

Decision by Portfolio Holder



Report reference: PAG-003-2018/19

Date of report: 08-June-2018

**Epping Forest
District Council**

Portfolio: Planning and Governance

Author: Alison Blom-Cooper (Ext 4066)

Democratic Services: J Leither

Subject: Epping Forest District Council's Response to Chigwell Neighbourhood Plan Regulation 16 publication

Decision:

- To confirm the District Council's response to the Chigwell Neighbourhood Plan submission version and associated supporting documents.**

ADVISORY NOTICE: <i>A Portfolio Holder may not take a decision on a matter on which he/she has declared a Pecuniary interest. A Portfolio Holder with a non-pecuniary interest must declare that interest when exercising delegated powers.</i>	
I have read and approve/ do not approve (delete as appropriate) the above decision:	
Comments/further action required:	
Signed: Cllr J Philip	Date: 9 th June 2018
<i>Non-pecuniary interest declared by Portfolio Holder/ conflict of non-pecuniary interest declared by any other consulted Cabinet Member:</i>	<i>Dispensation granted by Standards Committee: Yes/No or n/a</i>
None	N/A
<i>Call-in period begins: 11th June 2018</i>	<i>Expiry of Call-in period: 15th June 2018</i>

**After completion, one copy of this pro forma should be returned to
Democratic Services IMMEDIATELY**

Reason for decision:

This report confirms the District Council's response to the Chigwell Neighbourhood Plan Submission Version (CNPSV) and associated supporting documents. The response attached at Appendix 1 includes a covering letter summarising the Council's main concerns and a detailed policy-by-policy assessment on individual policies. The deadline for response to the Chigwell Neighbourhood Plan is 12 noon on 26 June 2018.

Initialed as original copy by Portfolio Holder:
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**Initialed as original copy by
Portfolio Holder:**

Options considered and rejected:

Not to respond to the Chigwell Neighbourhood Plan, however, the District Council would not be discharging its statutory duties or its responsibilities under the National Planning Policy Framework.

The Chigwell Neighbourhood Plan:

1. The Government introduced Neighbourhood Planning as part of the Localism Act 2011. This was in order to enable Town/Parish Councils and Neighbourhood Forums to produce plans shaping the future of their area. 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. Crucially, the Neighbourhood Plan must meet a number of 'basic conditions' set out in Schedule 4B of the Town and Country Planning Act 1990 and have regard to national planning policy as well as be in general conformity with the strategic policies of the District Council's 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. Chigwell Parish Council subsequently published its Draft Neighbourhood Plan for a period of formal public consultation between Monday 10 October 2016 and 25 November 2016.
3. Local Authorities have a duty to provide advice and assistance to town/parish councils in the preparation of Neighbourhood Plans, and the Council has engaged actively with Chigwell Parish Council (CPC) in the preparation of the Chigwell Neighbourhood Plan (CNP). A number of meetings have taken place and comments provided including a briefing note, a formal response to the Draft Neighbourhood Plan and legal advice at various stages of plan-making. These are in addition to general Council liaison with town and parish councils through the Local Councils Liaison Committee and meetings during the preparation of the Council's Local Plan.
4. In October 2017 Chigwell Parish Council shared a submission draft Neighbourhood Plan and draft supporting documents with the Council. The Council produced detailed comments on this draft document.
5. The CNPSV covers the period 2018-2033. Officers in the Council's Policy Planning Team have reviewed the CNPSV. Officers have also corresponded with the Parish Council on a number of occasions and have received external Legal Advice which has been shared with the Parish Council.
6. The key correspondence/meeting dates are set out below:
 - a. 17 July 2015: Meeting with CPC with regard to progress of the CNP and EFDC's Green Belt review
 - b. 14 January 2016: Meeting with CPC to discuss the relationship between the Neighbourhood Plan and emerging Local Plan
 - c. 14 September 2016: Legal Advice provided over proposed site allocations in the CNP
 - d. 22 September 2016: Full response to the Draft CNP

- e. 15 November 2017: Full response to the CNP pre-submission draft
 - f. 30 January 2018: Meeting with CPC to discuss the Habitat Regulation Assessment
 - g. April 2018: Email correspondence with CPC in relation to Natural England's comment on the emerging CNP
7. Notwithstanding the engagement between the Council and Parish Council, a number of outstanding issues have been identified in the CNPSV including insufficient evidence to support the proposed policies and allocations, the financial viability of proposed developments and the need for a Mitigation Strategy to cover the potential impact on the Epping Forest Special Area of Conservation. These issues are explained in detail in the Council's proposed response to the CNPSV Regulation 16 publication (see Appendix 1).
8. Whilst overall the Council commends the Parish Council for the work undertaken in the production of their Neighbourhood Plan, given the number of outstanding issues the Council does not consider that the CNPSV as it stands will enable the examiner to conclude that it meets the 'basic conditions' at Examination.

Resource Implications:

The review of the CNPSV and preparation of the report are from within existing resources in the Policy Planning Team.

Legal and Governance Implications:

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 Neighbourhood Plan meets the required basic conditions. The publication of the CNPSV under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015 is the final opportunity for a formal consideration from the Council before the Plan proceeds to Examination stage. The Council comes to its formal view as to whether a neighbourhood plan meets the basic conditions after the independent examination has taken place, after the examiner's report is received and once any modifications recommended by the examiner have been addressed by the Parish Council.

Safer, Cleaner and Greener Implications:

None specific at this stage.

Consultation Undertaken:

EFDC Legal Adviser

Background Papers:

Chigwell Neighbourhood Plan Submission Version and supporting documents
Epping Forest District Local Plan Submission Version 2017

Impact Assessments:

No specific.

Risk Management:

No specific risks identified.

Key Decision Reference (Y/N): No

Equality Analysis:

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided as an Appendix to the report.