

The Neighbourhood Planning (General) Regulations 2012 Regulation 18 Decision Statement

Chigwell Neighbourhood Plan

1. Summary

1.1 Following an Independent Examination Epping Forest District Council confirms formal acceptance of the recommendations outlined in the Chigwell Neighbourhood Plan Examination Report. The Examiner recommended that the Neighbourhood Plan should not proceed to Referendum as the plan does not meet all of the basic conditions required of a Neighbourhood Plan. This matter was considered at the Epping Forest District Council Cabinet Meeting held on 7 February 2019 where the Cabinet agreed that the plan proposal be refused and should therefore not proceed to referendum.

2. Background

2.1 Chigwell Parish Council, as the qualifying body successfully applied in 2014 for the whole Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.

2.2 The Neighbourhood Plan was published by Chigwell Parish Council for the Regulation 14 Pre-Submission Consultation from October to January 2017.

2.3 Following the submission of the Chigwell Neighbourhood Plan (Submission Version) to the District Council, the draft plan was publicised and comments were invited from the public and stakeholders during a six-week period from 15 May until 26 June 2016.

2.4 Epping Forest District Council appointed an Independent Examiner; John Slater BA (Hons), DMS, MRTPI, in agreement with Chigwell Parish Council to review whether the plan met the Basic Conditions required by legislation and should proceed to referendum.

2.5 An Exploratory meeting has been undertaken by the Examiner on 3 August 2018. The Examiner provided his final report of the examination on 5 November 2018. In his report, the examiner concluded that the Chigwell Neighbourhood Plan should not proceed to referendum. The reasons for this conclusion are that the Plan, taken as a whole, does not meet basic conditions, because:

- The Plan, in combination with other plans and projects will be likely to have an adverse impact on the Epping Forest SAC through increases in air pollution and recreational pressures. Accordingly, under the provisions of Schedule 2 of the Neighbourhood Planning Regulations 2012, the neighbourhood plan cannot be made. The plan cannot rely upon mitigation measures in the draft Local Plan.
- The plan has not been screened out under the Habitat Regulations by the District Council as Competent Authority and an Appropriate Assessment has not been prepared and accordingly the plan as a whole does not meet the basic conditions relating to compliance with EU obligations.
- The plan's overall policies set out, which can allow inappropriate development in the Green Belt are inconsistent with the strategic local plan policies for development in the Green Belt. The policies are also not in accordance with the Secretary of State's policies for the Green Belt as set out in Chapter 9 of the NPPF (2012).

- A number of the policies fail to meet the Secretary of State's advice that neighbourhood plan policies should be clear and precise, or are supported by appropriate evidence and could not be used by decision makers with confidence, particularly relating to design matters and the criteria for considering development on open space.
- The requirement for the Rolls Park residential development to fund the Community Hub would not pass the tests of Regulation 122 of the CIL Regulations 2010 or comply with the Secretary of State's policy on planning obligations.
- The requirement that the Limes Farm Regeneration, a strategic site in the emerging Local Plan, can only come forward via a review of the neighbourhood plan, would prevent the delivery of sustainable development and therefore fails one of the basic conditions.
- The policy for supporting local businesses appears to differentiate between existing and new businesses and therefore does not accord with Secretary of State advice.
- The two proposed LGS sites do not meet the criteria set out in Paras 76 and 77 of the NPPF (2012) and accordingly is contrary to Secretary of State policy.

3. Recommendations, Decisions and Reasons

3.1 Epping Forest District Council has considered the Examiner's report. In the summary section on page 23 of the report the Examiner concludes that the draft Neighbourhood Plan does not conform with the guidance in the NPPF and will have an adverse effect, in combination with other plans, on the Epping Forest SAC.. The Council agrees with the Examiner that the plan proposal should be refused and therefore not proceed to referendum.

3.3 The report to Cabinet on 7 February 2019

<https://rds.eppingforestdc.gov.uk/ieListDocuments.aspx?CId=295&MId=9611&Ver=4> and the Examiner's report may be viewed on the Neighbourhood Planning section of the Council's website.

<http://www.eppingforestdc.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/chigwell-parish-council-neighbourhood-plan/>