

# **Report to Neighbourhood Select Committee**

**Date of meeting: 21 March 2016**

**Subject: Update Local Plan**

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**Committee Secretary:** A Hendry ext 4246

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## **Recommendations/Decisions Required:**

### **To note the update on the Local Plan**

#### **Report:**

1. The formal 6 week Regulation 18 consultation on the Draft Local Plan finished on 12 December 2016. Since the Council decision to consult on the Draft Local Plan on 18 October 2016, Draft Local Plan policies are being treated as a material planning consideration when determining planning applications. The Planning Policy Team has provided a guidance note to officers in Development Management to ensure consistency of approach and this is available on the Council's website.
2. The report to Cabinet on 9 March 2017 sets out the initial high level findings from the consultation. Appendix A of the report prepared by Remarkable summarises the key points that have been noted from the analysis of the questionnaire responses which represent about half of the total responses received to the consultation. Appendix B provides a summary of responses from National Bodies, Town and Parish Councils and Local Planning Authorities. Further work is currently being undertaken to fully analyse all of the responses received, including the 'written verbatim' responses received either as part of the free text in the questionnaire, or as a standalone report, letter or email. Part of this work will be reviewing the responses to the consultation received from site promoters, landowners and developers. Most of these are from those promoting sites for inclusion within the Local Plan. The issues raised by them will be considered in further detail to inform further site selection work and the pre Submission Plan.
3. The Council has set up Developer Forums to engage with promoters of those sites which are being proposed for allocation within the Draft Local Plan in order to provide a basis for the long term planning and implementation of sites proposed for allocation (see below). It is vitally important that the Council liaises closely on an ongoing basis with relevant landowners and promoters of sites proposed for allocation within the Draft Plan, and other stakeholders as required, in order to demonstrate that the Local Plan will be 'effective' and therefore can be found to be 'sound' in due course at Examination-in-Public. Importantly, it will also help to ensure that a joined up and 'frontloaded' approach is taken to the masterplanning, design, phasing and delivery of sites proposed for allocation, as well as ensuring that Council resources are used in the most effective way possible.
4. A further detailed report will be provided to Cabinet following the conclusion of the analysis of all responses received. The Council will also be making all responses available for public inspection as soon as possible following the completion of the analysis. Further details in relation to arrangements for inspecting consultation responses will be made available in due course. The team will be considering the details of all the representations to determine whether or not changes to the Draft Local Plan are required or additional evidence is needed

to inform the preparation of the Pre-submission (Regulation 19) Plan. Should the sites proposed for allocation as part of the emerging Local Plan change, the membership of the Development Forums will need to change accordingly.

### **Next steps for the preparation of the Pre Submission Plan**

5. Following consideration and further analysis of the comments received in response to the Draft Local Plan consultation, the next stage will be to prepare a plan for publication and to publish it under Regulation 19. This will be the document that the Council considers is ready for examination. The Publication Plan must be published together with other “proposed submission documents”, for a six-week period to seek stakeholder representations as to the soundness and legal compliance of the Plan before it can be submitted to the Planning Inspectorate for examination. However, should any significant alterations be made to the strategy and approach set out within the Draft Local Plan, the Council may first be required to undertake additional consultation under the Regulation 18 stage.

6. A new project plan has been developed to programme the work for the Planning Policy Team, other Council specialists and consultants working on the plan up until the Regulation 19 publication. This has taken into account the analysis so far undertaken on comments to the Draft Local Plan and has been used to develop a new timeline for the work.

7. The key issues in managing the programme relate to resources, the ability of external organisations such as Essex County Council in providing timely inputs into plan preparation largely outside our control and the interconnectivity of the various workstreams. The importance of maintaining a full team of appropriately skilled and effective officers and consultants cannot be underestimated and there have been resource concerns with staff leaving/going on maternity leave. In addition the avoidance of diversion of resource to other tasks is a key concern yet matters such as neighbourhood plan advice, development monitoring and assistance do need to be provided. The key workstreams are:

- Update of employment land review to feed into the further site selection work
- Transport modelling
- Local plan viability work
- Joint work to update the employment need within the Functional Economic Market Area and the District to inform the work on site selection
- Sustainability Appraisal and Habitat Regulations Assessment
- Retail evidence to assess the impact of recent developments outside of the District (including at Chelmsford and Westfield)
- Site Selection work taking account of new sites submitted and comments received
- Further work on the Infrastructure Delivery Plan
- Open Space Study, Indoor Sports and Playing Pitch Strategy
- Working with site promoters on proposed allocations
- Coordinating work with the Garden Town project

### **Developer Forum**

8. A Developer Forum has been established alongside the progression of the Draft Local Plan to provide a basis for ongoing discussions with relevant landowners, site promoters and stakeholders. It is important that the Council liaises closely on an ongoing basis with relevant landowners and promoters of the sites proposed for allocation within the Draft Local Plan, and with other stakeholders as required in order to:

- i. Demonstrate that the Local Plan is ‘effective’ and that the allocations in the Local Plan will be viable and deliverable, and therefore meet the ‘tests of soundness’ at Examination in Public; and

- ii. Ensure that a joined up and 'frontloaded' approach is taken to the planning and delivery of the development of sites proposed for allocation and associated infrastructure, including promoting joint working for sites in multiple ownership, or adjacent allocations.

9. The Developer Forum is split into two groups, one to address the Strategic Sites around Harlow, and the other to consider those that are subject to a draft allocation across the rest of Epping Forest District. Two rounds of meetings have been held to date. The areas discussed are summarised as below:

#### Developer Forum – 2 December 2016

10. An introduction to the Draft Local Plan was provided, including the consultation period (which was still open at this point). Particular attention was drawn to Draft Policies SP 3 and SP 4, and the proposed requirement for allocations in the Local Plan to be supported by Strategic Masterplans in appropriate circumstances. A discussion was held in relation to the importance of ensuring a joined up and collaborative approach to the planning and delivery of sites through Masterplans (where appropriate) and quality review, as well as the need to consider how to ensure effective use of resources and processes through the use of Planning Performance Agreements.

11. An overview of the preparation of the further evidence required to support the progress of the Local Plan to Pre-Submission and further to Submission to the Planning Inspectorate was provided. This also included an update on cross boundary strategic working across the Housing Market Area, and that which is addressed by the Cooperation for Sustainable Development Officer/Member groups.

12. Finally, the draft Terms of Reference were presented with an opportunity for discussion. Subsequent to the meeting those in attendance were provided with a further opportunity to comment.

#### Developer Forum – 24 February 2017

13. The Terms of Reference set out that meetings will be held at least quarterly. This second round of meetings agreed the final version of the Terms of Reference, which are attached to this report.

14. An update was provided on the Garden Town Programme, and the award of funding to EFDC, Harlow Council and East Herts District Council to deliver the growth required.

15. Officers provided an update on the initial analysis of responses to the Draft Local Plan consultation period (see subsequent Cabinet Report 9 March 2017), followed by an update on further evidence base work that is currently underway. This included an overview of the Employment Land Review, Site Selection work, Transport Modelling and preparation of the Infrastructure Delivery Plan. An overview of the proposed timetable for the further preparation of the Local Plan was provided, in addition to an update on the Memoranda of Understanding.

16. Officers from Harlow and East Herts District Councils were present to provide updates on their current positions to the group addressing the Strategic Sites around Harlow. Harlow Council have made clear they are currently reviewing the current objections held to the inclusion of sites to the south and west of Harlow, within Epping Forest District, in the Epping Forest District Draft Local Plan. East Herts District Council intend to submit their Plan for Examination on 31 March 2017.

17. A discussion was held in relation to the potential mechanisms that may be established to ensure the timely and effective implementation of the allocations contained within the Local Plan in due course (subject to the progression of the Local Plan and any changes that may occur). Draft Policies SP 3 and SP 4 identify a requirement for Strategic Masterplans. It is considered that early Planning Performance Agreements could provide an appropriate

mechanism to manage the resources required to implement this work. The Strategic Masterplans are highly likely to be heavily influenced by the need for infrastructure provision, and as such will be interlinked to the preparation of the Infrastructure Delivery Plan. Further consideration is now to be given to the sites that will be required to deliver a Strategic Masterplan, the scope and nature of the Masterplan process, and the scope and nature of Planning Performance Agreements. For Strategic Sites that are proposed for allocation around Harlow there is a need to consider and define how the processes of the Developer Forum will relate to the work associated with the Garden Town (see below). The need to ensure close working with East Herts and Harlow through the Developer Forum was acknowledged by all.

18. A further brief discussion was held on the recently published Housing White Paper.

### **Revised timetable for the Local Plan**

19. The Localism Act 2011 amended the provisions set out in the Planning & Compulsory Purchase Act 2004. However, S111 maintains the requirement that a local authority must prepare and maintain a scheme to be known as their Local Development Scheme. The scheme should specify the local development documents which are to be development plan documents, the subject matter and geographical area for each development plan document, and the timetable for them. Essentially the Local Development Scheme (LDS) lists and programmes the documents that will be produced by a Local Authority. Although there is no longer a requirement for this to be submitted to the Secretary of State, new provisions in the Act state that the local planning authority must make the following available to the public:

- the up to date text of the scheme;
- a copy of any amendments made to the scheme; and
- up to date information showing the state of the authority's compliance with the timetable set out in the scheme.

20. The last Local Development Scheme was formally adopted by the Council in July 2016. This set out the proposed programme for the preparation of a single document – the Epping Forest District Local Plan which will provide a framework for the future development of the District for the period up to 2033. The Plan will contain the strategic vision and policies, site allocations and development management policies. There is no longer a requirement for the Local Development Scheme to list any proposed supplementary planning documents or the statement of community involvement.

21. A revised Local Development Scheme was considered by the Cabinet on 9 March 2017 with the preparation of the single district wide local plan scheduled for submission to the Secretary of State for potential examination, in May 2018.

### **Neighbourhood Plans:**

22. Planning Policy are currently reviewing the resources available to support Neighbourhood Planning. Whilst this review is underway the website is being updated to reflect the most recent changes to regulations around Neighbourhood Planning. A revised note of the support currently available from external sources is provided, in addition to a named contact within the Planning Policy team for enquiries.

23. Designation of the whole of the North Weald Bassett Parish Area as a Neighbourhood Area has been implemented. This now takes in the area previously excluded by Epping Forest District Council forming part of the strategic proposals south of Harlow and west of the M11. The action follows an application by the Parish Council resulting from a change in the Neighbourhood Planning (general) and Development Management Procedure Order Regulations 2016 wherein designation of a neighbourhood area covering a whole parish is effectively made automatic – removing the ability of Councils to modify neighbourhood areas. There has been no change to the Basic Condition that the Neighbourhood Plan must be in

general conformity with the strategic policies of the development plan for the area.

### **Housing White Paper**

24. The Government published the Housing White Paper '*Fixing Our Broken Housing Market*' on 7 February 2017. This sets out a broad range of reforms that Government plans to introduce to help reform the housing market and increase the supply of new homes. The White Paper includes proposals which may, in time, impact upon the production of Local Plans. However, in many cases the Government has committed to consulting on proposals prior to implementing specific changes to National Planning Policy or Regulations. The proposals in the Housing White Paper are not considered to materially impact upon the proposed modifications to the Local Plan at the current time.

25. Many of the changes involve amendments to the National Planning Policy Framework. The Government intends to publish a revised Framework later this year which will consolidate the outcome from previous and current consultations and will incorporate changes to reflect changes made to national policy through Written Ministerial Statements since March 2012.

26. The White Paper sets out consultation questions where new proposals are being made – please see separate report to Neighbourhoods Select Committee which sets out the proposed response from this Council.

### **Garden Town Funding**

27. The Council was successful (together with East Herts and Harlow Councils) in securing £500,000 Garden Towns funding from DCLG for the Harlow and Gilston Garden Town to support the delivery of strategic sites in and around Harlow. This includes the four strategic sites to the South, West and East of Harlow in this District. A joint delivery team is being established with EFDC as the lead authority and the post of Project Director is currently being recruited.

### **Community Housing Fund**

28. The Council has also been allocated funding by DCLG to support community led housing developments. The total sum allocated is £32,211 with 50% paid for 2016/17 and a further tranche available subject to satisfactory evidence that the money is being spent in accordance with the objectives. Officers are working with colleagues from East Herts and Uttlesford District Councils, with the support of ATLAS, to collaborate on the use of the funds received across.

**Reason for decision:** not applicable

**Options considered and rejected:** not applicable

**Consultation undertaken:**

**Resource implications:** the preparation of the Local Plan is being prepared using existing Planning Policy Staff and consultants as per the Local Plan budget reported to Cabinet in December 2016

Budget provision: Local Plan Budget

Personnel: Planning Policy Team

Land: N/A

Community Plan/BVPP reference: NA

Relevant statutory powers: NA

Background papers: Cabinet report 9 March 2017

Environmental/Human Rights Act/Crime and Disorder Act Implications: The Draft Local Plan has been subject to an Interim Sustainability Appraisal and further Sustainability Appraisal and Habitats Regulation Assessment will be undertaken prior to the publication of the Regulation 19 Plan.

Key Decision reference: (if required)

# Due Regard Record

This page shows **which groups of people are affected** by the subject of this report. It sets out **how they are affected** and how any **discrimination** they experience can be eliminated. It also includes information about how **access to the service(s)** subject to this report can be improved for the different groups of people; and how they can be assisted to **understand each other better** as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

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There are no Equality Impact issues arising from this update on the preparation of the Local Plan. The Local Plan itself will be subject to a full Equality Impact Assessment in due course.

# **Epping Forest District Council Local Plan Developer Forum**

## **Terms of Reference**

### **1. Context:**

1.1. The Epping Forest District Draft Local Plan identifies four Strategic Allocations around Harlow, and a number of smaller allocations on sites dispersed across the District in order to meet the development needs of the District up until 2033. Draft Policies SP 2 (Spatial Development Strategy 2011-2033), SP 3 (Strategic Allocations around Harlow) and Policies P 1 – P 12 within Chapter 5 of the Plan identify the allocations. In addition, Draft Policy SP 4 (Place Shaping) provides place shaping principles that future proposals for development within the allocations must adhere to. Appendix A provides further details of the policy context.

### **2. Scope and Purpose:**

2.1. A Developer Forum is being established alongside the progression of the Local Plan, to provide a basis for ongoing discussions with relevant landowners, site promoters and stakeholders. The Developer Forum will provide a basis for the long term planning and implementation of sites identified for allocation.

2.2. It is vitally important that the Council liaises closely on an ongoing basis with relevant landowners and promoters of the sites proposed for allocation within the Draft Plan, and with other stakeholders as required, in order to:

2.2.1. Demonstrate that the Local Plan is 'effective' and that the allocations in the Local Plan will be deliverable and developable, and therefore meet the 'tests of soundness' at Examination-in-Public; and

2.2.2. Ensure that a joined up and 'frontloaded' approach is taken to the masterplanning, design, phasing and delivery of development of sites proposed for allocation and all necessary and associated infrastructure is accommodated within the phasing and infrastructure inputs to the masterplanning, including promoting joint working for sites in multiple ownership, or adjacent allocations.

2.3. The EFDC Local Plan Developer Forum will:

2.3.1. Disseminate progress with the Local Plan and provide a forum for discussion on the implications for sites proposed for allocation;

2.3.2. Provide a basis to produce and agree Statements of Common Ground and / or Memoranda of Understanding to help demonstrate the deliverability of the Local Plan at Examination-in-Public;

- 2.3.3. Promote the adoption and implementation of the Place Shaping principles outlined in Draft Policy SP 4, and other policy requirements of the Plan, by all site promoters;
  - 2.3.4. Provide an overview of progress and programming of Strategic Masterplans;
  - 2.3.5. Provide a basis for the consideration and consistent implementation of corporate approaches to EFDC responsibilities in relation to future development aligned with the Draft Local Plan. For example, this could include confirmation of future arrangements for the management, maintenance and adoption of open spaces and Sustainable Urban Drainage Systems, or EFDC approaches to the delivery of affordable housing and working with Registered Social Landlords.
  - 2.3.6. Ensure that EFDC resources are utilised effectively;
  - 2.3.7. Provide a basis for the consideration and consistent implementation of utilities and statutory providers' approaches. For example, this could include confirmation regarding the education provision, and masterplanning considerations in conjunction with the Local Education Authority and the Education Funding Agency, or NHS/CCG/Health & Wellbeing Board requirement for facilities and/or revenue funding;
  - 2.3.8. Provide a forum for the incorporation of community and stakeholder views, aspirations and input as appropriate;
  - 2.3.9. Further inform the production of the Viability Study and Infrastructure Delivery Plan as required; and
  - 2.3.10. Inform the Local Plan housing delivery trajectory, and help the Council to ensure an adequate supply of housing land at all phases of the Local Plan period.
- 2.4. The Forum does not provide an additional way of making comments on the merits of the Draft Plan itself. Rather the Forum provides part of EFDC's project management arrangements for preparing, and ultimately implementing, the Local Plan.
- 2.5. The Developer Forum does not preclude discussions in relation to individual sites with the Council or other relevant organisations, but rather provides a basis for the coordination and management of Strategic Masterplans and planning proposals associated with sites proposed for allocation within the Local Plan. The Council will seek to agree Planning Performance Agreements to provide a basis for the consideration of planning applications on sites where possible.

### **3. EFDC Local Plan Developer Forum Structure:**

- 3.1. The Developer Forum will include two separate but interrelated elements:

## **1. EFDC Local Plan Developer Forum – Strategic Sites around Harlow**

- This will provide a forum to discuss the progress of the Local Plan in relation to the Strategic Sites around Harlow associated with Draft Policy SP 3.

## **2. EFDC Local Plan Developer Forum – Other Sites**

- This will provide a forum to discuss the progress of the Local Plan in relation to sites identified for allocation through Draft Policy P 1 – P 12.

3.2. It is anticipated that the Developer Forum will evolve over time, and that sub-groups will be established and progressed in due course to consider specific areas, themes or topics as required.

## **4. Membership:**

### **1. EFDC Local Plan Developer Forum – Strategic Sites around Harlow**

4.1. Core membership (to be invited to all meetings):

- 4.1.1. Promoters / landowners / planning agents of strategic sites around Harlow identified within Draft Policy SP 3 of the Draft Local Plan
- 4.1.2. EFDC Officers – including Planning Policy, Development Management, Conservation, Housing, Environmental Health and others as required
- 4.1.3. Essex County Council Officers – including Planning, Transport, Education and others as required
- 4.1.4. Harlow District Council Officers
- 4.1.5. East Herts District Council Officers

4.2. Other members, to be invited to attend as appropriate and required:

- 4.2.1. Infrastructure providers and other statutory agencies
- 4.2.2. Relevant EFDC Councillors
- 4.2.3. Relevant Parish and Town Councils
- 4.2.4. Relevant Community Groups and Organisations
- 4.2.5. ATLAS representative – HCA Advisory Team for Large Applications

### **2. EFDC Local Plan Developer Forum – Other Sites**

4.3. Core membership (to be invited to all meetings):

- 4.3.1. Promoters / landowners / planning agents of sites identified within Draft Policies P 1 – P 12 of the Draft Local Plan
- 4.3.2. EFDC Officers – including Planning Policy, Development Management, Conservation, Housing, Environmental Health and others as required
- 4.3.3. Essex County Council Officers – including Planning, Transport, Education and others as required

4.4. Other members, to be invited to attend as appropriate and required:

- 4.4.1. Infrastructure providers and other statutory agencies

- 4.4.2. Relevant EFDC Councillors
- 4.4.3. Relevant Parish and Town Councils
- 4.4.4. Relevant Community Groups and Organisations

## **5. Meeting arrangements:**

- 5.1. The meetings will be chaired by the EFDC Planning Policy Manager.
- 5.2. Meeting attendance will be by invitation, and will vary depending upon the agenda and scope of discussion.
- 5.3. Meetings will be held at EFDC offices.
- 5.4. EFDC will provide the secretariat for the meetings, preparing draft and final agenda, arranging room bookings, and issuing draft and final minutes.
- 5.5. Draft agendas will be issued 10 working days before the next meeting, and all attendees will be invited to comment.
- 5.6. Final agendas will be circulated at least 5 working days in advance of the proposed meetings.
- 5.7. Meetings will be held at least quarterly, and will be expected to last no more than 2 hours. Subsequent meetings may be arranged, as necessary.
- 5.8. Notes of meetings will be cover key discussions and actions arising, and points will not be attributed to individuals. Notes will be circulated to attendees of the Developer Forum only, with summary reports to EFDC Management Board, the Local Plan Officer Working Group and Neighbourhoods Select Committee. Any requests for full disclosure of notes under Freedom of Information or other relevant legislation will be considered against the requirements in place at the time. No financial or commercially sensitive information will be disclosed.
- 5.9. Thematic or topic meetings will be arranged, as necessary on a 'task-and-finish' basis, as instructed by the Local Plan Developer Forum.

## **Appendix A**

### **Epping Forest District Draft Local Plan (October 2016) EXTRACTS**

**Draft Policy SP 3 (Strategic Allocations around Harlow)** states that:

*E In order to front-load the planning process and ensure that a comprehensive, joined up and cohesive approach is taken to the planning and delivery of high quality development and associated infrastructure, development proposals in relation to sites SP 3.1-3.4 will be required to be in accordance with a Strategic Masterplan which has been adopted by the Council. The Strategic Masterplan(s) will be produced by the applicant, in partnership with the Council and relevant stakeholders (including adjacent land owners, relevant parish / town councils, infrastructure providers and statutory consultees) and where relevant jointly with Harlow District Council. Strategic Masterplans should be prepared in consultation with the local community, and be capable of being adopted by the Council in due course as Supplementary Planning Documents. For sites in close proximity, joint Strategic Masterplans will be required.*

*F Development proposals for the Strategic Allocations (and where applicable Strategic Masterplans) must reflect and demonstrate that the place shaping principles set out in Policy SP 4 have been adhered to.*

**Draft Policy SP 4 (Place Shaping)** states that:

*Development proposals for allocations in the Local Plan (as identified in Policy SP 3 and Chapter 5) and where applicable Strategic Masterplans must reflect and demonstrate that the following place shaping principles will be adhered to:*

- i. strong vision, leadership and community engagement;*
- ii. provide for the long-term stewardship of assets;*
- iii. provide mixed-tenure homes and housing types that are genuinely affordable for everyone;*
- iv. ensure a robust range of employment opportunities with a variety of jobs within easy commuting distance of homes;*
- v. provide high quality and imaginatively designed homes with gardens or access to usable and accessible amenity space, combining the very best of town and country living to create healthy homes in vibrant communities;*
- vi. generous, well connected and biodiversity rich green space provision;*
- vii. extend, enhance and reinforce strategic green infrastructure and public open space;*
- viii. ensure that development enhances the natural environment;*
- ix. deliver strong local cultural, recreational, social (including health and educational where required) and shopping facilities in walkable neighbourhoods;*

- x. positive integration and connection with adjacent rural and urban communities including contribution to the revitalisation of existing neighbourhoods;*
- xi. ability to maintain and enhance the important features, character and assets of existing settlements;*
- xii. conserve and positively enhance key landscapes, habitats and biodiversity;*
- xiii. provide for sustainable movement and access to local and strategic destinations (including rail, bus and pedestrians/cycling); and*
- xiv. positively respond to sustainable water management.*

**Draft Policies P 1 – P 12** all require that *proposals for residential development will be expected to comply with the place shaping principles identified in Policy SP 4.*