

Report to the Cabinet

Report reference: C-030-2023-24

Date of Meeting: 04 December 2023



**Epping Forest
District Council**

Subject: Implementation of the Local Plan
Responsible Officer: Nigel Richardson (01992 564110)
Democratic Services: Vivienne Messenger (01992 564265)

Recommendations/Decisions Required:

- (1) That the progress of Strategic Masterplans and Concept Frameworks, including the use of Planning Performance Agreements and the progress of proposals at pre-application and application stage be noted (see Appendix A);**
- (2) That the Infrastructure Funding Statement 2022/2023 (see Appendix B) is agreed for online publication by 31 December 2023.**

Executive Summary

Following the October 2018 Cabinet meeting which agreed the governance arrangements for the implementation of the Local Plan, the Policy and Implementation Team made a commitment to provide members with regular updates on the progress of Masterplans and Concept Frameworks within Epping Forest District to ensure that members are kept fully up to date.

This report is prepared by the Policy and Implementation Team to provide members with an update on the progress of Local Plan implementation in relation to the Strategic Masterplans, Concept Framework Plans and Planning Performance Agreements (PPAs) within the District, including major projects and planning applications dealt with by the team.

Regarding Strategic Masterplans scheduled meetings and workshops continue to take place with site promoters and developers in accordance with project plans agreed within PPAs.

In addition, this report provides the annual Infrastructure Funding Statement (IFS). Appendix B sets out the proposed Infrastructure Funding Statement for the District for 2022/2023. The IFS applies to financial year 2022/2023 and sets out s106 legal agreements completed in that year, the types and values of contributions included in the agreements and the monies paid to the Council.

Reasons for Proposed Decision

To ensure that members are kept fully up to date on the progress of Masterplans and Concept Frameworks and other major proposals being promoted within the District.

To comply with the Council's general obligations as a local planning authority and the requirements set out in national planning guidance.

Every Local Authority is required to publish an Infrastructure Funding Statement ('IFS') by 31 December each year that sets out the amount of planning obligation expenditure where funds have been allocated.

National Planning Practice Guidance sets out that:

“Reporting on developer contributions helps local communities and developers see how contributions have been spent and understand what future funds will be spent on, ensuring a transparent and accountable system.”
Paragraph: 172, Reference ID: 25-172-20190901

The Council's Infrastructure Delivery Plan has identified the infrastructure projects that are required to deliver development in the District to 2033.

Other Options for Action:

Not to update members on the progress on the above issues would be contrary to the commitment made by the Implementation Team as noted in the 18 October 2018 Cabinet Report.

Not to publish the Infrastructure Funding Statement within the deadline would result in a failure to comply with the Community Infrastructure Levy Regulations.

Report:

Strategic Masterplans, Concept Frameworks and other allocated sites

1. The Adopted Epping Forest District Local Plan 2011-2033 promotes a joined up, collaborative and proactive approach to the planning and implementation of key strategic sites across Epping Forest District. The production of Masterplans and Concept Frameworks will ensure that development proposals are brought forward in accordance with the Council's priorities and policies and facilitate the delivery of necessary infrastructure.
2. Strategic Masterplans and Concept Frameworks provide an overarching framework to ensure that development is brought forward in a coordinated and coherent way in accordance with high quality place making principles. The planning applications which follow must demonstrate general conformity with an endorsed Masterplan or Concept Framework. As set out in the [18 October 2018 Cabinet Report](#), the Council's Cabinet has the authority to approve Draft Strategic Masterplans for consultation. Following the six-week consultation period, Strategic Masterplans will then be taken to Cabinet for formal endorsement as a material planning consideration. The process for Concept Frameworks is broadly similar, however owing to their smaller scale, these will only be taken to Cabinet once for formal endorsement.
3. As set out in paragraph 15 of the report to Cabinet on 18 October 2018 a commitment was made to provide members with regular updates on the progress of masterplans and

concept frameworks within Epping Forest District to ensure that members are kept fully informed of the progression of each plan.

Current progress on the masterplans

Harlow and Gilston Garden Town

4. EFDC officers continue to liaise with key stakeholders across the five Harlow and Gilston Garden Town (HGGT) authorities and relevant site promoters. This is undertaken in the context of wider Garden Town activities. Key updates in terms of the Garden Town are:
 - Inter Authority Agreement for a Joint Committee is due to be taken to a full Council meeting for consideration.
 - HGGT Draft Stewardship Charter has been developed and was subject to public consultation between 7th August 2023 and 1st October 2023.
 - Updated HGGT Infrastructure Delivery Plan was approved by HGGT Board in September and has been subject of a EFDC portfolio holder report for noting as technical evidence.
 - HGGT Strategic Economic Framework was approved by HGGT Board in September and has been subject of a EFDC portfolio holder report for noting as technical evidence.

Updates in relation to each of the HGGT masterplans:

Latton Priory

5. The Latton Priory Strategic Masterplanning Framework (SMF) is complete and was endorsed by EFDC Cabinet as an important material planning consideration on 10th July 2023.

[Latton Priory Strategic Masterplan - Epping Forest District Council \(eppingforestdc.gov.uk\)](https://eppingforestdc.gov.uk)

6. The main site promoters (Commercial Estates Projects Ltd and Hallam Land) are understood to be progressing development of an Outline Planning Application for the site
7. The authority-led Latton Priory Design Code project (funded by DLUHC Pathfinders programme) is being progressed and was approved for public consultation at the 18th September 2023 Cabinet. The public consultation is taking place for a 6 week period that concludes on the 11th December 2023. Subsequent to this it will be subject to post consultation amendments and targeted for Cabinet endorsement in early 2024.

Water Lane

8. The site promoters for the whole strategic allocation of Water Lane area have been re-engaged, following a period of paused work. The promoters have formed a consortium for the purposes of the PPA and it was signed in October 2023. A process of topic

based meetings and workshops has commenced including in addition officers from Harlow Council and Essex CC.

East of Harlow

9. In the current absence of a master developer for the East of Harlow masterplan area, HGGT partners developed design principles for the masterplan area in order to progress design and delivery thinking. These masterplanning principles have been set out within a draft Masterplanning Guidance Supplementary Planning Document (SPD). The SPD has been subject to public consultation which ran from 31 July to 16 October 2023. It is anticipated that following consideration of the consultation responses and further development of the SPD that it will be brought forward for endorsement in 2024.

[Project: East of Harlow SPD \(hgg.co.uk\)](http://hgg.co.uk)

10. EFDC and Harlow Council officers continue to meet with John Lawson Partnership (JLP) working on behalf of Princess Alexandra Hospital (PAH) to discuss the proposed hospital relocation element in the East of Harlow strategic site. It is understood that PAH are currently intending to submit a planning application for the project in 2024.

Updates in relation to each of the other masterplans:

North Weald Airfield masterplan

11. The North Weald Airfield Strategic Masterplanning Framework (SMF) is complete and was endorsed by EFDC Cabinet as an important material planning consideration on 13th March 2023.

[North Weald Airfield Strategic Masterplan - Epping Forest District Council \(eppingforestdc.gov.uk\)](http://eppingforestdc.gov.uk)

North Weald Bassett masterplan

12. The draft North Weald Bassett Strategic Masterplanning Framework has been produced by Vistry Group who are the site promotor of largest of the five sub-allocations that comprise the masterplanning area. The draft SMF was approved by Cabinet on 13/11/23 to proceed to public consultation. The public consultation will take place over a minimum of 8 weeks from mid-November and run through to January 2024.
13. Vistry Group are also at an advanced stage of developing a planning application for their site (NWB.R3 Land South of Vicarage Lane) and have undertaken a formal EIA Scoping process to establish the scope of the Environmental Impact Assessment that they are to undertake. This can be viewed online within the EFDC application portal under Reference: EPF/1323/23.

South Epping masterplan

14. EFDC and Essex County Council officers are engaged under the terms of a PPA with a consortium of site promoters to bring forward a Strategic Masterplanning Framework. A number of topic based meetings and design workshops have taken place with the site promoters who are in the process of developing proposals. A fixed programme for wider

stakeholder and public engagement has not yet been set but it is currently anticipated that this will take place in 2024.

Waltham Abbey North masterplan

15. Development of the Waltham Abbey North Strategic Masterplanning Framework had progressed during 2021 under the terms of a PPA. Informal public consultation was held with local residents and key stakeholders between mid-July and September 2021. Subsequent to the adoption of the Local Plan in March 2023 the site promoters have reengaged and recommenced development of their proposals. Meetings have recently taken place with Essex CC to discuss highway matters. We currently anticipate the receipt of a draft SMF for review by officers in late 2023. A fixed programme for wider stakeholder and public engagement has not yet been set but it is currently anticipated that this will take place in 2024.

Updates in relation to each of the concept framework plans:

South Nazeing

16. Discussions are underway with the site promoter representing the site on the agreement of a PPA. It is anticipated that site masterplanning work will commence shortly and a concept framework plan will be subject to consultation in 2024.
17. This engagement from the site promoter follows their earlier submission of a planning application (reference: EPF/2280/22) which was refused on 23/12/22. The lack of an endorsed Concept Framework was cited as one of the reasons for refusal.

West Ongar

18. Discussions are underway with the two site promoters representing the site on the agreement of a PPA. It is anticipated that site masterplanning work will commence shortly and a concept framework plan will be subject to consultation in 2024.

Other allocated sites

19. Alongside the Strategic Masterplan and Concept Framework Plan sites, work has been progressing on other sites allocation within Local Plan that are not strategic allocations but constitute major development in the District. As with the strategic sites, some of these proposed allocations are further advanced than others, but officers are encouraged by the progress which has been made to date and work continues to progress their delivery.

Infrastructure Funding Statement

20. Authorities are required to prepare Annual Infrastructure Funding Statements. Appendix B sets out the proposed Infrastructure Funding Statement for the District for 2022/2023. The Infrastructure Funding Statement (IFS) applies to financial year 2022/2023 and sets out s106 agreements completed in that year, the types and values of contributions included in the agreements and the monies paid to the Council. The IFS also sets out how the s106 income will be spent and prioritised over the plan period. The IFS does not consider the Community Infrastructure Levy as one has not been put into place in EFDC.

21. Subject to meeting the three tests set out in regulations charging authorities can use funds from S106 planning obligations to pay for the same piece of infrastructure regardless of how many obligations have already contributed towards an item of infrastructure. The tests that must be satisfied for obligations to be required in respect of development proposals must be:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
22. In line with recommended practice the Council has been monitoring data on section 106 planning obligations in line with the Government's data format. This data includes details of the development and site, what infrastructure is to be provided including any information on affordable housing, and any trigger points or deadlines for contributions. Local authorities should also record when developer contributions are received and when contributions have been spent or transferred to other parties.
23. The Council procured an online s106 tool known as Exacom that enables the administration, monitoring of current, historic S106 contributions and future contributions that the Council will be required to secure to deliver the infrastructure for the growth included in the emerging Local Plan.
24. In line with the Infrastructure Delivery Plan the Council will be seeking a broader range of developer contributions in order to deliver the growth identified in the emerging local plan.
25. For larger developments the use of S106 agreements will extend to strategic infrastructure such as new schools; primary healthcare; and strategic highway and transportation improvements if they are needed as part of the development.
26. The Council has produced guidance, Delivery Infrastructure in the District: Developer Contributions Strategy on the approach to seeking developer contributions that provides a framework for the consideration of proposals to ensure that the appropriate infrastructure is realised in accordance with the policies in the Local Plan. It also set out how s106 contributions will be managed and monitored.
27. The Council will be putting in place a s106 funding grant scheme to allocate s106 monies for local community facility mitigation when it can be used for that purpose. This will be open to all community-based organisations that operate on a not-for-profit basis in Epping Forest District. The application process will be designed to capture all the information required to enable a fair and considered assessment. It is important to note that S106 monies may therefore only be spent on facilities where the new development has, at least in part, contributed to the need for the facilities. S106 funding is available for capital projects only. Revenue funding towards on-going running costs is not available.
28. The District Council is the accountable body for the spending of S106 monies and therefore must ensure that:

- The funding is spent on facilities that can be demonstrated to be required because of the new development taking place
- The process is transparent and fair to all
- Projects supported are necessary, viable, will deliver the required social and community benefits, and will be well managed.

Resource Implications:

As set out in the 18 October 2018 Cabinet Report, the successful delivery of the Garden Town and the other strategic sites within Epping Forest District will require considerable commitment of officer time from EFDC. The noting of the contents of this report do not give rise to additional resource implications.

Legal and Governance Implications:

The work on the Local Plan and Strategic Masterplans has been developed in accordance with Government policy (NPPF and NPPG) and Planning Law.

Safer, Cleaner, and Greener Implications:

The Local Plan contains a policy designed to promote the notion of making good places to live, work and visit. This will include safer by design principles, sustainable development, the provision of alternatives to the car, energy efficiency and environmental considerations as well as sustainable drainage systems and quality green infrastructure. Strategic Masterplans and Concept Framework Plans will be the mechanism for these place-making measures to be delivered in identified Masterplan Areas.

Consultation Undertaken:

Some of the Strategic sites have been the subject of informal public consultation and engagement. However as set out in the Council's Masterplan and Concept Framework Plan Briefing note, these sites will be subject to public and stakeholder consultation in accordance with an endorsed Statement of Community Involvement.

Background Papers:

C-015-2018/19: Governance arrangements for Local Plan Implementation, 18 October 2018

Risk Management:

If the Council was not to take a pro-active stance on the delivery of Masterplans and major applications arising from the Local Plan, there is a real risk of development occurring of a type that does not extract maximum value for the provision of social infrastructure and poor quality development may occur.