sponsorship and Essex County Council's Community Infrastructure Funding.

The largest funding source listed above is from developer funding through Section 106 agreements. The CNP is unclear about the amount of development which is being proposed in the Plan period beyond 45 dwellings at Rolls Park and 105 units at Froghall Lane. However, further development is supported within the CNP at Chigwell Row and regeneration at Limes Farm.

Section 106 financial contributions to deliver or fund public transport provision must comply with Regulation 122 of the CIL Regulations and the policy requirements in the NPPF. All section 106 financial contributions must be necessary and reasonably related to the development proposed. As the financial viability of the Chigwell Bus Service proposed in the CNP is reliant on significant contributions from developers, it is unclear at this stage whether or not the level of growth proposed will provide the amount of

⁷ The CNP states that six routes are proposed, however only three routes are proposed in the draft Business Plan.

contributions required in perpetuity.

Based on the assessment above and the information contained within the draft Business Plan, the financial viability of the proposed Chigwell Bus Service remains unclear. It is therefore recommended that the draft Business Plan be amended to provide further clarity on received and anticipated contributions from developers (i.e., Section 106 financial contributions), to outline the amount of contributions from each development site which would support the proposed service and when the contributions are expected to be provided. It is important here to remember that Regulation 123(3) of the CIL Regulations 2010 (as amended) restricts the number of Section 106 planning obligation providing for the funding or provision of an infrastructure project, or type of infrastructure, to five obligations. In practical terms, Section 106 financial contributions toward the proposed Chigwell Bus Service would be limited to five development proposals within Chigwell Parish.

4. Conclusions

4.1 The amount of residential development proposed in the CNP

As currently drafted, it is unclear how much residential development is proposed in Chigwell Parish through the CNP. It is also unclear if the CNP supports the amount of growth proposed in the draft LP and which draft LP allocations are supported. CNP Policies CHG2, CHG3, CHG4 and CHG5 propose 45 dwellings at Rolls Park, 105 units at Froghall Lane and support for development at Chigwell Row and the regeneration of the Limes Farm Estate. To provide clarity on the preferred growth strategy, it is recommended that the CNP clearly identifies the amount of future development supported in the Parish during the Plan period and clearly outlines where the CNP supports the growth strategy for the area as set out in the draft LP and where an alternative approach is being proposed.

4.2 Clarification of policy proposals

Planning Practice Guidance ("PPG")⁸ states that *"a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence"*. The Council's review of the CNP has identified that policies CHG1, CHG4, CHG8 and CHG9 include key elements which are unclear and ambiguous; those policies would benefit from amendment to provide greater clarity.

⁸ Paragraph: 041; Reference ID: 41-041-20140306

4.3 Meeting the requirements of the basic conditions

The following CNP policies require amendment to remove conflicts with the draft LP and/or national planning policy and guidance. If these conflicts are not addressed by amendment, it is likely that those policies will fail to meet the basic requirements:

- Policy CHG1: A Spatial Plan for the Parish;
- Policy CHG2: Enabling Development at Rolls Park, Chigwell;
- Policy CHG3: Enabling Development at Froghall Lane, Grange Hill;
- Policy CHG4: Chigwell Row – A Sustainable Community;
- Policy CHG5: Regenerating Limes Farm;
- Policy CHG7: Supporting Local Shops;
- Policy CHG8: Supporting Local Businesses;
- Policy CHG9: Promoting Good Design in the Parish;
- Policy CHG10: Promoting Good Design in the Chigwell Conservation Area; and
- Policy CHG11: Protecting Local Green Spaces.

As these policies could potentially fail the basic requirements the Parish Council is encouraged to consider further the policies listed above which as currently drafted, could potentially fail the neighbourhood plan basic conditions.

4.4 Chigwell Parish Bus Service Draft Business Plan

In seeking to ensure the sustainability of future development sites and reducing levels of congestion in the Parish, the proposed Chigwell Parish Bus Service forms an important element of the CNP. An initial review of the draft Business Plan has identified significant concerns about the establishment of funding for the proposed service. To improve the evidence base regarding the deliverability of the scheme, it is recommended that further details of estimated funding from each allocated development site is included in the Business Plan, with details of when funding would be expected to be provided.

ANNEX – ASSESSMENT OF DRAFT CNP POLICES

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
<p>Policy CHG1: A Spatial Plan for the Parish</p> <p>Development that is suited to an urban setting will therefore only be appropriate within the urban area of the Parish within the Green Belt inset settlements of Chigwell Village and Chigwell Row and within the urban area of Grange Hill.</p> <p>Proposals for the redevelopment of previously-used land, for infill development and for plot subdivision in these three locations will be supported, provided their standards of design accord with other relevant policies of the Neighbourhood Plan and the Epping Forest Local Plan.</p> <p>Proposals for development of existing public open land or private open land that acts as an effective visual break in the urban form in these three locations will be resisted.</p>	<p>Policy seeks to maintain the character of the Green Belt within Chigwell and focus new development to existing built up area. This approach is consistent with the LP.</p> <p>The Policy also seeks to maintain open land which contributes to the character of the area and provides important gaps in existing development. This approach is generally consistent with the LP.</p> <p>What exactly is meant by "development that is suited to an urban setting" is unclear. To ensure consistency in decision making, Policy CHG1 would benefit from providing clarification on what types of development would be suited to an urban setting.</p>	<p>The National Planning Policy Framework (NPPF) supports the protection of the Green Belt, encourages new development to be located within existing built up areas and supports the protection of open space which provides important recreational space and contributes positively to the character of the area. The approach is therefore consistent with national policy.</p> <p>By encouraging new development to be located within existing built up areas, the approach contributes to the achievement of sustainable development.</p> <p>The approach is consistent with local planning policy and does not breach EU obligations.</p> <p>The aims of Policy CHG1 meet the requirements of the basic conditions. However, the wording of Policy CHG1 is unclear regarding what types of development would be suited to an urban setting. National Planning Practice Guidance¹ states that 'a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it</p>

¹ Paragraph: 041; Reference ID: 41-041-20140306

1

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
		<p><i>consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence'. To ensure that Policy CHG1 meets these requirements it is recommended that clarity on what types of development would be suited to an urban setting is provided."</i></p>
<p>Policy CHG2: Enabling Development at Rolls Park, Chigwell</p> <p>Proposals for a mixed development scheme at Rolls Park, as shown on the Policies Map, will be supported, provided:</p> <ol style="list-style-type: none"> The scheme comprises a housing scheme, a community park scheme and delivers an off-site community facility scheme; The housing scheme comprises approximately 45 homes, with at least 40% of the homes to be made available for a minimum of 20 years as private affordable rented homes for households with a local connection to the Parish; The housing scheme accords with the following principles: <ol style="list-style-type: none"> The layout is confined to no more than 2Ha on that part of the site adjoining the 	<p>Rolls Park was assessed in the CNP Site Assessment Report as site SR-0147. The CNP proposes 45 dwellings on the site.</p> <p>There is a potential conflict with the proposed allocation of Rolls Park in Policy CHG2, as this site has been assessed by the Council but is not proposed for allocation within the draft LP. The draft LP Site Selection Report (September 2016) outlines that the site was removed from the assessment process at Stage 4, where it was considered that 'this option would cause significant harm to the Green Belt, risking the coalescence of Chigwell and Loughton'.</p> <p>The CNP Site Assessment Report and the separate August 2017 Rolls Park Site Assessment Report raises a number of concerns with the Council's assessment of the site and states that a smaller scale development, with significant public benefits through the provision of a community park, a new scout hut, contributions to a new Parish Community</p>	<p>Policy CHG2 states that it is not seeking a realignment of the Green Belt boundary for the allocation at Rolls Park. Instead, the policy supports a site-specific development proposal for inappropriate development in the Green Belt and makes the case for very special circumstances to justify a grant of planning permission.</p> <p>Section 9 of the NPPF seeks to protect the Green Belt from inappropriate development. Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications, paragraph 88 requires substantial weight to be given to any harm to the Green Belt and explains that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p>

2

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
<p>existing Rolls Park complex of buildings and divides the scheme into three small development zones within that part of the site;</p> <p>b) the landscape scheme retains the existing mature trees on the edge of the developable area as part of an effective landscape buffer;</p> <p>c) the layout, the landscape scheme and the public park are arranged in a way to prevent any future extension of the scheme into the Green Belt;</p> <p>iv the community park scheme will comprise:</p> <p>a) a new public park and footpaths laid out in the form of a Sustainable Accessible Natural Green Space to complement the adjoining Grange Farm Country Park with a view to forming the Neighbourhood Plan contribution to the Epping Forest SAC mitigation strategy;</p> <p>b) a new Scout Hut with ancillary outdoor</p>	<p>Hub and contributions to the Chigwell Parish Bus Service, would outweigh any harm from the development.</p> <p>No assessment of the financial viability of the proposals has been included in the CNP Site Assessment Report and the separate August 2017 Rolls Park Site Assessment Report, however the viability of a 45-dwelling development to provide the extent of planning obligations proposed would need to be evidenced.</p> <p>Given the scale of development proposed, it is unlikely that the proposed planning obligations, particularly in relation to the construction of a new scout hut (the cost of this facility has not been stated) and a community hub (estimated to cost £6.5m) will comply with regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.² An alternative mechanism to the normal section 106 approach would therefore need to be identified. The CNP should clarify how the contributions would be provided as part of this development.</p> <p>Green Belt between Loughton and Chigwell where</p>	<p>By encouraging this proposal for inappropriate development in the Green Belt, Policy CHG2 is contrary to the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open.</p> <p>The CNP asserts that the delivery of the proposed development scheme will secure public benefits and provides the 'very special circumstances' justification required by national planning policy.</p> <p>However, as presently drafted, the justification in the CNP is contrary to national Green Belt policy as it fails properly to have regard to the proper approach to demonstrating the existence of very special circumstances. The CNP fails to assess the extent to which the proposal would cause harm to the Green Belt and undermine the purposes served by the Green Belt in this very sensitive location. As such, the justification fails to give substantial weight to any harm to the Green Belt and, as a result, does not demonstrate that the harm the proposal would cause to the Green Belt and any other harm would be clearly outweighed by other</p>

² Section 122 of the CIL Regulations states that: A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

3

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
<p>recreational uses;</p> <p>v. The off-site community facility scheme delivers a new Parish Community Centre on land to be made available for this purpose by the Parish Council, comprising multi-purpose facilities, a Parish Office and Library, which will be completed prior to the final occupation of the housing scheme;</p> <p>vi. the housing and community facility schemes are accessed via the lane to Chigwell Lane and provision is made for improving the lane and junction; and</p> <p>vii. a planning obligation is agreed to provide an appropriate financial contribution to the costs of operating the proposed Chigwell Parish Bus Service.</p> <p>It is proposed that as the site does not adjoin the proposed redrawing of the Green Belt boundary and will remain in the Green Belt. A 'very special circumstances' case must be made for the policy to have proper regard to national policy.</p>	<p>the draft LP is seeking to restrict development and reduce any risk of coalescence. It is therefore unlikely, even with the smaller scale of development proposed, that the Council's assessment of the appropriateness of this site would significantly change.</p> <p>Policy CHG2 also seeks the provision of 40% affordable housing for a minimum period of 20 years. The draft LP does not set a time period for affordable housing provision and no justification for the proposed time period is provided within the CNP. This is not consistent with the draft LP.</p>	<p>considerations.</p> <p>The CNP is not supported by sufficient evidence to demonstrate that the 'other consideration' upon which the justification relies, should properly be regarded as public benefits that clearly outweigh the significant harm to the Green Belt.</p> <p>The proposed housing development could be delivered on more sustainable sites, identified in the draft LP, outside the Green Belt, within settlement boundaries, or closer to the edge of existing settlements. As such, delivering the proposed housing scheme should not be considered as a public benefit, or a consideration that should be given substantial weight.</p> <p>It follows that the provision of the community park scheme is not necessary to make the proposed development scheme acceptable and, as such, should not be considered as a public benefit as the draft LP will require new housing development to make a contribution to the Epping Forest SAC air quality mitigation strategy.</p> <p>The CNP does not explain whether the proposed SANGS is the minimum necessary to make the proposed development scheme acceptable or specify the mechanism by which the community park scheme will be secured as a SANGS in perpetuity. Nor does it demonstrate that the section 106 planning obligation would satisfy the</p>

4

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
		<p>requirements of Regulation 122 and 123 of the CIL Regulations 2010.</p> <p>No evidence has been provided to demonstrate the significant need for the proposed community facilities or that any such need could not be met in other ways. The CNP does not specify the mechanism for securing the off-site community facilities, or demonstrate that the section 106 planning obligation that is likely to be necessary would satisfy the requirements of Regulation 122 and 123 of the CIL Regulations 2010.</p> <p>Policy CHG2 amounts to a <i>de facto</i> 'allocation' of this site which promotes the delivery of inappropriate development in the Green Belt, contrary to the aims and aspirations of Section 9 of the NPPF.</p> <p>The proposed site is physically separate from the built-up area of Chigwell and would therefore be reliant on the proposed Parish Bus Service to provide sustainable transport to surrounding services and facilities. The viability of Parish Bus Service is considered in section 3 of the Council's Briefing Note. Even with a limited bus service in place, the location of the site would be unlikely to be as sustainable as other available sites in the area. The proposed allocation would therefore be unlikely to constitute sustainable development as defined by the NPPF.</p>

5

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
		<p>The NPPF states that affordable housing 'should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision'. National planning policy therefore seeks the provision of affordable homes in perpetuity and does not refer to a specified time period where the provisions of affordable housing would no longer apply. The approach set out in Policy CHG2 to ensure homes are affordable for a minimum time period is therefore inconsistent with national planning policy.</p> <p>Accordingly, Policy CHG2 is contrary to national planning policy, adopted development plan policy (which is consistent with national Green Belt policy), and emerging Local Plan policy. As such, it will not contribute to the achievement of sustainable development. For these reasons, Policy CHG2 does not meet the basic conditions for neighbourhood plans.</p>
<p><u>Policy CHG3: Enabling Development at Froghall Lane, Grange Hill</u></p> <p>Proposals for a mixed development scheme at Froghall Lane in Grange Hill, as shown on the Policies Map, will be supported, provided:</p> <ol style="list-style-type: none"> i. The scheme comprises an assisted living housing scheme and a cemetery extension 	<p>The Froghall Lane site is identified in the CNP Policies Map and includes part of site SR-0317 assessed within the draft LP Site Selection Report.</p> <p>There is potential conflict with the allocation of this site in Policy CHG3, as the site was assessed by the Council but was not included as an allocation in the draft LP. The draft LP Site Selection Report outlines</p>	<p>As already stated, the Council is currently reconsidering the assessment of this site through further work to finalise Local Plan allocations. However, as things stand, the site does not form part of the Draft Local Plan proposed allocations, and the proposed development is therefore contrary to the Draft Local Plan.</p>

6

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
<p>scheme;</p> <p>ii. The assisted living housing scheme comprises approximately 105 units (C2 Use Class) offering approx. 400 bed spaces;</p> <p>iii. A planning condition or obligation restricts the age of the head of the household to a minimum 60 years of age for the lifetime operation of the assisted living scheme;</p> <p>iv. There are approx. 130 car parking spaces provided on-site;</p> <p>v. The cemetery scheme comprises a minimum of 0.4 Ha of land that is transferred to Chigwell Parish Council through a planning obligation;</p> <p>vi. The landscape scheme delivers an effective planting screen on the boundary with the cemetery scheme; and</p> <p>vii. a planning obligation is agreed to provide an appropriate financial contribution to the costs of operating the proposed Chigwell Parish Bus Service.</p>	<p>that the site was removed at Stage 4 and stated that "while the site was considered as potentially suitable for development, it did not fall within a category of land taken forward based on the land preference hierarchy set out in the Site Selection Methodology".</p> <p>The site is subject of a current planning application EPF/3386/16, with the same proposals as set out in Policy CHG3. At the time of writing the application has not yet been determined by the Council, but is recommended for refusal based on inappropriate development in the Green Belt. The Officer recommendation for refusal notes that "the benefits of the proposal are insufficient to overcome the harm it would cause to the Green Belt therefore the application does not demonstrate very special circumstances in favour of granting planning permission".</p> <p>The CNP Site Assessment Report raises a number of concerns with the Council's assessment and states that a smaller scale development would have little impact on the Green Belt, particularly on a site which is adjacent to existing housing and the cemetery. The Council is reassessing the site to take into account these concerns.</p> <p>However, as things stand the proposed allocation in Policy CHG3 is contrary to proposals in the draft LP.</p>	<p>Section 9 of the NPPF seeks to protect the Green Belt from inappropriate development. Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications, paragraph 88 requires substantial weight to be given to any harm to the Green Belt and explains that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>By encouraging this proposal for inappropriate development in the Green Belt, Policy CHG3 is contrary to the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open.</p> <p>The CNP asserts that the delivery of the proposed development scheme will secure public benefits and provides the 'very special circumstances' justification required by national planning policy.</p> <p>The supporting text to CNP Policy CHG3 states that the proposed development site presents 'very special circumstances' due to the public benefits that would be provided through the extension of the cemetery and provision of assisted living units.</p> <p>However, as presently drafted, the justification in</p>

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Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
		<p>the CNP is contrary to national Green Belt policy as it fails properly to have regard to the proper approach to demonstrating the existence of very special circumstances. The CNP fails to assess the extent to which the proposal would cause harm to the Green Belt and undermine the purposes served by the Green Belt in this very sensitive location. As such, the justification fails to give substantial weight to any harm to the Green Belt and, as a result, does not demonstrate that the harm the proposal would cause to the Green Belt and any other harm would be clearly outweighed by other considerations.</p> <p>The CNP is not supported by sufficient evidence to demonstrate that the 'other consideration' upon which the justification relies, should properly be regarded as public benefits that clearly outweigh the significant harm to the Green Belt.</p> <p>There is no evidence provided in the CNP or supporting documents that the cemetery extension and provision of assisted living units could not be provided in other ways that would not result in harm to the Green Belt. The CNP therefore does not provide sufficient evidence that there are 'very special circumstances' which support the proposed allocation of this site. The Officer Report relating to the current planning application on this site also concluded that the proposed benefits of the scheme</p>

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Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
		did not clearly outweigh the harm to the Green Belt and any other harm. As such, the application did not demonstrate that 'very special circumstances' exist to justify a grant of planning permission.
<p>Policy CHG4: Chigwell Row – A Sustainable Community</p> <p>Proposals to create new school and community facilities and to reuse previously developed land in and on the edge of Chigwell Row to improve the sustainability of the village will be supported. Where such proposals are located in the Green Belt adjoining the inset settlement boundary, they will be supported, provided they can demonstrate they will not compromise the essential open character of the Green Belt and their public benefits are such to provide very special circumstances.</p>	<p>Policy CHG4 seeks to encourage development proposals to come forward in the Chigwell Row area which provide the opportunity to create a new school and community facilities. Any development must not however compromise the essential open character of the Green Belt and should provide public benefits that clearly outweigh the harm to the Green and any other harm to demonstrate that 'very special circumstances' exist in accordance with paragraph 88 of the NPPF.</p> <p>It is unclear if Policy CHG4 is seeking to promote additional housing in the Chigwell Row area, or just seeking to promote the area as a potential location for a new school and community facilities. It is also unclear what amount and type of development is being encouraged in the Chigwell Row area, either as residential development or as community facilities. Policy CHG4 would benefit from clarification on these points.</p> <p>The CNP Policies Map does not include sites</p>	<p>Chigwell Row is surrounded by Green Belt. In seeking development proposals which must demonstrate 'very special circumstance', Policy CHG4 is consistent with paragraph 88 of the NPPF.</p> <p>As presently drafted Policy CHG4 is unclear and ambiguous regarding the type and level of development being encouraged in the Chigwell Row area and the overall purpose and aims of the Policy. The PPG³ states that 'a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence'. Policy CHG4 fails to meet these requirements.</p> <p>Policy CHG4 is not consistent with national and local planning policy and may therefore fail to meet the requirements of the basic conditions.</p>

³ Paragraph 041; Reference ID: 41-041-20140306

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
	<p>associated with Policy CHG4. The policy refers to Chigwell Row, however the previously developed land in and on the edge of Chigwell Row which the policy relates to is unclear. Policy CHG4 would benefit from clarification of the relevant sites or areas which would be considered appropriate for new development in Chigwell Row by indicating these areas on the CNP Policies Map.</p> <p>Policy CHG4 is seeking to create a new school, however neither the CNP or associated background documents have identified a need for a new school. Section 2 of the CNP referred to improving primary school facilities in the Parish, however it is unclear if an entirely new school site is required, or if the primary school could be improved on its current site. Further clarification of these points as part of Policy CHG4 would be beneficial. The draft LP Infrastructure Delivery Plan (IDP) is currently being produced in collaboration with Essex County Council and site promoters. The IDP will include an assessment of school requirements and potential locations for new schools where required. Policy CHG4 would benefit from referring to the IDP as an evidence base document when it has been completed.</p> <p>The draft LP Vision for Chigwell (p154) identifies the need for improved education facilities in the area. Policy CHG4 is therefore generally consistent</p>	

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
	<p>with this aspiration.</p> <p>The overall purpose and aims of Policy CHG4 are unclear and ambiguous and would benefit from clarification, as set out above. However, the draft LP currently has no proposed development allocations in Chigwell Row; therefore, any additional clarification of this policy could potentially create a conflict with the draft LP. Careful consideration therefore should be given to future amendments to Policy CHG4 to ensure consistency with the draft LP.</p>	
<p>Policy CHG5: Regenerating Limes Farm</p> <p>Proposals for the comprehensive regeneration of Limes Farm, as shown on the Policies Map, will be encouraged and supported, provided the proposals seek to improve the well-being, housing, environment, local services and community facilities for the residents of the area through a package of measures.</p> <p>Proposals for housing or other development on the existing open spaces of the area will be resisted until such a time that a comprehensive regeneration scheme has been approved.</p>	<p>The CNP Policies Map shows the area of land comprising Limes Estate relating to Policy CHG5. This is not consistent with the area identified as the Limes Estate (site SR-0557) within the draft LP Site Selection Report. It may be helpful for the area identified as the Limes Estate within the CNP to be consistent with the area assessed by the Council.</p> <p>Policy CHG5 seeks the comprehensive regeneration of the Limes Farm Estate rather than piecemeal development of areas of open space prior to any redevelopment of the area.</p> <p>The approach set out in the draft LP for the Limes Farm Estate proposes the allocation of approximately 210 homes on part of the open space</p>	<p>Paragraph 74 of the NPPF states that existing open space should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements, or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The concerns raised within the CNP Site Assessment Report demonstrate that the Parish Council are not satisfied that the requirements of NPPF paragraph 74 have been met within the proposed draft LP allocation for the Limes Farm Estate. To support Policy CHG5, the CNP would benefit from the inclusion of an assessment of the open space at the Limes Farm Estate which is considered important.</p>

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Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
	<p>north of the Estate during this plan period and then a proposed future redevelopment of the Limes Farm Estate following 2033.</p> <p>Policy CHG5 presents an alternative approach to the draft LP and, therefore, is not consistent with emerging Local Plan policy. The CNP Site Assessment Report highlights the Parish Council's concerns in the Council's assessment of the site, particularly in relation to the loss of open space in a high density built up area, prior to the finalisation of any strategic proposals for the Limes Farm Estate.</p> <p>The CNP Site Assessment Report disagrees with the Council's assessment of the impact of the loss of the open space. Where only part of the open space would be lost with the remaining open space enhanced and where Draft LP Policy DM6 ensures protection to existing open spaces, a modest negative score was provided for the loss of open space in the draft LP Site Selection Report. The Parish Council however considers the loss of open space to have a significant adverse impact on the area. The CNP assessment therefore concludes that the Council have not sufficiently considered the impact of the loss of the open space on existing residents of the Limes Farm Estate and the surrounding area.</p>	<p>to demonstrate why it should not be built on in accordance with NPPF paragraph 74.</p> <p>Policy CHG5 seeks the approval of a comprehensive regeneration scheme prior to any development in the Limes Farm Estate and surrounding open spaces. This could be undertaken through the production of a masterplan or development brief. The PPG⁴ supports the production of masterplans and development briefs as approaches to good design. The approach recommended within Policy CHG5 is therefore consistent with national planning policy. In accordance with the aims of CNP Policy CHG5, The Council encourages the participation of Chigwell Parish Council in the production of a strategic masterplan for the Limes Farm Estate area.</p> <p>Policy CHG5 presents an alternative approach to the draft LP and, therefore, is not consistent with emerging Local Plan policy.</p>

⁴ Paragraph: 032 Reference ID: 26-032-20140306

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Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
<p>Policy CHG6: Supporting Community Assets</p> <p>Proposals that will lead to the unnecessary loss of the following community facilities, as shown on the Policies Map, will be resisted:</p> <ol style="list-style-type: none"> land and premises making up the Chigwell Riding School and Jubilee Lodge the grounds and facilities of the Metropolitan Sports Ground the churches of St. Mary's, St. Winifred's and All Saints the community facilities at Limes Farm the Chigwell & Hainault Synagogue. <p>Proposals to develop a new community facility for Chigwell on the Victory Hall site on Hainault Road, as shown on the Policies Map, will be supported.</p> <p>Proposals to establish a new doctor's surgery or a new dentist facility in the Parish will be supported, provided they are located outside the Green Belt and have sufficient off-street car parking spaces.</p>	<p>All community facilities listed in Policy CHG6, except the Chigwell and Hainault Synagogue, are identified in the CNP Policies Map.</p> <p>Policy CHG6 seeks the protection of important listed community facilities and the development of additional community facilities within the Parish.</p> <p>Community, leisure and cultural facilities which are valued by the local community are proposed to be protected through draft LP Policy D4. Policy CHG6 has the same purpose as LP Policy D4 and is therefore consistent with local planning policy.</p> <p>Page 154 of the draft LP highlights the need for additional health care facilities in the Chigwell area. This is consistent with Policy CHG6. The emerging IDP will include further information on the need for new facilities in the area.</p>	<p>NPPF paragraph 70 notes that planning policies and decisions should 'guard against the loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs'. CNP Policy CHG6 is consistent with aims of paragraph 70 of the NPPF.</p> <p>Maintaining local services and facilities reduces residents need to travel long distances and therefore supports the achievement of sustainable development.</p> <p>Policy CHG6 is considered to be consistent with national and local policy, supports sustainable development and does not breach EU obligations. The policy therefore meets the requirements of the basic conditions.</p>
<p>Policy CHG7: Supporting Local Shops</p>	<p>The CNP Policies Map identifies village centres in</p>	<p>Paragraph 23 of the NPPF states that 'planning policies should be positive, promote competitive</p>

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Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
<p>The Neighbourhood Plan designates village centres at Brook Parade, Chigwell, Limes Farm, Grange Hill and Chigwell Row, as shown on the Policies Map.</p> <p>Proposals for new shops and services suited to a village centre will be supported. Proposals for a change of use from a shop or service suited to a village centre to another use will be resisted, where planning permission is required.</p> <p>Proposals to increase the number of public car parking spaces at a village centre will also be supported.</p> <p>Proposals that will lead to more than 25% of the total number of units in Brook Parade or Grange Hill village centres being in an A3 cafe/restaurant, A4 drinking establishment or A5 hot food takeaway use will be resisted.</p>	<p>the Parish which will be supported by CHG7.</p> <p>Policy CHG7 seeks to protect village centres for uses associated with A1 – A5 retail, financial services, cafe/restaurants, drinking establishments and hot food takeaways; and B1(a) offices, encouraging the provision of additional parking and restricting the amount of A3, A4 and A5 uses in certain areas.</p> <p>Draft LP Policy E2 seeks to protect retail areas on local parades and village shops by only allowing a change of use to non-retail uses when there is no demand for the retail use, the service is moving to another location in the village, or the new use would meet an identified need.</p> <p>In comparison to draft LP Policy E2, CNP Policy CHG7 provides additional details on the types of uses allowed in local centres and the amount of certain types of uses allowed in specified centres. The CNP outlines that the restrictions are intended to ensure the convenience offer at local centres is not undermined, however there is no evidence outlining why 25% of units is an appropriate amount. The aims and aspirations of the policy are generally consistent with draft LP Policy E2; however, Policy CHG7 would benefit from further justification to provide evidence of why 25% is the appropriate amount of A3, A4 and A5 uses in Brook Parade and Grange Hill village centres.</p> <p>The draft LP seeks to encourage the use of</p>	<p>town centre environments and set out policies for the management and growth of centres'.</p> <p>Policies which are overly prescriptive and potentially restrictive to market demands may not be considered to be positive as required by NPPF paragraph 23. While Policy CHG7 does provide a wide range of potential uses, the policy should allow other uses in local centres where a viable use for vacant premises has not been found for a long period of time and where alternative uses may encourage active frontages, attract a high footfall and a service which could positively contribute to the function of the local centre.</p> <p>Similarly, restricting certain uses in specified centres could create long term vacancies where alternative uses could not be found. Policy CHG7 should provide greater flexibility to allow additional A3, A4 and A5 uses beyond the specified amount where premises have been vacant for a long period of time and where an alternative use cannot be found.</p> <p>The Use Classes Order allows certain uses to be changed through permitted development without the need for planning permission. Permitted development includes changes from A3 to A1 uses and from A1 to A3 uses up to 150sqm. The ability to manage the amount of A3 uses within a certain centre could therefore in practice be difficult to</p>

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Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
	sustainable modes of transport to promote sustainable development. Policy CHG7 refers to increasing car parking provision in village centres, but does not similarly refer to increasing services and facilities in local centres for sustainable modes of transport. To ensure consistency with the draft LP, Policy CHG7 would benefit from proposals to improve the provision of public transport, cycling and pedestrian routes and facilities, as well as seeking an increase in car parking provision.	implement. For these reasons CNP Policy CHG7 is not considered to be fully consistent with local and national planning policy. To assist in meeting the requirements of the basic conditions, the policy would benefit from reference to encouraging the use of sustainable modes of transport to access local centres and providing a more positive and flexible approach to managing retail areas in the Parish.
Policy CHG8: Supporting Local Businesses Development proposals to create new businesses of a village scale will be supported, provided they are located outside the Green Belt. Proposals that result in the loss of an existing business use will be resisted, unless it can be demonstrated that its continued use is no longer viable. Proposals to expand an existing employment or business use will be supported, provided their impact on flood risk, local amenity, traffic and landscape can be satisfactorily mitigated and they do not compromise the open character of the Green Belt.	Policy CHG8 seeks to support the location and expansion of businesses in the Parish, the protection of existing businesses and support flexible working arrangements such as working from home. Policy CHG8 would benefit from a definition of a 'village scale business'. As currently drafted it is unclear what would constitute a 'village scale business'. Draft LP Policy SP5 seeks to protect the Green Belt from inappropriate development. Policy CHG8 goes beyond the restrictions of the draft LP to consider all development associated with new businesses in the Green Belt as inappropriate development. Policies	NPPF paragraphs 89 and 90 include a closed list of development that should not be considered inappropriate in the Green Belt and could be associated with new businesses. By seeking to ensure that no new businesses are located in the Green Belt, CNP Policy CHG8 is contrary to paragraphs 89 and 90 of the NPPF. The wording of Policy CHG8 is unclear when referring to a 'village scale business'. The lack of a definition would lead to uncertainty in implementing the policy. As currently drafted, the policy is therefore contrary to the PPG ⁵ which requires a policy to be 'clear and unambiguous....

⁵ Paragraph 041; Reference ID: 41-041-20140306

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
Belt. Proposals to enable working from home that require planning permission will be supported, provided the business use remains ancillary to the main residential use and there is no significant harm caused to local residential amenity by way of car parking, traffic movements or noise.	within the LP allow appropriate development to take place in the Green Belt. Policy CHG8 is therefore contrary to draft LP Policy SP5. Draft LP Policy E1 seeks to protect existing employment land unless it can be demonstrated that employment use is no longer viable on the site. Policy CHG8 is therefore consistent with draft LP Policy E1.	<i>drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications'. Policy CHG8 fails to meet these requirements and would therefore fail to meet the requirements of the basic conditions.</i> Proposals within CNP Policy CHG8 to resist the loss of employment sites unless it can be demonstrated that the use is no longer viable and supporting the expansion of existing businesses, are consistent with the aims and aspirations of section 1 of the NPPF. As currently drafted, the first paragraph of Policy CHG8 is not consistent with local or national planning policy and therefore does not meet the requirements of the basic conditions.
Policy CHG9: Promoting Good Design in the Parish Development proposals will be supported, provided their design respects the important features of the street scene and they utilise materials which are in keeping and are not obviously incongruous with the character of the Parish.	Policy CHG9 seeks to encourage good quality design which maintains the character of the Parish. The policy seeks to restrict subdivision of dwellings to maintain the character of the area, however what would and would not "be appropriate" is unclear. The wording of the first policy bullet point also is	The wording of Policy CHG9 is unclear when referring to flatted accommodation which would 'not normally be appropriate'. Further clarity on how a flatted development would be considered acceptable or otherwise would benefit the policy. As currently drafted, the policy is therefore contrary to the PPG ⁶ which requires a policy to be 'clear and

⁶ Paragraph 041; Reference ID: 41-041-20140306

Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
<p>Proposals should have special regard to:</p> <ul style="list-style-type: none"> The significance of larger buildings set in large plots to establishing the character of much of the Parish, whereby proposals for plot subdivision to deliver flatted accommodation will not normally be appropriate The scale of gates and railings on the property frontage, which should complement the street scene and should not be overbearing and out of character The use of weatherboarding and agricultural vernacular in the detailing of buildings The desire for front and rear gardens to new dwellings in those parts of the Parish where this is already very common In respect of proposals for basement development below existing properties or basements for new buildings, they are accompanied by a construction method statement that clearly demonstrates how neighbouring properties will be safeguarded and how any harmful impacts on underground water movements will be avoided 	<p>unclear, suggesting that some subdivision would be appropriate, but not explaining how. The policy would benefit from clarification that subdivision will only be supported where there is no detrimental impact on, for example, the character of the area and the residential amenity of neighbouring properties.</p> <p>Design related policies DM9 and DM10 in the draft LP would allow the subdivision of properties where there is no detrimental impact of the existing building and surrounding area. In relation to subdivision, CNP Policy CHG9 is therefore not consistent with the draft LP.</p> <p>Design requirements regarding gates and railings, weatherboarding and agricultural vernacular design and the inclusion of front and rear gardens where this is an important feature of the local character, are all design requirements that are generally consistent with the requirements of draft LP Policy DM9.</p> <p>Draft LP Policy DM12 guides subterranean and basement development and requires relevant applications to submit a Basement Impact Assessment and where appropriate a Basement Construction Management Statement ("BCMS"). CNP Policy CHG9 includes an additional requirement to provide a "construction method statement" in support of a basement related application. It may be considered unnecessarily onerous for a basement related development to</p>	<p>unambiguous... drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications'. Policy CHG9 fails to meet these requirements.</p> <p>Section 7 of the NPPF seeks good design from all new development. The overall aims of CNP Policy CHG9 are generally consistent with national planning policy in seeking to achieve a high quality of design in new development.</p> <p>To meet the basic conditions, CNP Policy CHG9 would benefit from improving consistency with the draft LP in relation to the technical statements to support basement related applications and by providing greater clarity as to circumstances in which flatted development may be considered acceptable.</p>

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Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
	<p>provide three similar statements in support of an application. A BCMS should provide the necessary information sufficient to meet the requirements of CNP Policy CHG9. To streamline this process, it therefore is recommended that CNP Policy CHG9 is amended to be consistent with the requirements of the draft LP and refers to a BCMS instead of a 'construction method statement'.</p>	
<p>Policy CHG10: Promoting Good Design in the Chigwell Conservation Area</p> <p>Development proposals in the Chigwell Conservation Area, as shown on the Policies Map, will be supported, provided they have special regard to the following design principles:</p> <ul style="list-style-type: none"> There is no subdivision of existing plots or any other development within private garden land The views along High Road into and through the Conservation Area from the south west and north east are not obstructed or punctuated by new development The mature landscaping of trees and hedgerows that forms part of a front boundary should not be removed to enable the implementation of a development proposal 	<p>CNP Policies Map identifies the Chigwell Conservation Area. No changes are proposed to the extent of the conservation area.</p> <p>Policy CHG10 seeks to protect the Chigwell Conservation Area from development which could be detrimental to the character of the area. The Policy therefore goes beyond the policy controls set out in draft LP Policy DM7 to protect important views, building lines, landscaping and the impact of subdivision or garden development.</p> <p>The principles of the policy are in general conformity with the aims and objectives of the draft LP Policy DM7, however a blanket ban on subdivision, private garden land development and the removal of mature trees and hedgerows to support development, may be considered overly restrictive. Not all garden areas, trees and hedgerows will be important to the character of the conservation</p>	<p>Section 12 of the NPPF provides guidance on conserving and enhancing the historic environment. The aims and objectives of CNP Policy CHG10 are generally consistent with the NPPF.</p> <p>As presently drafted, CNP Policy CHG10 does not meet the basic conditions. Subject to further clarification of design principles for the Chigwell Conservation Area, CNP Policy CHG10 would meet the basic conditions.</p>

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Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
<ul style="list-style-type: none"> There is no unnecessary loss of a non-designated heritage asset in the Conservation Area The building line of properties with little or no front garden on High Road north of Chigwell School is maintained Views of St. Mary's Church from the north are not obstructed by development in the setting of the Conservation Area 	<p>area and some subdivision of plots may be able to take place which would not have an impact on the conservation area. It would therefore be appropriate to consider development proposals individually through the normal planning processes, to consider any impacts on the conservation area and associated heritage assets.</p> <p>Policy CHG10 would therefore benefit from clarifying if there are specific areas of vegetation, landscaping and garden land which are important to the character of the conservation area and any particular buildings which should not be subdivided due to their importance to the character of the area or as a heritage asset.</p>	
<p>Policy CHG11: Local Green Spaces</p> <p>The Neighbourhood Plan designates the following as Local Green Spaces, as shown on the Policies Map:</p> <ol style="list-style-type: none"> Glebe Land at High Road/Vicarage Lane Land at Chigwell Convent, High Road, Woodford Bridge <p>Proposals for development within a Local Green Space will be resisted unless exceptional circumstances can be demonstrated.</p>	<p>The CNP Policies Map identifies two proposed local green spaces in the Parish. The land at Chigwell Convent includes the same area as the proposed residential allocation in the draft LP on site SR-0588.</p> <p>The draft LP does not allocate any Local Green Spaces in the District.</p> <p>The draft LP has allocated land at Chigwell Convent for 52 homes. The designation of a Local Green Space on this site within the CNP is therefore contrary to the draft LP. The CNP Site Assessment</p>	<p>Paragraph 77 of the NPPF states that the designation of Local Green Space should only be used where the green space is in reasonably close proximity to the community it serves, where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and where the green area concerned is local in character and is not an extensive tract of land.</p>

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Draft CNP Policy	Current / potential conflict with the draft LP	Current / potential conflict with basic conditions
	<p>Report concludes that the Council have incorrectly assessed the importance of the open space between the listed building and High Road on the setting of the heritage asset. The Report also states that the Council has incorrectly assessed the importance of the open space to the character of the area, providing a gap in built form and therefore playing an important role in defining the area as a more rural location outside of Greater London.</p> <p>The draft LP Site Selection Report concluded that any impact on the listed building could be mitigated through development and that the site was appropriate to be allocated for residential development.</p> <p>The designation of land at Chigwell Convent as Local Green Space is contrary to the proposals in the draft LP.</p>	<p>The supporting text within the CNP has set out a justification for the designation of land at Chigwell Convent based on the historical significance of the site and the importance of the open space to the heritage asset.</p> <p>The justification for the designation of Glebe Land refers only to the area as open space which is at risk from development due to its location and does not explain why the land is special or significant to the local community to be worthy of a designation. There appears to be insufficient justification to designate Glebe Land as Local Green Space in accordance with the guidance set out in the NPPF.</p> <p>As currently drafted, the Local Green Space designations would not conform with local or national planning policy and would not therefore not meet the requirements of the basic conditions.</p>

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Habitat Regulations Assessment (January 2018)

Meeting to discuss the Habitat Regulations Assessment for the Chigwell Neighbourhood Plan

31 January 2018, Epping Forest District Council

Notes of Meeting

Attendees:

Matt Davies – Environmental Gain Ltd, HRA consultant for Chigwell Parish Council (MD)

Dr James Riley – AECOM, HRA consultant for Epping Forest District Council (JR)

David Coleman – Epping Forest District Council (DC)

Nicky Linihan – Epping Forest District Council (NL)

Cllr Alan Lion – Epping Forest District Council and Chigwell Parish Council attended the meeting in the capacity of an observer.

Scope and Purpose of Meeting:

The purpose of the meeting was to discuss the draft HRA report produced by Environmental Gain Ltd to support the Chigwell Neighbourhood Plan Submission Version. The draft report was provided to EFDC prior to the meeting for review.

The meeting agenda was as follows:

1. Introductions
2. EFDC update and overview of context
 - a. Local Plan
 - b. HRA
 - c. Memorandum of Understanding and developing a mitigation strategy in relation Epping Forest SAC to manage air quality and recreational impacts arising from planned growth
3. Update on production of Chigwell Neighbourhood Plan and overview of context
 - a. Review of Submission Draft Neighbourhood Plan autumn 2017
 - b. Correspondence from Natural England and EFDC in relation to need for HRA
 - c. Overview of HRA to support the Submission Neighbourhood Plan
4. Comments and Feedback from EFDC on HRA
5. Discussion on recommended next steps for the Chigwell Neighbourhood Plan

Summary of key discussion points and actions:

Key discussion points included:

- The Chigwell NP HRA has assessed the latest version of the Submission Plan dated January 2018. MD considered that the Plan was in broad alignment with the Local Plan, and reported that changes have been made to reflect the comments provided by EFDC in November 2017. DC confirmed that EFDC has not yet received the latest version of the Submission Plan.
- MD explained that the inclusion of the Rolls Park site in the Neighbourhood Plan is the only additional site in the Neighbourhood Plan (relative to the Local Plan). The

HRA has considered potential mitigation measures at Rolls Park in the Neighbourhood Plan.

- JR provided an overview of his review of the Draft HRA to support the Chigwell Neighbourhood Plan (a copy of which is appended to this note), which can be broadly summarised as follows:
 - The HRA requires greater reference to air quality matters and the relevant recommendations contained within the EFDC Local Plan HRA report.
 - The HRA should recommend that the Neighbourhood Plan includes a policy requirement which specifically refers to contributions being required towards the mitigation strategy for Epping Forest SAC and references policy DM 2 of the EFDC Local Plan.
 - In relation to the Rolls Park site, it is considered that the HRA should recommend acknowledgement within the Neighbourhood Plan that future mitigation above and beyond the provision of open space may be required. The overall strategy for mitigation of development impacts on Epping Forest SAC requires a strategic approach to be established, rather than an adhoc approach to the mitigation of individual sites, and therefore it is not possible to say exactly what will be acceptable in terms of mitigation at this stage.
- DC / JR recommended that it would be prudent to consult with Natural England and the Epping Forest Conservators prior to the formal submission of the Neighbourhood Plan and HRA to EFDC. As the competent planning authority, EFDC will need to be satisfied that Natural England is content with the HRA.
- DC recommended the following next steps for the Neighbourhood Plan and supporting HRA:
 - EFDC to provide AECOM comments on draft HRA to MD;
 - MD to update HRA to reflect comments received;
 - Chigwell Parish Council to consult with Natural England to confirm that HRA is sufficient to support Neighbourhood Plan;
 - Chigwell Parish Council to update the Neighbourhood Plan to reflect the recommendations of the HRA; and
 - Chigwell Parish Council to submit Neighbourhood Plan to EFDC.
- In terms of timescales, it was agreed that the HRA could be updated relatively quickly by MD, but consultation with Natural England is likely to take several weeks. This may result in a delay to the Submission of the Neighbourhood Plan until the Spring whilst the HRA is finalised and the Neighbourhood Plan is updated to reflect recommendations arising from the HRA report.

APPENDIX D

NATURAL ENGLAND COMMENTS

Sustainability Appraisal Scoping Report (May 2016)

Date: 11 May 2016
 Our ref: 183116
 Your ref: Chigwell NP SA/SEA Scoping Letter - Consultation



Customer Services
 Hornbeam House
 Crewe Business Park
 Electra Way
 Crewe
 Cheshire
 CW1 6QJ

T 0300 060 3900

Kay White
 Clerk to the Council
 Chigwell Parish Council
 Hainault Road
 Chigwell
 Essex
 IG7 6QZ

BY EMAIL ONLY

Dear Ms White

Chigwell Neighbourhood Plan: Scoping the Sustainability Appraisal

Thank you for your consultation on the above dated 08 April 2016 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Comments on the SEA Scoping Report

We spotted one small factual error or area of ambiguity, in that the 'Biodiversity' section of Appendix A includes the statement: "*The Hainault Forest and Roding Valley Meadows SSSIs are also close to the edge of the Parish*". This could be construed to mean that they are close to, but outside, the Parish Boundary; whereas both of these designated sites actually lie partially within the boundary of the Parish.

Epping Forest Special Area of Conservation

Where a neighbourhood plan could potentially affect a European protected site, it is necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, which is transposed into the Habitats Regulations.

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out.

New development within the area covered by the Chigwell Neighbourhood Plan has the potential to increase the volume of traffic using roads which pass through the Epping Forest Special Area of Conservation (SAC) and SSSI and thereby to further increase the already high levels of atmospheric pollution and associated nitrogen deposition to which the Forest is subjected.

Paragraph 1 of Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 includes a basic condition which states that a Neighbourhood Plan can only be made if it is not likely to have a significant effect on a European site. Therefore, if likely significant effects cannot be excluded, consideration must be given to:

- a) either removing completely the source of the likely significant effects from the plan

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- (avoidance) or;
 b) including measures within the plan to ensure that such significant effects will not arise (mitigation).

If it is not possible to exclude potential effects through either avoidance or mitigation applied at the neighbourhood plan level, then the development proposals set out within the neighbourhood plan would need to be considered at a higher plan level, where appropriate avoidance or mitigation measures may be more appropriately secured. This would normally be as part of the local plan, in order to comply with regulations 102 and 103 of the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

As you are probably aware, Epping Forest District Council are currently working on their new Local Plan and are working with their neighbouring authorities of East Hertfordshire District Council, Harlow Council and Uttlesford District Council to apportion housing allocations between these four authorities and to agree the overall spatial distribution of new development across this area. To inform this process, they are working with Essex County Council Highways and consultants, who are currently carrying out traffic modelling and air quality modelling in order to assess the likely impacts arising from different development scenarios, both with and without the proposed new M11 Junction 7A. It is intended that the outputs from this modelling will form a key component of the evidence base underpinning the Habitats Regulations Assessment (HRA) for the Epping Forest District Local Plan.

Therefore, provided that:

- 1) the Chigwell Neighbourhood Plan is not submitted and published before the Epping Forest District Local Plan reaches the submission stage and;
- 2) any proposed housing allocations within the area covered by the Neighbourhood Plan do not exceed the number of dwellings allocated to this area within the emerging Epping Forest District Local Plan;

then the potential traffic and air quality impacts arising from these dwellings will have been subjected to assessment as part of the HRA for the Local Plan.

However, if the Chigwell Neighbourhood Plan were to precede the submission of the Epping Forest District Local Plan, or to envisage any large housing allocations over and above those contained within the Local Plan, then it would run the risk of being found not to be in conformity with the requirements of the Habitats Regulations.

Therefore, although you will probably find this frustrating, Natural England's advice is to wait until the Epping Forest District Local Plan reaches its submission stage before progressing the Chigwell Neighbourhood Plan to the submission and publication stage.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Gordon Wyatt on 01480 810356. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Gordon Wyatt
 Lead Adviser, Essex Team

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Pre-Submission Neighbourhood Plan (January 2017)**Anthony Belgrave**

From: Melvin, Jamie (NE) <Jamie.Melvin@naturalengland.org.uk>
Sent: 04 January 2017 18:14
To: Mark Hembury
Cc: Mark Hembury
Subject: 199140 Chigwell Parish Neighbourhood Plan

Dear Mr Hembury,

I have been alerted to the fact that you have recently consulted Natural England regarding Chigwell Local Plan. I do not believe that we have raised any concerns with the plan itself but note that a concern is outstanding regarding Habitats Regulations Assessment given that the Epping Forest Local Plan has not yet passed examination. Please find my contact details below if there is anything that you wish to discuss with Natural England.

Kind regards,

Jamie Melvin
Planning Lead Adviser – West Anglia

Natural England, County Hall, Spetchley Road, Worcester WR5 2NP
Tel: 02090261025

<http://www.gov.uk/natural-england>

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

Natural England offers two chargeable services – The Discretionary Advice Service (**DAS**) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service (**PSS**) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

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Habitat Regulations Assessment (March 2017)

Paragraph 1 of Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 includes a basic condition which states that a Neighbourhood Plan can only be made if it is not likely to have a significant effect on a European site. Therefore, if likely significant effects cannot be excluded, consideration must be given to:

- a) either removing completely the source of the likely significant effects from the plan (avoidance) or;
- b) including measures within the plan to ensure that such significant effects will not arise (mitigation).

If it is not possible to exclude potential effects through either avoidance or mitigation applied at the neighbourhood plan level, then the development proposals set out within the neighbourhood plan would need to be considered at a higher plan level, where appropriate avoidance or mitigation measures may be more appropriately secured. This would normally be as part of the local plan, in order to comply with regulations 102 and 103 of the Habitats Regulations.

Avoidance and mitigation measures are more likely to be able to exclude potentially significant effects where the issue relates to a single local pathway. It is unlikely that mitigation or avoidance measures will be able to exclude such effects where a neighbourhood plan or a group of neighbourhood plans are proposing strategic allocations or a relatively large number of separate allocations which would require a strategic solution to mitigation. In such instances it would be appropriate for the development to be considered in the higher tier local plan.

Unfortunately in this case the Chigwell Neighbourhood Plan is considered likely to have a significant effect in combination with other plans and projects, specifically relating to air quality impacts and recreational pressure on Epping Forest Special Area of Conservation. This is a highly complexed issue which the West Essex/East Hertfordshire Housing Market Area Authorities are seeking to resolve, in partnership with us, through a memorandum of understanding in order to demonstrate the soundness of their own Local Plans. It is highly unlikely that you will be able to progress your plan until an approach has been agreed.

HRA of the Epping Forest Local Plan cannot be relied on until it has passed through examination and been found sound. Natural England has made comments of the current iteration of the HRA and does not currently agree with the conclusion reached.

I appreciate that this is a little complicated. If you wish to discuss this further please do not hesitate to contact me using the details set out below.

Kind regards,

Jamie Melvin
Planning Lead Adviser – West Anglia
Natural England, County Hall, Spetchley Road, Worcester WR5 2NP
Tel: 02080261025

Habitat Regulations Assessment (May 2017)

Dear Mr Belgrave,

Apologies, Natural England will not be attending this meeting.

Given the volume of Neighbourhood Plans nationwide Natural England is unable to have high levels of input into each one. Natural England recognises that Chigwell Plan has more complicated environmental issues than most, however, since the plan will be tested against Paragraph 1 of Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (which states that a neighbourhood plan cannot proceed if there is a Likely Significant Effect on a European site) and Epping Local Plan has identified a likely in combination effect on Epping Forest Special Area of Conservation from development in this area, it is considered improbable that we will be able to offer anything of value to a meeting until a strategic solution has been put in place for the higher tier plan.

I am sorry that this is not the response that you desired.

Kind regards,

Jamie Melvin
Planning Lead Adviser – West Anglia
Natural England, County Hall, Spetchley Road, Worcester WR5 2NP
Tel: 02080261025

Habitat Regulations Assessment (January 2018)

Thank you for the update provided.

I hope that you will appreciate that Natural England is currently considering and preparing its response for the Epping District Local Plan and this somewhat limits what I can say at this stage.

Whilst I appreciate that Epping District council contest that their plan will have no likely significant effect this has not yet passed the test of soundness. Natural England will be commenting on this in due course, along with other statutory bodies and individuals but ultimately it is for the planning inspector to decide. Until there is an official confirmation of soundness the HRA for the higher tier plan cannot be relied on. Natural England is continuing to assist Epping Forest in finding a solution to the air quality issue it has identified but no mitigation strategy has yet been agreed. We cannot therefore advise at this stage that a likely significant effect on the SAC can be ruled out.

Apologies, that I am unable to assist further at this point. If it is helpful I can provide you with a copy of our response to Epping Forest District Plan pre-submission document once it is complete.

Kind regards,

Jamie

APPENDIX E

HISTORIC ENGLAND COMMENTS

Sustainability Appraisal Scoping Report (May 2016)

Ms Kay Wright
 Chigwell Parish Council
 Hainault Road
 Chigwell
 Essex
 IG7 6QZ

Our ref: 2016 04 27
 Chigwell NP SEA
 Screening

Your ref: NP/SEA/KW
 Telephone 01223 582775

By email only to:
 kay.white@chigwellparishcouncil.gov.uk

26th April 2016

Dear Ms Wright

Strategic Environmental Assessment (SEA) Screening and Scoping Opinion for the Chigwell Neighbourhood Plan.

Thank you for your letter of 8th April 2016 and submission of papers dealing with the proposed scope of the Chigwell Neighbourhood Plan.

For the purposes of this consultation, Historic England will confine our advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage. Our comments are based on the information supplied in the background paper attached to the letter of 8th April. It is for the District Council to make the final decision in terms of whether strategic environmental assessment (SEA) is required. In the background papers you confirm that Epping Forest District Council has not yet issued its screening opinion that an SA/SEA is required but that the Parish Council intends the Chigwell Neighbourhood Plan will make site allocations *"and given the extensive environmental constraints in the area, it is considered an SA/SEA will be necessary, as the CNP has the potential to have significant environmental effects"*. Historic England would share this view.

If the Chigwell Neighbourhood Plan does allocate land or contains policies likely to have an impact on the historic environment then a SEA will be required to evaluate the impact upon the historic environment.

On the basis of the information supplied, and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations, '**CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANCE OF EFFECTS ON THE ENVIRONMENT**' [Annex II of 'SEA' Directive], and the assessment duties in the Regulations Part 2 (5) (6), Historic England would take the view that an SEA is required. You will need to produce a scoping report in order to work out precisely what needs to be covered in your SEA.



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU
 Telephone 01223 58 2749 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



As the Parish Council is also progressing the scoping of a future SA / SEA and have set out an appraisal framework that includes an objective dealing with heritage, Historic England would draw attention to our own guidance that will assist in the scoping of a sustainability appraisal/strategic environmental appraisal and in setting out a methodology for the assessment of the historic environment and site allocations.

For the development of a sustainability appraisal, Historic England have produced *Strategic Environmental Assessment, Sustainability Appraisal and the Historic Environment* (2013) which sets out that the over-arching principle when assessing the plan should be the avoidance of harm to the significance of heritage assets, including their setting. The finite and irreplaceable nature of the heritage assets and the historic environment needs to be recognised. Further details are available at

https://content.historicengland.org.uk/images-books/publications/strategic-environmental-assessment-sustainability-appraisal-historic-environment/SA_SEA_final.pdf/

Historic England have also produced *The Historic Environment and Site Allocations in Local Plans* (as Advice Note 3 October 2015), which whilst not specifically intended for Neighbourhood Plans does contain guidance on the identification of potential sites for development within Local Plans. This guidance contains details of a site selection methodology that involves a stepped approach to the identification, understanding and impact an allocation might have on a heritage asset. Further details are available at

<https://content.historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans.pdf/>

We hope that the above comments are of assistance.

Yours sincerely



Michael Stubbs

Historic Environment Planning Adviser
e-mail: Michael.Stubbs@HistoricEngland.org.uk



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Telephone 01223 58 2749 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



Pre-Submission Neighbourhood Plan (November 2016)

Dear Mr Hembury

Ref: Consultation on Draft Neighbourhood Plan for Chigwell and SEA/SA Integrated Impact Assessment

Thank you for inviting Historic England to comment on the draft of your Neighbourhood Plan. Please accept our apologies for the delay in response. I have now had an opportunity to review the draft document and our advice is set out below. Historic England is primarily concerned with how your Plan will impact on the historic environment and our advice focuses on those aspects of your Plan.

Historic England is pleased to note that the Foreword of your draft plan highlights the importance of designated heritage assets, namely listed buildings and the Chigwell Conservation Area. This is reinforced in the Plan's objectives which seek to "preserve the special heritage of the parish as a key reminder of its rural past"

We note in Paragraph 4.12 the importance given to precious urban green space and the resistance to over development of rear gardens. Has the inclusion of a mature suburbs policy been considered for the Neighbourhood Plan? Some content of this is covered in your proposed Policy CHG11, but the creation of a separate statement may strengthen this. Policy CHG11 is however welcomed by Historic England in its own right as is CHG10.

The proposed Neighbourhood Plan clearly celebrates the heritage of the parish. We would consider the plan would be strengthened by a specific policy relating to the historic environment. A preliminary desktop study of the area covered by the proposed Neighbourhood Plan has shown the parish includes a number of designated heritage assets including 5 Grade II* listed buildings and at least 60 buildings listed at Grade II. We would also advise that non designated heritage assets are covered within the Neighbourhood Plan. A good baseline information which provides details about both designated and non-designated heritage assets, which are then plotted on a map, would increase this emphasis. Policies seeking the protection of both designated heritage assets and non-designated heritage assets, in terms of both their fabric and setting should be incorporated into the proposed Neighbourhood Plan. This would ensure that the strategy for this area is in line with national planning policy and the emerging local plan. This will ensure that the Plan safeguards those elements which contribute to the significance of these assets so that they can be enjoyed by future generations of the area. You may also wish to caveat such a policy to allow for new entries if further interesting historic buildings, structures or remains are discovered.

We consider that planning team and historic buildings conservation officer at Epping Forest District Council will be best placed to assist in advising you when considering selection of potential non designated heritage assets in your plan area.

We note that much of the proposed neighbourhood plan seeks to allocate land for future development. Some of these proposed sites are located near to designated heritage assets. Historic England have produced *The Historic Environment and Site Allocations in Local Plans* (as Advice Note 3 October 2015), which whilst not specifically intended for Neighbourhood Plans does contain guidance on the identification of potential sites for development within Local Plans. This guidance contains details of a site selection methodology that involves a stepped approach to the identification, understanding and impact an allocation might have on a heritage asset. Further details are available at

<https://content.historicengland.org.uk/images-books/publications/historic-environment-and-site-allocations-in-local-plans/heag074-he-and-site-allocation-local-plans.pdf/>

We would recommend that this methodology is applied to each site, in order for us to fully comment on the implications of each proposal on the historic environment.

Sustainability Appraisal and Strategic Environmental Assessment

We note and share the concerns of Natural England with regard to the timing of the Neighbourhood Plan and the emerging Epping Forest Local Plan.

We would also refer you to the advice highlighted above re site allocation, which would be useful to consider for this document.

Historic England have produced *Strategic Environmental Assessment, Sustainability Appraisal and the Historic Environment* (2013) which sets out that the over-arching principle when assessing the plan should be the avoidance of harm to the significance of heritage assets, including their setting. The finite and irreplaceable nature of the heritage assets and the historic environment needs to be recognised. Further details are available at

https://content.historicengland.org.uk/images-books/publications/strategic-environment-assessment-sustainability-appraisal-historic-environment/SA_SEA_final.pdf/

Please could you confirm that this approach has been used?

Finally, we should like to stress that this opinion is based on the information provided to us by the proposed Chigwell Neighbourhood Plan as part of its consultation. To avoid any doubt, this does not affect our obligation to provide further advice on later stages of the Neighbourhood Plan process and potentially, object to specific proposals, which may subsequently arise in the Neighbourhood Plan where we consider that these would have an adverse effect upon the historic environment.

If you have any questions with regards to the comments made then please do get back to me. In the meantime we look forward to continuing to work with you and your colleagues.

Yours sincerely,

Draft Submission Neighbourhood Plan (January 2017)

Dear Neil,

Further to our email exchange back on the 29 November, I now in a position to provide you with further information and comment.

Policy CHG12ii

Whilst I did not comment on this particular policy. I did recommend the insertion of a policy in the Neighbourhood Plan which covered the setting of all designated and non-designated heritage assets. Inclusion of a policy of this kind will certainly help strengthen the protection of settings of listed buildings, including that of Chigwell Manor along with the gates and railings to Chigwell Manor. By including non-designated heritage assets the railings which actually front onto Chigwell Road and are of local historic importance would also be afforded some recognition in your plan.

I would also confirm that Historic England welcome the inclusion of Policy CHG12ii,

Epping Forest Draft Local Plan

My colleague Debbie Mack has provided the comments from Historic England on the draft local plan. Debbie was concerned by the proposal at Chigwell Convent and has commented accordingly. Please find her comments in italics: "This proposed allocation has the potential to impact upon these heritage assets. Any development of this site will need to protect and enhance the listed buildings and their settings. The development should be of high quality design. These requirements should be included in the policy and supporting text of the plan"

I hope this provides greater clarity, but please do not hesitate to contact me if you require any further advice.

Kind regards


Steven King
Historic Places Advisor

APPENDIX F

ENVIRONMENT AGENCY COMMENTS

Pre-Submission Neighbourhood Plan (November 2016)

creating a better place



Environment Agency

Mark Hembury
Chigwell Parish Council
Hainault Road
Chigwell
Essex
IG7 8QZ

Our ref: NE/2016/121176/OR-02/PO1

Date: 17 November 2016

Dear Mark

Chigwell Neighbourhood Plan 2015 – 2030: Pre Submission Plan Consultation.

Thank you for giving us the opportunity to provide our comments on the draft Chigwell Neighbourhood Plan.

We do not have any substantial input to make to the plan as many of the wider environmental issues concerning the Environment Agency will be covered by Epping Forest District Council's Local Plan. We do however have some brief comments to make in regard to a couple of the location-specific policies outlined in the plan.

CV5: Waste Transfer Facility

As highlighted, this site is currently operating as a waste transfer facility. This site operates under an Environmental Permit from the Environment Agency.


We would usually have concerns when new development is to take place in such close proximity to an existing waste facility, as this could result in the community at the proposed development being exposed to odour, noise, dust and pest impacts. However, as the associated residential development on the site would only take place following the closure of the waste facility, it would therefore be unlikely that we would have any serious concerns.

Please note that this site also borders the Chigwell Brook, classified as a main river. We would not support any development proposals at this location if there was shown to be a likely detrimental impact on the water environment.

Any scheme at this location should be designed with a naturalised buffer zone of at least 8 metres from the top of the bank of the brook in order to protect and enhance the conservation value of the watercourse and ensure access for flood defence maintenance. It should be managed for the benefit of biodiversity, e.g. by the planting of locally appropriate, UK native species, and we would expect the buffer zone to be otherwise 'undisturbed' by development, and left free from buildings, hard landscaping, fencing, footpaths or other development. This buffer zone would also help to provide vital space for flood waters, provide improved habitat for local biodiversity, and would also help to provide attractive amenity space on the site.

With any development alongside watercourses, consideration should always be given to the requirements of the Water Framework Directive (WFD), which includes causing no overall deterioration in water quality or the ecological status of any waterbody. A

Environment Agency
Apollo Court, 2 Bishops Sq Business park, Hatfield, Herts, AL10 9EX.



stretch of naturalised buffer zone here would help to improve the ecological status of the Chigwell Brook.

Any development within eight metres of the Chigwell Brook may also require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. This permit is separate to and in addition to any planning permission granted. Any development taking place within this proximity of the watercourse without a permit could be breaking the law.

CHG8: Supporting Local Shops

The village centre at Brook Parade has been identified within this policy as an area to be supported for growth, in terms of new shops, services, and car parking spaces.

The Chigwell Brook, identified as a main river, runs in a culvert through this site. With any further development at this location, we would expect all opportunities to be taken to open up the culvert and provide a more naturalised section of watercourse in line with the Water Framework Directive. If deculverting on the site is not possible we would expect to see adequate justification for this. All future development at this location must also comply with the requirement to provide an 8 metre undeveloped buffer zone measured from the centre line of the culvert, however this may be negotiated if the channel is opened up. Any development within 8 metres of the centre line of the culvert may also require a Flood Risk Permit from us, as mentioned above.

If you have any queries about this response, please do not hesitate to contact me.

Yours sincerely

Thomas Campbell
Sustainable Places Planning Advisor

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