

Representations on Epping Forest District Local Plan Submission Document (Regulation 19)

On behalf of M. Scott Properties

Land at Chigwell
Site Ref. CHIG.R5

January 2018



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Appendices:

- A1 – M. Scott Properties (December 2016) Regulation 18 EFDC Draft Local Plan Representations
- A2 – Chigwell Nursery Location Plan 2016
- A3 - SR-0478B ARUP Site Assessment 2016
- A4 - SR-0478A ARUP Site Assessment 2016
- A5 – Nigel Cowlin (2016) Landscape and Visual Assessment
- B1 – EFDC email (21-12-17) confirming Site Selection Report Appendix B unavailable
- B2 – Strutt & Parker email (02-01-18) Re: SA/SEA Questions
- B3 – EFDC Email (16-01-18) Re: SA/SEA Questions

Summary

1. Strutt & Parker are instructed by Scott Properties to submit representations in response to the current consultation on the Epping Forest District Council Submission Version Local Plan 2017 (LP). These representations follow from engagement with the council in relation to the Regulation 18 Consultation; engagement with their appointed consultants, ARUP throughout 2016-17, and; attendance at each of the Developer Forums arranged by EFDC. Our clients have been regularly engaged with the Council throughout the preparation of the Local Plan in relation to their interests in Chigwell.
2. Our client's interest is in site ref.Chig.R5 of the Local Plan (LP). The site has previously been assessed as Site No. SR0478B (amounting to 1.66Ha). The site was also assessed as comprising part of Site No. SR0478A (amounting to 7.49ha); and has been identified within the emerging Neighbourhood Plan as Site Reference CV2, amounting to 5.46Ha.
3. Our client's site is partially identified as an allocation for housing in the Local Plan. Policy P7 confirms the site is expected to deliver approx. 65 dwellings. We concur with the Council's assessment of housing provision for the site (approximately 65 dwellings) but consider that the allocation must include additional brownfield land to the east of the site, which is associated with the garden centre, in order to be effective. This would provide a development density and character more in keeping with the character of the area and allow the site to also provide a high quality care home, a form of accommodation that is much needed in Epping Forest District and Chigwell. Such an allocation would better meet the proposed policies of the Local Plan as a whole.
4. The submission LP retains the land to the east of Chig.R5 within the Green Belt. The retention of that area would perform no Green Belt function in terms of the five reasons contained in the NPPF. The site is extremely well located for transport and access to services. Failure to allocate the wider parcel is a missed opportunity to meet housing need on suitable sites and to create a more appropriate Green Belt boundary.
5. For the reasons set out in this representation and within the previous regulation 18 representations (repeated as Appendix A), we consider the Plan to be unsound unless changes are made to the Plan, and a clear assessment of the wider site (equivalent to CV2) is made available through consultation, alongside all other site assessments. We consider there to be no evidence-based rationale for the site not to be allocated in accordance with the earlier submissions by M. Scott Properties, which closely follow the most recent Neighbourhood Plan proposals. The failure to allocate the larger site for a sustainable form of development, or to identify why the wider site is unsuitable, fails the tests of soundness in relation to being consistent with national policy, being positively prepared, and being justified as the most appropriate strategy. Our detailed reasons are set out in this submission.
6. To remedy the errors identified within this representation, it is considered that:
 - a. the Local Plan should be subject to consultation in relation to specific information that has informed the plan but is not currently available for comment, including information that has informed the SA;
 - b. the supply of land for housing should be increased to provide for the full objectively assessed housing need for Epping, as identified in the most recent SHMA Update of July 2017;
 - c. The allocation of Site Chig.R5 should be amended to include land to the east, encompassing the entire garden nursery site as per representations by M. Scott Properties, and in accordance with the Chigwell Neighbourhood Plan;
 - d. The site should be allocated as being within the settlement boundary, without a specific housing number associated with it. Appendix B of the Infrastructure Delivery Plan must be

amended to reflect the estimated site capacity of 65 units as set out in Policy P7 and appendix 6e of the LP, and not 32 units as shown within the IDP.

- e. Policy P7 should be amended for Chig.R5 to include the provision of care accommodation, to meet identified local need, and in accordance with previous submissions to the Council.
7. Without the above amendments, we consider the Local Plan to be unsound in its current form.

Missing Information

8. These representations are prepared on the basis of the information available through the consultation process. However, we would note from the outset that we have been unable to fully comment on the soundness of the LP due to key documents being unavailable during the consultation. While not an exhaustive list, we are particularly concerned with two documents being unavailable for consultation, namely: **Appendix B of the EFDC Site Selection Report** - (see appendix B of this representation concerning email correspondence with EFDC); and the final **highway modelling and mitigation strategy**. We consider the Site Selection Appendix to be fundamental to the Council's spatial strategy and the choice of site allocations within the LP and must be made available for consultation before the Plan is examined. We are concerned that the Highway Modelling and Mitigation Strategy for the submission Local Plan (LP) does not appear to have been available at all when the LP was approved by the Council for submission to the Secretary of State.
9. Importantly in regards to the Site Selection Report, extensive comments were made against the accuracy of the site assessments at Regulation 18 stage and in various later discussions with the Council. These were to clarify various factual inaccuracies and inconsistencies within the assessments relating to Chig.R5 regarding the site area, distances to services, and inconsistencies between assessments of adjacent sites. Those earlier inaccuracies are detailed in Appendix A for information. Without the ability to review and understand the 2017 Assessments, there is no way for the applicant or the public to ascertain whether or not those concerns have been addressed. The lack of the appendix makes it impossible to check the assessment of specific sites against the proposed site selection methodology.
10. As a result, our concerns raised at Regulation 18 Stage are reproduced in this representation at Appendix A. This is to emphasise:
 - The seriousness of factual errors and the extent of those errors within the earlier assessments that needed to be corrected, and be seen to be corrected;
 - The importance of the Assessments in determining the most appropriate spatial strategy and in deciding appropriate site releases;
 - The importance of the Assessments in relation to ability of the SA to correctly identify the most appropriate strategy against reasonable alternatives;
 - The importance of the appendix for understanding the choices made by the Council in producing the Submission Local Plan and the lack of transparency around site allocations due to its omission;
11. The missing information is critical to understanding the choices made in preparing the submission LP. The spatial strategy and allocations have changed in important ways between the Regulation 18 and Regulation 19 stages, but the information supporting those changes are not available to understand or review. The Site Selection Report (SSR) is the only document that would explain some of the decisions taken by EFDC regarding the allocation of sites. The missing appendix is referenced throughout the SSR and within the supporting Equalities and Sustainability Appraisal (E&SA) as being determinative to the reasonable alternatives considered. The SSR (2017) confirms at paragraph 1.2

that the 2016 Site Selection Report has been updated to address representations received, and that the most appropriate sites have been included as proposed allocations. Para. 1.2 continues that the detailed write-up of this work was not complete in time for the publication of the report, and that a final, updated version of the SSR will be published once these appendices have been completed. Without sight of the assessments, it is not clear that the updating (which is anticipated to be quite extensive for certain sites) has been undertaken prior to the selection and rejection of sites, or that the updates are accurate.

12. We are concerned that this information is not only unavailable during the consultation but that it was not available to Members when deciding to consult on the Local Plan on 14th December 2017.
13. This information was not available at an earlier stage of plan making, as there were significant errors in the 2016 version that required correction and re-assessment of sites. Without access to the 2017 SSR, it is not possible to confirm that those errors have been corrected or that a correct assessment of the submitted site has been undertaken. Further, new sites are included in the submission LP that were not assessed in 2016. There is no way to understand how these sites performed in the SSR, or to confirm whether the proposed sites are the most suitable.
14. To remedy this situation, the council must consult on the Local Plan with the 2017 Site Assessment Report Appendices available for scrutiny and comment. Responses to that consultation must then be taken into account prior to examination of the EFDC Local Plan.

Sustainability Appraisal / Strategic Environmental Assessment / (SA/SEA) and Evidence Base

15. The Environmental Assessment of Plans and Programmes Regulations (2004) requires that SA/SEAs set out the reasons for the selection of preferred alternatives, and the rejection of others.
16. In addition, the Planning Practice Guidance makes clear (paragraph: 038 Reference ID: 11-038-20150209) that the strategic environmental assessment should outline the reasons the alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives.
17. However, despite the above, the SA published alongside the LP (Sustainability Appraisal (incorporating Equalities Impact Assessment) for the Epping Forest District Local Plan (December 2017)) does not explain why site SR-0478A has been rejected.
18. The SA explains the site selection process, but not the results of this. The SA makes a number of references to the Site Selection Report (a separate document to the SA). For example, at paragraph 7.17, in text explaining the site selection methodology it states:

“However, site assessments for Tranche 1 sites were reviewed against the comments raised in site promoter’s representations to the Draft Local Plan consultation. The Report on Site Selection 37 will include a table that identifies those sites for which representations from site promoters were made and where a change was made to the assessment in response to the representation” [emphasis added].
19. Footnote 37 cited above refers to the Epping Forest District Council (2017) Report on Site Selection, prepared by ARUP, and invites the reader to access this information via <http://www.efdclocalplan.org/technical-information/>.

20. Within the introductory text of the Report on Site Selection (2017) referenced by the SA it is explained, at paragraph 1.2, that the report is incomplete:

“The detailed write-up of the site selection work undertaken in 2017 will be documented in the appendices to this Report. With the exception of Appendices A and D, the remaining appendices were still being finalised at the time of publication. A final, updated version of the Report on Site Selection will be published once the detailed write-up has been completed.”

21. As set out above, missing appendices to the SSR (2017) include Appendix B – Assessment of Residential Sites and Appendix C, Settlement Proformas, which is expected to contain the Settlement Visions amongst other information.
22. As such, not only does the SA fail to explain the reasons for the rejection of sites, but the entirely separate document (the SSR) that it references in discussions in respect of the approach taken also fails to explain the reasons for the rejection of SR-0478A.
23. Without Appendix B, we consider this represents a substantial flaw in the Local Plan as currently proposed to be submitted, and one which means that the Local Plan currently fails to comply with the Environmental Assessment of Plans and Programmes Regulations (2004) in its rejection of site SR-0478A.
24. We would urge the Council to revisit its approach to the consideration of site SR-0478A to ensure that such defects are cured.

Specific Comments

25. Following from the above critical matter, our remaining comments are made on the basis of the limited information available to us in relation to the LP and the Site Assessments. These representations therefore focus on:
- Concerns that the Plan is not consistent with national policy in relation to consultation requirements and documents that have had a material impact on the contents of the Plan;
 - That the Plan is ineffective, not positively prepared and not in accordance with national policy in failing to meet full identified OAHN for the District;
 - The allocation of Site Chig.R5 in respect of: its extent; the suitability of the site for additional development; the ability to further meet housing needs including the needs of those requiring care accommodation;
 - The Plan does not seek to improve the affordability of housing in accordance with Paragraph 9 of the NPPF. There is no evidence that the Council has sought to improve affordability ratios through the Plan.
 - Quality Review Panel – Unjustified requirements on proposals to pass a local design board. There is no justification for this additional burden, which would not be consistent with National Policy

Policy SP2 – Spatial Development Strategy 2011-2033

26. Policy SP2 seeks to provide a minimum of 11,400 dwellings between 2011-2013. Paragraph 2.42 of the LP explains where this figure is derived from:
- ‘The local authorities have considered the most recent population and household projections. They have identified the potential to increase the level of housing to be delivered across the Housing Market Area but the level of infrastructure constraints, as well as environmental and policy designations are such that the full objectively assessed housing need based on the 2016 figures can almost be met...’ (emphasis added) and that ‘Evidence on transport constraints has shown that the maximum amount of growth for the Plan period is around 51,100 homes for the Strategic Housing Market Area.’ (emphasis added).*
27. Paragraph 2.43 then describes the July 2017 update to the SHMAA, which found a need for 51,700 dwellings across the HMA (51,710 in figure 5 of the Update), with a need in Epping of 12,573 dwellings. Paragraph 2.44 then explains that the distribution in the Memorandum of Understanding (MOU) between the authorities within the HMA agreed the distribution for Epping to be 11,400 dwellings.
28. However, the MOU was signed in March 2017, before the update to the SHMAA in July 2017. EFDC have not fully explained why the Plan is unable to meet the full OAHN identified for the District through the SHMAA and the July update. There are suitable, available sites to meet the identified housing need, including potentially through an enlargement of Chig.R5.
29. The explanation in paragraph 2.42 is that transport evidence constraints show the maximum growth possible. However, from a review of the Highways Assessment Report (HAR; December 2017) it is not evident that any modelling for the LP considered the full 51,700 dwellings, nor whether 12,573 dwellings were modelled for Epping Forest specifically. We therefore consider the Plan to be unsound, in that it is inconsistent with national policy, not positively prepared and not justified, unless this matter is remedied. Our detailed reasons are as follows.

30. A theme running through the EFDC LP is a lack of information available at consultation stage. An example is the HAR which confirms at para.1.1.3 that: *'Further work is therefore being undertaken to refine the outputs and provide a more detailed package of mitigation measures and interventions to support the Local Plan when it is formally submitted to the Secretary of State for examination. Consequently, it is important to recognise that this is not the final stage in the Transport Assessment process.'* (emphasis added).
31. The Objectives of the HAR were to forecast the traffic impacts of various development scenarios (amongst other matters). Section 3 sets out the Model Scenarios. Paragraphs 3.3.1-2 explain that the Regulation 18 proposals formed the basis of initial scenario testing and that the technical assessments in 2017 considered different 'distributions' not proposed development scenarios. Table 3 at para.3.3.10 helpfully itemises the scenarios.
32. None of the scenarios set out in Table 3 considered 12,573 or more dwellings. Scenario 6b is the only scenario to model more than 12,000 homes (totalling 12,465). It is therefore evident from an initial examination of the HAR that the submission LP has not, in terms of transport, even investigated the ability of the network to accommodate the full OAHN. The Plan states that housing demand cannot be met in full due to transport constraints, but this is not evidently apparent in the Council's transport evidence, namely the HAR.
33. With specific regard to Chigwell and the model scenarios, para 4.1.3 of the HAR explains that Scenarios 4-7 concern a reasonable modal shift (to more sustainable transport modes). Our clients' site, Chig.R5 is within 200m of Chigwell Underground Station. The site is perfectly suited to provide an opportunity for modal shift to rail travel. In consideration of the traffic modelling, the nearest junction to the site is J.23 (A113 High Road/A1168 Chigwell Lane, Chigwell). Notwithstanding the complexities of traffic modelling and trip allocations, this junction fairs well under Scenarios 2-4 with relatively limited impact by 2033.
34. Modelling in Section 4, Scenario 4, of the HAR assesses the impact of Scenarios 6a-c against the LP Reg 18 Model. Unfortunately there is no assessment for junction J.23 in the tables, presumably because there was no impact on this junction as a result of these scenarios.
35. However, for the wider assessment of impact, recalling that Scenario 6b is the only assessment that considered more than 12,000 dwellings for the Plan (with very specific distribution), there are:
- A total of 3 junctions out of 32 that perform slightly worse in the AM peak compared to the Reg 18 Scenario (table 4-10)
 - A total of 7 junctions that perform better in the AM peak compared to the Reg 18 Scenario (table 4-10)
 - A total of 3 junctions out of 32 that perform slightly worse in the PM peak compared to the Reg 18 Scenario (table 4-11)
 - A total of 6 junctions that perform better in the PM peak compared to the Reg 18 Scenario (table 4-11)
36. The report concludes at paragraphs 6.1-10-11 that the Technical Assessments (which are Scenarios 6a-c) provide a *'closer representation of the quantum and distribution of development proposed for the district'* and, more critically that:
- '... The analysis indicates that the revised development scenarios generally improve on the forecast traffic situation previously tested with only marginal localised increases potentially associated with the addition of school traffic, which was previously excluded from Scenarios 2-5.'* (HAR 6.1.11 (emphasis added))
37. Finally, paragraph 6.1.15 of the HAR confirms that:

'It should be noted that the Highway Assessment represents a robust worst-case in terms of traffic demand and supply assumptions as it does not yet account for the full benefits of all proposed mitigation.' (HAR 6.1.15 (emphasis added)).

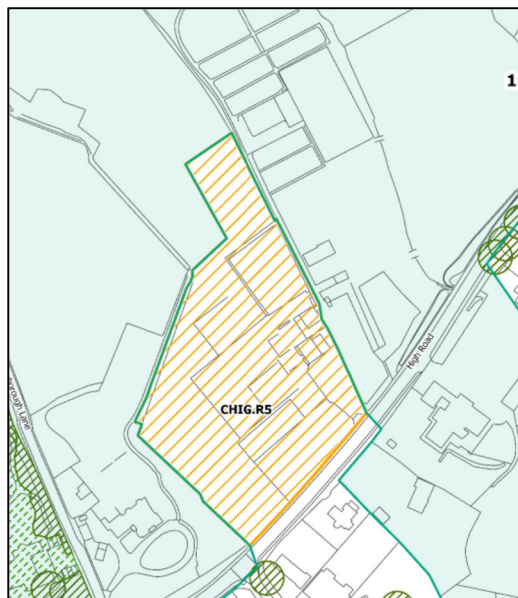
38. The analysis within the HAR therefore does not appear to support the Council's conclusion on three fundamental matters:
- I. The full OAHN, as identified in the July 2017 Update, has not been subject to highway modelling.
 - II. The modelling that has been undertaken does not support the Council's suggestion in the supporting text for Policy SP2 that transport evidence constrains housing growth. While we acknowledge that the text describes the HMA, not Epping specifically, the decision to allocate a lower housing delivery than the OAHN in Epping is not supported by the HAR.
 - III. Contrary to the Council's assertions, the HAR evidence strongly suggests that in terms of transport impact, the network is 'generally improved' by the higher growth scenarios.
39. The above conclusions are reflected and supported by the Council's Infrastructure Delivery Plan.
40. The above further emphasises that the LP is likely to be unsound without remedying the Plan to provide for additional homes. As submitted, the LP is not consistent with National Policy, is not positively prepared and is not justified by the evidence base.
41. As a final matter concerning the HAR, the final sentence in para.6.1.15 states that:
- '...It also tests the total projected housing supply available rather than the lower future housing requirement for the district.'*
42. Given that none of the scenarios in the HAR tested the full OAHN identified in the July 2017 Update, we are unclear about the meaning of this sentence.

Site Allocation and Site Requirements – Appendix 6 of the LP

43. The LP is supported by appendices that identify key information and various requirements for each of the sites. Chigwell Garden Nursery (CHIG R5) is available in Appendix 6(e) pp.131-132. The allocated site is 1.7ha and identified for a net capacity of 65 dwellings.
44. The Site Description confirms that the site is:
- 'bounded by High Road to the south, residential development to the west, the remainder of the nurseries to the east and greenfield land/scrub to the north'* (LP App.6(e) p.131 (emphasis added))
45. The site has consistently been promoted as a single entity comprising the entire garden centre site, including the sales area, storage areas, the associated dwelling and car parks. The character of the entire landholding as comprising the active nursery site is confirmed in the description produced with the LP and set out above. The exclusion of *part* of the land associated with the garden centre is not justified by available evidence. It is our view that the Chigwell Nursery site has been artificially divided into separate sites which is not justified. The plans below confirm the submitted site and the allocation in the LP:



Submitted Site Area and Extent of Built Form



LP Chig.R5 allocation

46. The division of the site is not justified in relation to the Council's aspirations for Chigwell. The Vision for Chigwell within the LP (LP p.147) confirms that there will be a *'focus on brownfield sites and sustainable green belt releases...'*. The site submitted by our client fulfils both these criteria. The entire site is in use as a garden centre and the Council have allocated Chig.R5 on the basis that (presumably) it is required in order to meet housing needs, and that it fulfils the site selection criteria. We are unable to understand the Council's decision to allocate only part of the site given the emphasis on brownfield land delivery and sustainable Green Belt releases. The Council have also ignored the most recent Chigwell Neighbourhood Plan, which identified the wider site for development.
47. To remedy the fault and to ensure the allocations are consistent with the Objectives of the LP as a whole, and justified, site **Chig.R5 should be extended to include the area of land submitted at Regulation 18 Stage.**
48. The factual information in Appendix 6(e) for Chig R5 confirms an allocation of 65 dwellings on a development area of 1.66ha. This is a density of 37.4dph, not 44dph as stated in the table. It is not clear if other land requirements are taken out of the net area but the Glossary to the LP (Appendix A) indicates that this is not the case. We are therefore concerned that the Council are, in fact, not making efficient use of the allocated site. Equally, the table in Appendix 6(e) appears to be misleading with regards to the density of the development. This is important in relation to viability, potential character of development, and the aims of Policy SP3 to achieve densities of between 30-50dph in order to 'ensure the best and most efficient use of land', placing Chigwell Nurseries at the lower end of the preferred density.
49. To remedy this situation, the amended site area should be allocated as being within the settlement boundary, without a specific housing number or density associated to it (as contained in Policy P7 and Appendix 6(e)). This would allow a development proposal to be submitted in accordance with the policies of the LP as a whole, without being constrained by unjustified restrictions that conflict with the overarching Objectives and other Policies of the LP.
50. In accordance with the above issues, Appendix B of the Infrastructure Delivery Plan (IDP) must also be amended to reflect the estimated site capacity for Chig.R5 (currently 65 units), as stated in appendix 6(e) and Policy P7 of the LP. Currently the IDP includes a timeline for delivery of dwellings on the site relating to 32 units and not 65. This inconsistency must be remedied.
51. Appendix 6(e) sets out Development Guidance for Chig.R5:

- a. We have concerns that the guidance for ecology requires a financial contribution towards access management and monitoring of the Epping Forest SAC, prior to any understanding of impact of any proposed development or any on-site mitigation.
- b. We are concerned that 'On-site constraints' refer to '*ensuring third party access rights for existing residents and users of the wider site are maintained*'. However, the allocation does not adjoin any public land or provide access for third-parties. The inclusion of this text is erroneous and needs explanation and justification. We are concerned that this indicates that any updated assessment of the site is incomplete or in error.
- c. We have particular concerns with the Green Belt Boundary commentary which states that '*as part of the development proposals, a new defensible boundary to the Green Belt will need to be established along the eastern edge of the site. And that 'Existing features in the landscape should be used as the new defensible boundary to the Green Belt along the northern and western edges of the site. As part of the development proposals these existing features may need to be strengthened.*'

This commentary is unjustified. The entire site is currently within the Green Belt. Submissions to the Reg 18 LP outlined a superior approach to forming a defensible boundary to the west of the site, through the allocation of land on the eastern parcel, adjoining existing development. As proposed by the LP, the allocation simply allocates a narrow and inaccurate interpretation of the 'brownfield' portion of the site. It seeks to achieve a 'defensible eastern boundary to the site but that boundary is crossed by existing structures and built forms. Even a rudimentary assessment of the site would indicate that the parcel to the east of the Council's allocation would become a meaningless portion of Green Belt land. It would not pass the tests for including land within the Green Belt.

52. For the above reasons we disagree with some of the constraints identified for Chig.R5 in the LP. There is no clear requirement for third party access beyond the site. The retention of the parcel to the east of the site within the Green Belt would be a missed opportunity to deliver homes and a care facility on a highly sustainable site. It is not possible to understand the Council's reasons for excluding the eastern parcel as the 2017 SSR is not available. However, the merits of the site will be virtually identical to the allocated parcel, Chig.R5.
53. Without further justification, it is considered that the entire Chigwell Nursery site must be included within the LP in order for it to be Sound and based on the available evidence.

Policy SP3 – Place Shaping and Policy DM9 – High Quality Design

54. We are concerned that, as worded, Policy SP3 could be misapplied to all development proposals and not solely to the Garden Communities, to which the supporting for Policy SP3 relates.
55. Policy SP3 is currently worded to apply to 'Strategic Masterplans and development proposals', and outlines a list of 14 requirements under part 'H'. It requires proposals to demonstrate that these 14 place shaping principles have been adhered to '*with respect to the 'scale of development proposed*'.
56. The preceding paragraphs to the Policy (paras.2.82 – 2.88) clearly concern the Masterplan Areas and Garden Communities set out in Policies SP4 and SP5 of the LP. Accordingly, this policy should explicitly state at the outset that it applies to only those allocations identified in SP4 and SP5.
57. If Policy SP3 is intended to apply to all development proposals, it would fail to be consistent with National Planning Policy as it would conflict with paragraphs 154, 173 and 182 of the NPPF. These paragraphs advise that policies in a Local Plan should provide a clear indication of how a decision maker should react to a development proposal. The requirements in SP3 would not be logically necessary for anything other than a narrow set of large scale developments of a particular character.

The policy should therefore be explicitly drafted as such. If the Policy remains as currently worded, being applicable to 'development proposals' it does not provide a clear indication of how a decision maker should treat an application that does not *'reflect and demonstrate ... the place shaping principles'* even for small scale major and minor developments. As worded, the decision maker would presumably need to refuse a development if the full list of requirements had not been demonstrated and met. This would be inappropriate and unduly burdensome on applicants, contrary to national policy.

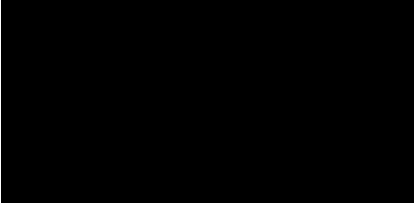
58. To remedy this, SP3 should directly reference Policies SP4 & SP5. Without correction, the policy is considered to be unsound.
59. We also draw attention to Paragraph 2.101, which concerns the potential use of a Quality Review Panel for (amongst other matters) 'other planning proposals' and that schemes of 50 dwellings or more will be subject to a Quality Review Panel.
60. At this time there is no indication of the remit of such a panel, what their powers may be in regards to advising on applications, or their timeframes for consultation and engagement. We are not aware of any evidence to indicate that a quality review panel is specifically required in Epping Forest District, or that statutory consultees have been unable to advise effectively on proposals prior to this LP. Equally, this would appear to move the role of assessing and advising on the quality of proposals away from Planning Officers and elected Members, to an unspecified quality review panel. We are unclear of the democratic accountability of such a panel in relation to Local Plan making, unless the role of such a panel is set out in the LP itself.
61. The Quality Review Panel is referred to in **Policy DM9 part C – High Quality Design** and **Policy P7 part J – Chigwell**. As drafted, we are concerned that, similar to Policy SP3, these policies are ambiguous in their requirement and potentially place undue weight on the role of a review panel whose make up and remit are not known and has not been consulted upon, other than as a description in the glossary to the LP.
62. The use of design panels can be useful to guide schemes, but the ability for a decision maker or applicant to understand the role of such a panel, and how decisions should be made in relation to that advice, must be clear. As currently drafted, the *requirement* to utilise the Quality Review Panel is considered to conflict with para. 154 of the NPPF, which requires, essentially, that Local Plans should set out clear policies on what will or will not be permitted, and only policies that provide a clear indication of how a decision maker should react to a development should be included in the plan. We are concerned that such a panel, without a clear scope in the Plan, could be used to frustrate development, or to impose unnecessarily prescriptive detail, impose particular tastes or architectural styles and stifle innovation, contrary to NPPF para.59-60.
63. The glossary confirms that the advice of the panel will be a material consideration for local authorities and the Planning Inspectorate. As such, the weight to be given to that advice will be for the decision maker to decide. However, as the Policies expect the advice of the Panel to be sought, the LP needs to be clear about the expectations on applicants. It is also presumed that the cost of that advice is contained within the Planning Application Fee.
64. There is a general question as to whether it is appropriate for *all development proposals* to be 'design-led' as required by DM9. While our client has no particular concerns with the aim of the policy to secure high quality development, schemes should be led by the prevailing purpose of a development and not by a single aspect of its physical realisation. For example, schools, surgeries and utilities should not necessarily be 'design-led'. Certain schemes can be landscape-led, or have a community role that outweighs the overall design of a development.
65. To remedy this Policy, reference to 'all development to be design led' should be removed and reference to the Quality Review Panel should be removed, or the scope of the Panel should be included within a policy within the Plan.

Policy P7 - Chig.R5:

66. These comments relate to site Chig.R5 and the requirements of Policy P7. The policy identifies that the site should: accord with the requirements in Appendix 6(e) (Part A); be suitable for around 65 dwellings (part B); deliver infrastructure requirements as the need arises from development (Part C); will not be permitted without certain contributions (Part D); undertake air quality assessments (Part E); accord with Policy DM15 (Part F); and be reviewed by the Quality Review Panel (Part J).
67. Our concerns with Appendix 6(e) are set out earlier in this proposal.
68. Part B identifies an expected scale of development within the Plot. It is noted that, in relation to the failure of the LP to provide for the full OAHN, the ARUP site assessment for the larger site would be capable of delivering around 225 dwellings (see appendix A1 and A4 of this submission). The applicant does not consider such a high scale to be appropriate, but the larger site is capable of delivering a greater quantum of housing than the LP allocation, with no impact on the function of the Green Belt, while continuing to meet all other requirements of the Local Plan. The merits of the site and the benefits of any development are set out in Appendix A1.
69. A larger allocation would be fully capable of delivering additional dwellings to assist with meeting housing need. However, the promotion of the site to date is for the delivery of around 65 dwellings and a 90-bedroom high quality care home. There is a demonstrable need for specialist accommodation and a growing demand for quality care accommodation in particular, as outlined in the 2015 SHMA (6.18-6.24) highlighting a need for specialist accommodation for 1,773 persons. We are not clear that the allocations for specialist accommodation set out within the LP will be sufficient, or delivered at an appropriate time, to meet the existing and immediate need for this type of accommodation. The allocation of Chig. R5 should therefore be enlarged and include the ability to deliver care accommodation within the allocation.
70. Policy P7 Part D states that planning applications within Chigwell will only be permitted where they contribute towards the infrastructure set out in Policy P7 and the IDP for Chigwell, unless discussions with providers indicate otherwise. This approach is not considered to be necessary, or consistent with national policy and is potentially unsound for the following reasons:
71. Paragraphs 203-206 of the NPPF state the long standing requirements associated with planning obligations. It is incumbent on Planning Authorities to consider whether otherwise unacceptable development could be made acceptable through the use of obligations, with obligations only being sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
72. By wording Part D of P7 as only permitting development where a contribution is made to the infrastructure listed in the policy, the LP is imposing planning obligations in advance of any consideration of a planning application and pre-determining any consultation responses to specific schemes. This is unnecessary, as any predicable requirements are set out in the IDP and also subject to direct consultation through the development management process for every application. This approach is potentially in conflict with the 2010 Community Infrastructure Levy Regulations. Should the Council wish to provide certain, regular and explicit contributions to meet deficits within a settlement, the Council should consider preparing an appropriate CIL Charging Schedule.
73. Further, it is not beyond imagination that an applicant may provide a wide range of obligations, but not entirely within the list in Policy P7. A decision maker would then be required to consider the proposal to be unacceptable, unless discussions with providers indicate otherwise, rather than a balanced judgement being made by the decision makers.
74. Accordingly, we consider that Policy P7 should be amended to remove Paragraph D.

Conclusions

75. Our clients, M. Scott Properties, support the proposed allocation of land at Chigwell Nurseries, Chigwell for residential development. An allocation for residential development reflects the evidence prepared to support the LP. The site is an ideally located brownfield site that can provide a highly sustainable form of development for new residents, within walking distance of the tube station, high street, schools and other local services. It is able to deliver mitigation to secure improvements to biodiversity, a defensible Green Belt boundary and attractive landscape enhancements.
76. However, we consider that the evidence prepared for the larger site should be reviewed and the LP amended to reflect the submitted site and not the limited release identified in the LP as Chig.R5. A number of the conclusions in the earlier SSR are considered to be inconsistent and do not reflect the actual character and facts of the site's condition and location. With these points addressed, we consider it highly likely that the 2017 SSR would have concluded that the submitted site is suitable, available and deliverable for a sustainable form of development. Without being able to review the Councils SSR, though, it is impossible to understand the current allocation, for the reasons set out in this submission. These matters should be addressed in order for the Plan to be considered Justified by the evidence, in accordance with National Policy, and Positively Prepared.
77. We seek important amendments to the Plan in order to address the matters identified.



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