

CHIGWELL PARISH

2018 – 2033

BASIC CONDITIONS STATEMENT

Published by Chigwell Parish Council
under the Neighbourhood Planning (General) Regulations 2012

March 2018

1. Introduction

1.1 This statement has been prepared by Chigwell Parish Council (CPC) ('the Parish Council') to accompany the submission to the local planning authority, (Epping Forest District Council) (EFDC), of the Chigwell Neighbourhood Plan ('the Neighbourhood Plan') under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ('the Regulations').

1.2 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

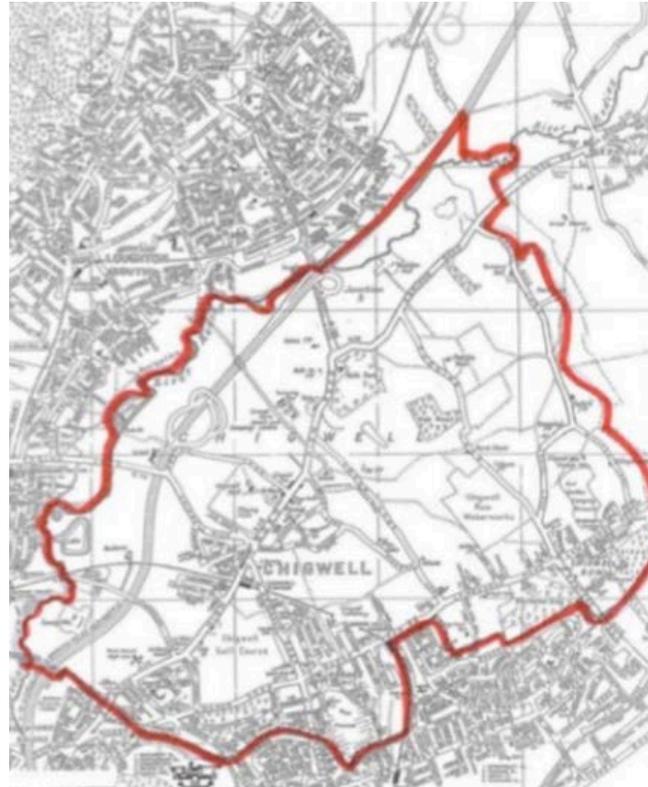
- Having regard to the National Policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan;
- The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development;
- The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the Development Plan for the area of authority (or any part of that area); and
- The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with, EU obligations.

1.3 The decision to proceed with a Neighbourhood Plan was made by the Parish Council in 2013 and the whole Parish area was designated as the Neighbourhood Area by the local planning authority, Epping Forest District Council, on 3 March 2014 (see the Plan below). The key driver of that decision was the desire to help shape the future of the Parish on a range of issues emerging from earlier consultations by the District Council on its emerging Local Plan.

1.4 The Plan period is 1 April 2018 to 31 March 2033. The end date of the period matches that of the emerging Local Plan. The Plan does not contain policies relating to 'excluded development' as defined by S61A of the Town & County Planning Act 1990. Its policies relate solely to the Parish of Chigwell as the designated Neighbourhood Area and not to any other area.

1.5 The Parish Council has prepared the Neighbourhood Plan for submission in accordance with the 1990 Act (as amended by the Localism Act 2011) and the Neighbourhood Planning (General) Regulations 2012 (as amended) in terms of the process it has followed and of the submission documentation, which comprises a copy of the Neighbourhood Plan (including the Policies Map and Insets), this Basic Conditions Statement, a Consultation Statement, a Sustainability Appraisal Report (incorporating a Strategic Environmental Assessment) and a Habitats Regulations Assessment Screening Report. Two additional reports have been prepared for the evidence base – the Rolls Park Site Assessment report and the Chigwell Community Hub report. Other reports have been generated over the duration of the project, but these are no longer relevant to the submission version of the Plan.

1.6 The Parish Council considers that the policies of the Neighbourhood Plan, and the contents of its other submission documentation, meet the basic conditions as required by §8 of Schedule 4B of the 1990 Act. Its explanation is set out in this Statement, by taking each of those conditions in turn.



Plan A: Chigwell Parish Neighbourhood Area

2. Conformity with National Planning Policy

2.1 The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) and the Parish Council has been mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans.

2.2 In overall terms, there are four NPPF paragraphs that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded:

§16 & §183

2.3 The ability of neighbourhood plans to “plan positively to support local development, shaping and directing development in their area”, as encouraged by these paragraphs, is significantly curtailed in Green Belt areas. Green Belt policy is considered strategic and only Local Plans may establish/revise boundaries and refine development management policy in such areas. However, within these constraints, there remain opportunities to bring forward policies to plan positively to shape change in the Green Belt, where they can establish the ‘very special circumstances’ for doing so. Neighbourhood Plans offer a better opportunity to make the necessary planning judgement in the balance between competing national and local policy objectives, than if left to a future planning application. Indeed, in most cases, investors are unlikely to risk the costs of making planning applications without having a positive policy signal.

2.4 This is very much the case here, as the main goal of the Neighbourhood Plan is to bring about the development of two sites that lie within (Rolls Park) or very partially (Victory Hall) within the Green Belt that covers all of the Parish outside the established inset settlements. Their development will secure important public benefits that the Parish has long sought to achieve. The Plan has enabled the Parish Council to test local community opinion through formal and informal consultation exercises, to work with the respective land interests to provide a robust technical evidence base, and to assess the proposals against the framework of sustainability objectives in the Sustainability Appraisal.

2.5 These NPPF paragraphs have also encouraged the Parish Council to commit to using a review of this Neighbourhood Plan to incorporate the estate regeneration proposed by the new Local Plan at Limes Farm. The estate is the only one of the nine proposed areas for strategic masterplanning in the Local Plan that comprises an existing urban community and therefore needs to be addressed differently. Experience of badly managed estate regeneration schemes has too often been poor in London in recent years, but neighbourhood plans are beginning to be seen as part of the solution for improving the process and outcome of such schemes (e.g. Greater Carpenters Neighbourhood Plan, LB Newham, 2017).

2.6 Given the new Local Plan has acknowledged there is no urgency to the estate regeneration project and has therefore phased its housing contribution into the last part of the plan period, the project will need to start around the time the Parish Council would be expecting to commence its first review of the Neighbourhood Plan. The review will plan for the estate regeneration project and will consider other policy initiatives to fit with the strategic policy environment at that time. Should there be a need to commence the project earlier or later, then the Parish Council will agree with the District Council whether the Neighbourhood Plan remains the most appropriate means of bringing forward the project or if this should revert to the approach outlined in the Local Plan.

2.7 Elsewhere, the Parish Council has taken the opportunity to refine existing/emerging Local Plan policies to suit this Parish in terms of promoting local shops and businesses, protecting community facilities and open spaces and encouraging high quality design solutions in new developments.

§184 & §185

2.8 The Parish Council has been very mindful that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area and the Plan must be in general conformity with the strategic policies of the Local Plan. Both the existing and emerging Local Plans helpfully distinguish between 'core' or strategic policies and development management policies. There is not a significant difference in spatial or development management policy across the two Local Plans (although the new Local Plan has yet to be examined and adopted).

2.9 The Parish Council sought to use its earlier iterations of the Neighbourhood Plan – notably the Pre-Submission version - to influence the District Council's approach to planning for new development in the Parish. The early drafts and Pre-Submission Plan highlighted the relative merits of using the delivery of significant public benefits to carry the greatest weight in determining if and how development should take place in the Green Belt and to argue against 'town cramming' in the dense urban areas of the Parish to avoid any major Green Belt releases.

2.10 This was considered necessary as the early indications from the District Council (as evidenced in the Local Plan Issues & Options document of 2012) were that it would have to seriously consider releasing major tracts of green field land from the Green Belt in the Parish to meet its housing supply needs. However, the Draft Local Plan, which was published at the same time as the Pre-Submission Neighbourhood Plan, dispelled this threat by making many of the same proposals as the Neighbourhood Plan and avoiding major harm to the Green Belt.

2.11 In discussing the evolution of the Submission version of the Neighbourhood Plan with the District Council, the Parish Council has now chosen not to make housing site allocations and to leave that responsibility with the Local Plan (in its proposed Policy P7). The Plan does contain one housing proposal but that is made on enabling development grounds only. As a result, the Neighbourhood Plan does not promote less development than set out in the current or new Local Plan and nor does it seek to undermine their strategic policies. The Plan also avoids duplicating development plan policies by focusing on policies that translate the general requirements of the development plan into a Chigwell Parish context. Once made, the Neighbourhood Plan should be easily considered alongside the development plan and any other material considerations in determining planning applications.

2.12 Set out in Table A below, is a brief summary of how each policy conforms to the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Table A: Neighbourhood Plan & NPPF Conformity Summary			
No.	Policy Title	NPPF Ref.	Commentary
CHG1	A Spatial Plan for the Parish	58, 74, 79	This overarching policy restates the importance of the Green Belt to defining the Parish on this most sensitive of edges to London, in line with §79. It is also encouraging of development within the inset villages and the urban area, provided it responds to local character and history, and reflects the identity of local surroundings as set out in other Plan policies, in line with §58, and provided the few and therefore precious open spaces within those areas are protected from development, in line with §74.
CHG2	Rolls Park	30 34 50 70 87 88 114 173	This policy relates to land in the Green Belt, and that will remain in the Green Belt. The land lies very close to the northern edge of the inset Chigwell village, but it will not be possible for the Local Plan to redraw the Green Belt boundary to release the land for development. In which case, the development is considered 'inappropriate' by §87 as a matter of principle, and the policy needs to define the extent of the harm caused by this conflict and to show that the 'very special circumstances' of §88 deliver public benefits that outweigh the harm to the Green Belt.

			<p>The separate report in the evidence base provides a detailed assessment of this case. In essence, the report determines that development of the 'developable area' of the wider land parcel will have less than moderate effects on the essential open character of the Green Belt. This is due to the enclosed nature of that part of the site, which prevents views into it from public vantage points. The report (and the Chigwell Community Hub report) shows the significant scale of the public benefit arising from the Hub project. This is a longstanding ambition of the Parish Council and the unique circumstances of Rolls Park will enable it to be realised after many years of trying.</p> <p>Enabling the delivery of the Hub is very much in line with the Government's desire to see improvements in community infrastructure to meet the modern and growing needs of local communities (§70). The policy provides two other important public benefits - the on-site provision of a new Community Park (that will meet the specification of a Natural Green Space for the Parish to help deliver the Epping Forest Special Area of Conservation Mitigation Strategy outlined in the new Local Plan and also in line with §70 and §114) and the provision of a new Scout Hut alongside the Park.</p> <p>With the recent adjoining Grange Farm housing scheme being completed, and with the Local Plan proposing an additional housing allocation only 100m from the site, the land is no longer remote from Chigwell village. The new Chigwell Parish Bus Service will also provide a frequent public transport service connecting the site with all the other public facilities in the Parish and enabling the wider Parish community to easily access the proposed Green Space, in line with §30. And the proposals are not large enough to generate significant traffic movements, and so §34 does not apply.</p> <p>The land owner has confirmed that the policy provisions are reasonable in respect of the scale of obligations and policy burdens, and will not undermine his ability to deliver a viable scheme. To ensure viability, the costs of any requirements likely to be applied to development, including the requirements for affordable housing, the Green Space, and the community centre contribution, when taking account of the normal cost of development and mitigation, have been modelled to show that a scheme will provide a competitive return to a willing land owner to enable the development to be deliverable, in line with §173.</p>
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CHG3	Chigwell Row	70 87 88	<p>This policy encourages proposals to build the self-sustainability of Chigwell Row. It already has some local shops and services, but it has the potential to improve their number, range and quality, (including a replacement primary school in the long term). Although it will continue to rely on its larger neighbours for many services, this should not undermine its ability to become more sustainable, in line with §70. And the new Chigwell Parish Bus Service will significantly improve the connectivity of the village in the future.</p> <p>The policy stops short of making specific proposals, as this will have to be left to planning applications in this instance. One landowner – a local housing charitable trust – is keen to deliver low cost homes for local people. However, these opportunities are likely to rely upon the use of land in the Green Belt, which means development will be considered 'inappropriate' by §87 as a matter of principle. Rather than make the case on a site-specific basis (as with Policy CHG2) the policy seeks to establish a principle that proposals that can clearly be shown to improve the facilities in the village will be able to cite the encouragement offered by this policy in seeking to establish the 'very special circumstances' test of §88.</p>

CHG4	Limes Farm	16, 21, 74, 183	This policy encourages proposals for tackling the social, economic and environmental regeneration of Limes Farm over the lifetime of the plan period and beyond, in line with §21. Crucially, in order to fully engage the existing community in formulating and agreeing regeneration proposals, the policy requires that process to be incorporated into a timely review of the Neighbourhood Plan, which the Parish Council has committed to undertake. The use of neighbourhood plans to shape estate regeneration projects is increasing and is very much in line with §16 and §183. In the meantime, it discourages proposals to incrementally build on the public open spaces of the area, in line with §74, as they are an integral design feature and valued informal recreational assets for the local community.
CHG5	Supporting Community Assets	70, 88	<p>This policy firstly supports the provision of a Community Hub to replace the Victory Hall as the main community facility to serve the Parish. This policy aligns closely with §70 in ensuring that housing growth is matched by improvements to community facilities to build sustainable communities. The scheme lies partially in the Green Belt but is primarily replacing existing buildings. The new Hub will be a larger building but its effect on the Green Belt will not be materially different and is typical in type and scale of Community Right to Build Order schemes that are defined as not inappropriate in the Green Belt by §88.</p> <p>The policy also specifies those community facilities and other local services that collectively contribute to the functioning of the Parish and therefore warrant protection from harmful development, also in line with §70.</p>
CHG6	Supporting Local Shops	28 70	This policy restates the importance of the local shopping areas to community life in the Parish, in line with §28 and §70.
CHG7	Supporting Local Businesses	28, 87	As with Policy CHG6, this policy actively supports local businesses to sustain and create jobs in the Parish as an alternative to out-commuting for its economically active population, in line with §28. It recognises, however, that there may be locations in the Green Belt, that only make a low to moderate contribution to its essential purposes, that may be suited to new rural businesses. Although defined as 'inappropriate' by §87, the policy sets out three specific criteria by which very special circumstances may exist to support such development.

CHG8	Promoting Good Design in the Parish	58	This policy sets out the quality of development that will be expected for the Area, in line with §58. It aligns with the Plan's objectives for the future of the area and is based on an understanding and evaluation of defining characteristics of the Parish.
CHG9	Promoting Good Design in the Chigwell Conservation Area	58 126	As with Policy CHG8, this policy sets out the expectations for high quality design, but in specific relation to the Conservation Area, in line with §58 and §126.
CHG10	Local Green Spaces	47, 76, 77, 129, 132	<p>This policy designates land that will allow local communities to rule out new development of two proposed spaces, in line with §76. In each case, the proposals meet the three tests of §77 to warrant designation.</p> <p>Further, the proposal at Chigwell Convent is consistent with the need to protect the setting of two designated heritage assets, given the high level of significance that their setting plays in their appreciation and historic importance to Chigwell, in line with §129 and §132.</p> <p>It is noted that the new Local Plan proposes to allocate that land for 29 homes (in its Policy P7) to help meet the Parish housing supply needs. The loss of the allocation through this proposed designation will not be in conflict with §47 in terms of meeting local housing needs, as Policy CHG2 of the Neighbourhood Plan (although itself not argued as a direct replacement on housing supply grounds) will deliver a similar (if not slightly larger) number of new homes.</p>

2.13 In overall terms, therefore, the Neighbourhood Plan has paid full regard to national policy as set out in the NPPF. Where necessary, it has sought to assess and balance competing national policy objectives in ways expected by the local community. Where a national policy objective has been outweighed by one or more others, then it has explained this in the final judgement made on that balance.

3. Contribution to Achieving Sustainable Development

3.1 The Parish Council has prepared a Sustainability Appraisal report, which incorporates Strategic Environmental Assessment, and this is published as a separate document. The District Council did not need to issue a screening opinion, as it was agreed early in the process that, given the policy intentions of the Neighbourhood Plan, there may be the potential for significant environmental effects that would require assessment in line with the EU Directive and the Environmental Plans & Programmes Regulations 2004.

3.2 The Parish Council has since followed the required process, consulting the statutory bodies on its proposed scoping of the Appraisal and then publishing a Draft Sustainability Appraisal report alongside the Pre-Submission version of the Neighbourhood Plan. This is explained in greater detail in the report.

3.3 The Final report concludes:

“10.1 The Neighbourhood Plan policies are positive about development in the Parish over the plan period. The comparison of the proposals with their reasonable alternatives indicates that there are a small number of important differences in the effects, with the remaining effects being shared. One the one hand, the positive Green Belt/landscape effects of avoiding having to release Green Belt are considerable, given the primacy of that objective in national planning policy.

10.2 On the other hand, although not entirely measured by the scope of this assessment, the potential for significant social benefits of the Rolls Park and Community Hub proposals is considerable. Furthermore, it is noted that this technical assessment conclusion has been reinforced by the Parish Council securing significant local community support for its proposals.

10.3 In which case, it is concluded that the range of sustainability benefits of the proposed Neighbourhood Plan policies outweighs their modest, residual negative effects, and are greater than the benefits offered by the reasonable alternatives.”

3.4 In which case, it seems clear that the Neighbourhood Plan, taken as a whole and in its individual policies will contribute to the achievement of sustainable development in the Parish.

4. General Conformity with the Strategic Policies of the Development Plan

4.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the strategic policies of the development plan for Epping Forest. The current development plan comprises the Combined Policies of the Epping Forest District Local Plan 1998 and the Alterations 2006, published as a single document in February 2008. The adopted minerals and waste plans are not relevant to the scope of this neighbourhood plan, in terms of determining its general conformity.

4.2 The District Council has been preparing a replacement District Local Plan for some years and its evolution thus far has been a matter of considerable importance to the Parish Council, and a key driver of the Neighbourhood Plan. Although the Local Plan will not be adopted prior to the examination of the Neighbourhood Plan, the Planning Practice Guidance makes clear that, where necessary, the reasoning and evidence of emerging Local Plans should inform the evidence base of the Neighbourhood Plan.

4.3 This has been a difficult challenge for both parties since the formative stages of the Neighbourhood Plan in early 2016. The Parish Council was concerned that the District Council may be persuaded to make a small number of large releases of Green Belt land in the Parish and was therefore keen to show that a larger number of small land releases would deliver a more sustainable pattern of growth. Its early draft policies, and then the Pre-Submission Plan, were very much prepared with this goal in mind, hoping that the District Council would be persuaded to take a different path. However, it transpired that the Draft Local Plan did not make such proposals and instead proposed some of the same small sites for Green Belt release as the Neighbourhood Plan. But, it did propose significant housing developments on the open spaces at Limes Farm and at Chigwell Convent in the urban area of the Parish, neither of which were considered sound proposals or were acceptable to their local communities as both were regarded as examples of the type of 'town cramming' that sustainable plans should avoid.

4.4 Both the Pre-Submission Neighbourhood Plan and Draft Local Plan were formally consulted on during autumn 2016. The Parish Council was pleased to see overwhelming local community support for its Plan, in contrast to the high level of objections to some of the Draft Local Plan proposals affecting the Parish. Since that time, the Parish Council has reconsidered the approach it should take to positioning the Plan in relation to the Local Plan. The end result is a Neighbourhood Plan that contains only one site-specific housing development proposal, which is not being argued on housing supply grounds in any event.

4.5 For clarity, the Plan now leaves the supply of housing sites solely to the new Local Plan (Policy P7), albeit with one proposal at Chigwell Convent (CHG10) that differs (as explained elsewhere in this statement). The two plans will therefore be entirely complementary and there is no longer a need for an assessment of housing sites for the Neighbourhood Plan.

4.6 The final Sustainability Appraisal report and the Habitats Regulation Assessment screening report have also been updated accordingly (see Section 5 for further details below).

4.7 The analysis in Table B below summarises the general conformity of the Neighbourhood Plan policies with the most relevant adopted Local Plan policies but also cites any material issues with policies of the 'new Local Plan' of December 2017.

Table B: Neighbourhood Plan & Development Plan Conformity Summary		
No.	Policy Title & Refs	Commentary
CHG1	A Spatial Plan for the Parish	<p>In effect, this policy restates the principles of policies CP2 (in respect of protecting the quality of the rural and built environment of the Parish) and CP6 (in achieving a sustainable urban pattern of development). It also restates the importance of the Green Belt, in line with Policy GB2A. Importantly, it directs growth to the inset villages and urban area but seeks to prevent 'town cramming' of building on scarce open spaces, in line with Policy CP7. These same core policy objectives are set out in policies SP2 (Spatial Development Strategy), SP3 (Place Shaping) and SP6 (Green Belt and District Open Land) of the new Local Plan.</p> <p>Importantly, the policy requires all development proposals to have regard to the potential for adverse effects on the Epping Forest Special Area for Conservation. This fully enshrines the outcome of the HRAs of the Local Plan (which informed its policies SP7 and DM2) and of the Neighbourhood Plan into the Plan.</p> <p>There is an argument that in the light of the policy coverage of the Local Plan, this policy is not necessary. However, the Neighbourhood Plan needs to stand as a coherent document in its own right, and the Parish Council considers its restatement of these fundamental spatial principles is worthwhile, especially in regard to the HRA matter.</p>
CHG2	Rolls Park	<p>This policy is consistent with policies GB2A and GB7A (and new policies SP6 and DM4) which repeat national policy in respect of engaging the 'very special circumstances' test in managing inappropriate development in the Green Belt. The policy and the Rolls Park Site Assessment report set out how the test has been applied, by determining first the extent of the harm to the Green Belt and</p>

		<p>then the scale of public benefit deriving from its provisions and finally balancing the two to conclude that the benefits outweigh the harm and the test is passed.</p> <p>The benefits of the proposal will deliver many Local Plan policy objectives (in much the same way that the adopted Local Plan itself argued for with the adjoining Grange Farm area in its Policy GB19). In location terms, the site is in a sustainable location as per policies CP9, ST1, ST2, ST4, ST6 and ST7 (and new Policy T1) as it lies within 100m of the northern edge of Chigwell village, it will be served by the new Chigwell Parish Bus Service and provides for sufficient on-site car parking for the housing and recreation schemes. A new junction will be made to Chigwell Lane to ensure a safe and efficient access to the land using the existing lane to Rolls Farm with improvements.</p> <p>The location does not lie within the urban area as encouraged by Policy CP6 (and new Policy SP3) and is being proposed as an exception to this policy on the basis that its conformity with other strategic policies carries greater weight. Given the primary need for the policy is to enable the delivery of the new Community Hub (in Policy CHG5), the enabling housing scheme has to be in a location where development would normally be discouraged. This would provide the necessary leverage to persuade a landowner to forego the normal uplift in development value arising from securing a housing consent and be willing to accept only a developer profit. This would simply not be possible in a location where housing development would be compliant as a matter of principle by way of Policy CP6/SP3. Hence, the policy is drafted as an enabling policy, rather than as a conventional site allocation policy, with the quantum of development to be agreed at the planning application stage, dependent on agreeing the approach to be taken to affordable housing and this being reflected in an agreed viability assessment.</p> <p>The policy proposes to improve the established habitats and to create new habitats on the non-developable part of the site, in line with Policies NC4 and NC5 (and new Policy DM1). Most importantly, the policy provides for the delivery of a Natural Green Space to contribute to the mitigation strategy agreed between the District Council and Natural England to manage the effects of development on the Epping Forest SAC that forms the basis of new Policy DM2. The Community Park comprises the larger non-developable land area of the site and is large enough to form a viable Natural Green Space in close proximity to the local population. Although not a policy requirement, it is very likely that the transfer of the Park to Essex Wildlife Trust for its long term management will lead to the Park being connected to the adjoining Chigwell Meadow area at Grange Park. This proposal will therefore make an important contribution to the green infrastructure of the Parish and to delivering the objectives of new policies SP7 and DM5 on green infrastructure.</p>
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		In overall terms, therefore, it is considered that the planning balance is tipped in favour of the considerable benefits of the policy (notably with the adopted and emerging housing, biodiversity, recreation and community facilities policies) rather than its harm (the adopted and emerging Green Belt policies), when its general conformity with the development plan is assessed as a whole.
CH3	Chigwell Row	<p>The policy encourages proposals to improve the self-sustainability of Chigwell Row as an established village community, in line with Policy CP6 and new Policy SP3. Although not part of the larger urban areas of the District, the village has a critical mass and some public and commercial services already (with the new Chigwell Parish Bus Service, which will transform public transport provision and accessibility, in line with Policy CP9 and new Policy T1). It is therefore a sustainable location for future growth and opportunities that arise to improve its facilities should be realised with this policy, in line with Policy RST15 (and new Policy D4).</p> <p>The policy does not make provision for specific development proposals in the Green belt, as so is in line with Policy GB2A (and new Policy SP6).</p>
CHG4	Limes Farm	<p>The policy to encourage the comprehensive regeneration of Limes Farm is in line with Policy CP2 by enhancing the townscape of the urban environment and with Policy CP6 in improving the quality of life in urban areas and reducing the disparity between the economic prospects of this area compared to others in the Parish and District.</p> <p>There is the potential for a significant number of net new homes, which will make an important contribution to meeting the expectations for housing development for Chigwell set out in new policies SP2 and P7 to avoid harmful development in sensitive parts of the Green Belt or that will lead to town cramming in the urban areas of the Parish.</p> <p>The policy modifies new Policy P7 (parts G-J) as it proposes to incorporate those specific policy provisions for strategic masterplanning within a review of the Neighbourhood Plan, as discussed above. Limes Farm is distinct from the other locations proposed for strategic masterplanning identified in the supporting text (§2.89 and §2.90) to Policy SP4 on Place Shaping. The Neighbourhood Plan will be an appropriate means of addressing each of the P7 provisions and the Parish Council has made representations on the Regulation 19 version of the Local Plan to this effect.</p>

CHG5	Supporting Community Assets	<p>The policy is in line with Policy CF12 (and new Policy D4) by proposing the replacement of the inadequate Victory Hall with the new Parish Community Hub (to be financed by the enabling development at nearby Rolls Park). It is also in line with policies GB2A and GB7A (and new policies SP6 and DM4) as it involves the only the redevelopment of land that lies partially in the Green Belt. Although the new building will be larger than the current buildings, it is not materially so and will not harm the essential openness of the Green Belt in this location. Its location in Chigwell village is very convenient for the village population and local public transport services, and so is in line with Policy CP7 and new Policy T1.</p> <p>The other part of the policy specifies community assets for protection from unnecessary and harmful development. This element will also help implement Policy CF12 (and new Policy D4).</p>
CHG6	Supporting Local Shops	The policy is in line with Policies CP8 and TC6 (and new Policy E2) by supporting appropriate, sustainable commercial development in the three established locations of the Parish.
CHG7	Supporting Local Businesses	The policy is in line with Policies CP8, E2, E4A, E4B, E6 and E8 (and new Policy E1) in encouraging suitable proposals for economic development in the urban areas of the Parish. In respect of its application to proposals in the Green Belt, it is considered in line with Policy GB2A (and new Policy SP6) in acknowledging that development will be 'inappropriate' as a matter of principle, but that there are three criteria by which very special circumstances may exist if all three are complied with.
CHG8	Promoting Good Design in the Parish	The policy is in line with Policies CP2, CP7, DBE1, DBE3, DBE4 and DBE11 (and new Policy DM9) in promoting a high quality of design in all development proposals across the Parish and draws attention to some especially important design considerations, based on the Parish Council's past experience in commenting on the design merits of planning applications.
CHG9	Promoting Good Design in the Chigwell Conservation Area	The policy is in line with Policies CP2, CP7, HC6 and HC7 (and new policies DM7 and DM9) by identifying some specific design considerations within the Conservation Area.
CHG10	Local Green Spaces	The policy is in line with Policies CP2, CP7, HC6, HC12 and LL5 (and new Policies SP6 and DM6) in seeking to prevent development proposals that will harm the contribution that the setting of listed buildings makes to their character (at Chigwell Convent) and to the Conservation Area (at Glebe Land).

		<p>The proposal to designate the land at Chigwell Convent as a Local Green Space conflicts with new Policy P7B(vii), which proposes to allocate the land for a 28 home scheme covering the majority of the site. That proposal is in conflict with new Policy DM7, with no evidence presented to assess the nature and scale of harm of development in the immediate and essential setting of two listed buildings/structures, let alone to justify the substantial harm to those heritage assets. Conversely, this policy is entirely consistent with Local Plan Policy HC12 and new Policy DM7 in protecting the setting of the heritage assets from harmful development.</p> <p>As noted above, with the housing element of the Rolls Park proposal in Policy CHG2, there is no longer a need for the housing allocation at Chigwell Convent and so the Local Green Space designation will be secured for the long term.</p>
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5. Compatibility with EU Legislations

Strategic Environmental Assessment

5.1 The District Council has not provided a screening opinion on whether or not a Strategic Environmental Assessment (SEA) would be required of the Neighbourhood Plan (in accordance with Regulation 9 of the Environmental Assessments of Plans and Programmes Regulations 2004). The Parish Council agreed with the District Council at the outset of the project that this would be a requirement and chose to meet that obligation through preparing a Sustainability Appraisal incorporating an SEA.

5.2 The Appraisal process has been followed in line with those Regulations and with the Planning Practice Guidance for neighbourhood plans. A Scoping Report was prepared and consulted on in May 2016 and a Draft Appraisal report was published alongside the Pre-Submission Plan in October 2016. The appraisal work earlier in the process of making the Plan was wider in its range and was integrated with the housing site selection process (the outcome of which was set out in separate Site Assessment reports). The final Appraisal has been amended to reflect the narrower policy approach taken in the final version of the Plan.

Habitats Regulations Assessment

5.3 Early in the process of preparing the Neighbourhood Plan, the Parish Council was advised by the District Council and Natural England that a Habitats Regulations Assessment (HRA) may be required of the Plan, given the proximity of the Epping Forest Special Area of Conservation (SAC) to the Parish. At that stage, it was thought likely that the Neighbourhood Plan would come forward for examination prior to the submission of the new Local Plan and it would set out a very different set of development proposals for the Parish than the Local Plan but of a similar overall scale.

5.4 However, the Local Plan has now been published for submission shortly and it is accompanied by a final HRA report. It contains policies to avoid and mitigate the effects of development on the SAC (SP7 and DM2) that have been agreed with Natural England as part of its Memorandum of Understanding with the local authorities in proximity to the SAC. The HRA of the Local Plan concludes, "that provided progress continues on the development of a recreation/urbanisation mitigation strategy for Epping Forest SAC and refined traffic modelling and mitigation development for the same site in a timely manner, no adverse effect on the integrity of the SAC would occur either alone or in combination with other projects and plans." (§6.1, p13)

5.5 The Parish Council agreed with the District Council that, as the Local Plan HRA report has not yet been examined, a separate HRA Screening Assessment of the Neighbourhood Plan should be prepared. However, the Natural England position is that the HRA matter cannot be resolved by the Neighbourhood Plan until the new Local Plan has been adopted, as firstly stated in its response to the Pre-Submission Neighbourhood Plan consultation:

"I do not believe we have raised any concerns with the Plan itself, but note that a concern is outstanding regarding Habitats Regulation Assessment given the Epping Forest Local Plan has not yet passed its examination." (Planning Lead Advisor West Anglia, Natural England, dated 14 January 2017)

5.6 In seeking to resolve these concerns, the Parish Council requested further details from Natural England on the matter in March 2017 and received the following reply:

"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.” (Planning Lead Advisor West Anglia, Natural England, dated 2 March 2017)

5.7 In response, in May 2017, the Parish Council invited Natural England to a meeting with the District Council to seek a resolution, as it was unwilling to delay the submission of the Neighbourhood Plan until the new Local Plan had been adopted. The Parish Council was also aware from analysis of some other made Neighbourhood Plans in the same circumstances that Natural England had been satisfied with the HRA provisions of the Neighbourhood Plan if they were in accordance with an HRA of a submitted Local Plan (e.g. the Odiham & North Warnborough Neighbourhood Plan, Hart District, Hampshire). Unfortunately, the invitation was declined thus:

“Natural England recognises that the 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.” (Planning Lead Advisor West Anglia, Natural England, dated 15 May 2017)

5.8 The Parish Council disagreed that its Plan “has more complicated environmental issues than most” but chose to postpone the submission of the Plan until the Regulation 19 Local Plan and its HRA were published and the nature of the SAC mitigation strategy and the means of its implementation had become clearer. In December 2017, after those documents were published, and having further modified the Submission Neighbourhood Plan to ensure its policies also aligned with the final Local Plan policies, the Parish Council agreed with the District Council that it would commission an HRA Screening Assessment of the Neighbourhood Plan from a qualified expert.

5.9 Before doing so, the Parish Council again requested the advice of Natural England, and received the following reply:

“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.” (Planning Lead Advisor West Anglia, Natural England, dated 19 January 2018)

5.10 This is not an approach that the Parish Council considers is reasonable, given the content of the Neighbourhood Plan. It therefore commissioned an HRA Screening Assessment, which has been completed and agreed with the District Council following a meeting with its HRA advisors in January 2018. A copy of the report is published separately in the evidence base. The report notes that the final version of the Neighbourhood Plan only makes provision for one additional housing site, the total capacity of which may be as low as 30 dwellings but no higher than approx. 45 dwellings, depending on viability. In which case, with the proposed designation of Chigwell Convent as a Local Green Space, the total number of homes will more or less match that set out in Policy P7 of the Local Plan. It also notes that the policies have also been modified to fully reflect the provisions of the Local Plan Policy DM2 in this respect but recommends that a specific cross reference to that policy is made where appropriate in the Plan. The Plan has since been modified accordingly.

5.11 The conclusion of the report is:

“4.5 With the inclusion of specific reference to Policy DM2 of the Local Plan in the Neighbourhood Plan, the uncertainty over the potential for effects on the SAC is addressed. The mitigating measures in the Neighbourhood Plan are in this way linked to those in the Local Plan, so that as long as the latter remain sound, the former is likewise made sound.

4.6 The reliability of this approach to mitigation is supported by the acceptance of this type of mitigation strategy in other districts where recreational pressures and air quality issues on SAC features are the standard approach e.g. Thames Basin Heaths and Ashdown Forest.

4.7 It is therefore considered that, on the basis of the objective evidence available at the time of writing, the policies in the Neighbourhood Plan would be unlikely to have a significant effect on the SAC. Subject to the recommendations in this report, there is no likely significant effect as a result of the Chigwell Neighbourhood Plan.

5.12 A copy of the report, and of the final draft Submission Neighbourhood Plan was sent to Natural England in February 2018 for its comments, but no response was received. The Parish Council considers that having complied with the HRA requirements, it can submit the Neighbourhood Plan for examination, and leave the matter for the examiner to consider.

5.13 In respect of all other matters, the Parish Council considers that the Neighbourhood Plan has also had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.