

## **Epping Forest District Council**

### **Representation to Chigwell Neighbourhood Plan Submission Version**

1. Chigwell Parish Council has submitted their Neighbourhood Plan and associated documentation and has requested that the Chigwell Neighbourhood Plan (CNP) be submitted for independent examination.
2. Under paragraph 3 of Schedule 4B to the Town and County Planning Act 1990 (as amended), the local planning authority must 'provide advice or assistance to a parish council, neighbourhood forum or community organisation that is producing a neighbourhood plan or Order'. Epping Forest District Council (EFDC) has provided support and advice to the Chigwell Parish Council at various different stages of the CNP's preparation. This includes:
  - a) Meeting to discuss CNP progress and potential green belt release– 17 July 2015
  - b) A policy scoping session in January 2016
  - c) Meeting to discuss the relationship between the CNP and the emerging Local Plan – 14 July 2016
  - d) Legal Advice provided in relation to site allocations - September 2016
  - e) Detail response to the Draft CNP – 22 September 2016
  - f) Meeting to discuss CNP progress and potential impact on Epping Forest SAC –11 July 2017
  - g) Detail response to the Pre-submission CNP – 15 November 2017
  - h) Meeting to discuss the Habitat Regulation Assessment for the CNP– 31 January 2018
3. Having now reviewed the CNP Submission Version, and notwithstanding comments and advice previously given to the Parish Council, EFDC has identified a number of outstanding concerns about the CNP and associated supporting documents.
4. Appendix 1 attached to this letter contains a table summarising the Council's assessment of each of the submission CNP policies. The table also includes the Council's view on whether the policies meet the 'basic conditions' for neighbourhood plans and suggested amendments to the CNP which the Council considers necessary for the CNP to meet the 'basic conditions'. Supplementary comments from other organisations are also attached:
  - a) Comments made on 24 April 2018 by Natural England in relation to the CNP's potential impact on the Epping Forest Special Area of Conservation (EFSAC); and
  - b) Comments from ECC's highway and bus services in relation to the proposed community bus service and highway improvements
5. The Council considers that all of the policies in the CNP fail to meet the 'basic conditions' set out in Schedule 4B to a greater or lesser degree. The Council's main concerns about the CNP can be summarised as follows:

- i. In light of the comments received from Natural England, the CNP should await the adoption of the Local Plan where the Mitigation Strategy for the EFSAC will be tested through the Local Plan examination. If the Parish Council does not want to wait for the adoption of the Local Plan, the CNP will need to agree bespoke mitigation measures with EFDC, Natural England and the Conservators of Epping Forest in order for it to comply with the EU Habitats Directive as regards potential harm to the EFSAC. Such agreed measures are currently absent from the submission documents.
  - ii. In terms of the Mitigation Strategy for the EFSAC, a Memorandum of Understanding has been agreed between the relevant local planning authorities, the Conservators and Natural England (see Appendix 2). It has been agreed that a joint strategy should be developed to address potential adverse impacts on the integrity of EFSAC, and that EFDC will act as the coordinating competent authority. It is anticipated that an interim visitor strategy, which comprises schemes which can be delivered in the short term, will be in place by June / July 2018 (subject to confirmation from the Conservators of Epping Forest and Natural England of the schemes and projects to be funded). A longer term strategy will be developed over the Summer/Autumn 2018 period. This will be informed by the current review of the Epping Forest Management Plan being undertaken by the Conservators.
  - iii. The development proposals for Rolls Park (Policy CHG2) and Victory Hall site (Policy CHG5) are in conflict with national policy and the Local Plan Submission Version (LPSV). In particular, Policy CHG2 is considered to be an allocation policy rather than an 'enabling development' policy;
  - iv. The allocation of Chigwell Convent as Local Green Space (Policy CHG10) is not based on sufficient evidence and is in conflict with housing allocation CHIG.R5 of the LPSV;
  - v. The proposal for a review of the Neighbourhood Plan to take place before the Limes Farm (Policy CHG4) regeneration is brought forward is in conflict with Policy P 7 of the LPSV and could cause significantly delay in the delivery of the site;
  - vi. Elements of Policy CHG1, CHG2, CHG3, CHG5, CHG6, CHG7, CHG8, CHG9 and CHG10 are unclear and/or ambiguous and would require clarification or further justification to demonstrate how they comply with national and local policies;
  - vii. The Council is pleased that the policy requirements for a contribution towards a community bus service have been removed. However, given the concerns raised by ECC, the Council does not believe that the proposed bus service can be used to justify the sustainability of the proposed allocations in the CNP.
6. In conclusion, while the CNP has taken on board some of the comments EFDC made to previous iterations of the plan there remains a number of substantial concerns meaning that significant number of amendments will be required if the CNP policies are to meet the 'basic conditions' as prescribed in relevant legislation. In light of the comments from Natural England, the Council

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also recommends the CNP examination should be postponed until the Mitigation Strategy for the Epping Forest Special Area of Conservation is adopted.