

Report to the Cabinet

Report reference: C-066-2020/21

Date of Meeting: 11 March 2021



**Epping Forest
District Council**

Portfolio: Planning and Sustainability – Cllr. N Bedford

Subject: Implementation of the Local Plan: Update on progress

Responsible Officer: Alison Blom-Cooper (01992 564066)

Democratic Services: Adrian Hendry (01992 564246)

Recommendations/Decisions Required:

That the progress of Masterplans and Concept Frameworks, including the use of Planning Performance Agreements and the progress of other proposals at pre-application and application stage be noted (see Appendices A - D);

Executive Summary

Following the October 2018 Cabinet meeting which agreed the governance arrangements for the implementation of the Local Plan, the 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 provides members with an update on the progress of Strategic Masterplans, Concept Frameworks and Planning Performance Agreements (PPAs) within the District, including major projects and planning applications dealt with by the team. Scheduled meetings and workshops are taking place with site promoters and developers in accordance with project plans agreed within PPAs, albeit virtually. Project programmes are being adjusted where necessary to account for the COVID-19 pandemic, in particular community engagement arrangements.

Following endorsement of the Infrastructure Funding Statement (IFS) by Cabinet on 19th October 2020, the document has been submitted to Ministry of Housing Communities and Local Government and published on the EFDC website. This fulfils the Council's requirement to publish an annual infrastructure funding statement by 31 December each year. The first statement covers the period 1 April 2019 to 31 March 2020 and sets out the projects which the authority intends to be funded and details of how much has been collected, how much is spent, what it is spent on. This is to provide information to communities to enable a better understanding of how developer contributions have been used to deliver infrastructure.

The Council has adopted the Interim Air Pollution Mitigation Strategy. Following consultation on the draft strategy approved by Cabinet on 20 July 2020, Natural England has now confirmed that if the measures identified in the Interim Air Pollution Mitigation Strategy are secured through appropriate policy wording within the emerging Local Plan to provide the necessary link between the Habitat Regulations Assessment and the mitigation they

consider that it could provide a sound strategy for the purposes of avoiding and mitigating air quality impacts on Epping Forest SAC that result from plan led development. The Council will be proposing Main Modifications to Policies DM 2 and DM 22 to the Inspector to address this matter and will be finalising the HRA to take account of the latest evidence. Pending the adoption of the Local Plan the Council can adopt the strategy to support the Local Plan HRA process and facilitate the determination of planning applications which have the potential to have an adverse effect on the integrity of the Epping Forest SAC in relation to atmospheric pollution without mitigation.

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.

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.

Report:

Strategic Masterplans, Concept Frameworks and other allocated sites

1. [The Local Plan Submission Version 2017](#) (LPSV) 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 Local Plan Cabinet Committee (LPCC) has the authority to approve Draft Strategic Masterplans and Concept Frameworks 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 LPCC 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

Garden Town masterplans

4. EFDC officers are liaising with key stakeholders across the 5 Garden Town authorities and relevant site promoters. EFDC and Harlow District Council (HDC) are meeting regularly with John Lawson Partnership (JLP) working on behalf of Princess Alexandra Hospital (PAH) to discuss the masterplanning proposals. As part of the project programme set out in the PPA, topic based workshop meetings have been held with PAH, the Garden Town authority partners and key stakeholders to discuss technical matters. The initial proposals for the hospital redevelopment were also been reviewed by the HGGT Quality Review Panel on 4 December 2020. These discussions are to first inform the preparation of a joint position statement between PAH and the Garden Town authority partners that is required to support the submission of the outline business case (OBC) that Public Health England will need to make to the Treasury. The first draft of the position statement was circulated to EFDC and Harlow Officers prior to the Christmas break for comments.
5. Officers are reviewing the signed PPA for Latton Priory which will be updated to incorporate the next phase of meetings to discuss the sustainable transport corridor (STC) and Suitable Alternative Natural Green Space (SANG) provision, in addition to masterplanning/design, landscape, sustainability, housing mix etc. Meetings have been held with the site promoters/agent for Water Lane in February to discuss SANG and STC matters as well as agree the proposed work programme for developing the masterplans. A workshop to discuss the form and design of the STC through Water Lane is being set up and Officers are liaising with Garden Town Partners on the potential for open space provision outside the masterplan area and the implications of STC routing on the masterplan framework and land assembly.
6. Following consultation on the draft Green Infrastructure Strategy, the proposed Green Infrastructure Strategy will be reported to the Stronger Place Select Committee on 29 March and to the April meeting of Cabinet. This will inform, among other matters, the provision of Suitable Alternative Natural Green Space (SANG) in the Garden Town masterplan areas. The Garden Transport Strategy is nearing completion with a focus on the south to centre Sustainable Transport (STC) link (between Harlow town centre and the Latton Priory Masterplan Area). This work will in turn facilitate negotiations between the Garden Town partner authorities and site promoters/developers in respect of the detailed masterplans. ECC has been involved in these discussions and EFDC continues to liaise closely with them on key matters.
7. The Implementation Team has been proactively engaging with relevant site promoters to progress the other Strategic Masterplan and Concept Frameworks in the District. Some strategic sites are more advanced than others, but good progress has been made bearing in mind the impacts of Covid which meant that many site promoters/developers furloughed staff for a period last year.

Waltham Abbey masterplan

8. A Planning Performance Agreement has been signed by the Waltham Abbey site promoters/developers, EFDC and Essex CC. Regular meetings are being held to discuss the masterplan. The initial proposals will be reviewed by the Council's Quality Review Panel.

North Weald Bassett masterplans

9. Officers are discussing the project programme with site promoters for North Weald Bassett with the intention of commencing topic based meetings and masterplanning discussions shortly. The Implementation Team has also been engaged in discussions with the Council's consultants in respect of the North Weald Airfield masterplan as they prepare initial draft options. Soundings on behalf of the Council as landowner has undertaken consultation in November/December 2020 and early this year. Officers await the feedback from the consultation and will be working with the Council's consultants to develop the masterplan options.

South Epping masterplan

10. EFDC officers met with the site promoters for the South Epping masterplan area in September to discuss the Inspector's concerns regarding the proposed level of housing on the site. The subsequent technical evidence prepared by their consultants has been reviewed and was used to inform the preparation of a position statement that has fed into the proposed Main Modifications for the emerging Local Plan. The Council are still awaiting comments from the Local Plan Inspector.
11. Discussions on the two Concept Frameworks are still at an early stage in the process.

Other allocated sites

12. Alongside the Strategic Masterplan and Concept Framework sites, work has been progressing on other sites proposed for allocation within the emerging 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 in accordance with the Housing Trajectory of the Local Plan.
13. The development proposals for the five Epping town centre sites (St John's, Cottis Lane, Bakers Lane, Civic Centre, Hemnall Street) that Qualis are promoting are the subject of a Planning Performance Agreement and regular meetings have been held between Qualis and planning officers to discuss the development proposals coming forward across the town. Two planning applications were submitted for commercial development proposals on the Bakers Lane and Cottis Lane sites in December 2020 and public consultation was open until the end of January 2021.

14. The revised planning application for the Next development proposals on land at Dowding Way was referred to the District Development Management Committee on 21 December 2020. This has now been referred to Full Council for determination. Ahead of the committee, the Council had negotiated the removal of the Highways England holding objection and undertook an additional piece of transport modelling work to demonstrate that the proposed right-hand turn ban from Honey Land East into Forest Side would not have a detrimental impact on air quality in the Epping Forest Special Area of Conservation. The proposed mitigation measures were endorsed by Highways England and Natural England.

Quality Review Panel

15. The EFDC/HGGT Quality Review Panel (QRP) was established in April 2018 to support innovative, sustainable, high quality placemaking that will meet the needs and consider the future demands of the District, and communities at the Harlow and Gilston Garden Town. Up to February 2021 The QRP has undertaken a total of 58 reviews. The Council has recently renewed the contract for Frame Projects as external managers of the QRP for a further two years until November 2022, at nil cost to the Council as running costs are recouped through review fees.
16. The QRP's terms of reference is updated annually, and the latest terms of reference for both the EFDC panel and HGGT panel can be seen on the Council's website: <https://www.eppingforestdc.gov.uk/planning-and-building/planning-policy/quality-review-panel/>. The QRP panel chair is Peter Maxwell, Director of Design at London Legacy Development Corporation (LLDC).
17. The QRP has been recently refreshed to help promote good growth, with further panel members appointed to broaden the range of expertise that the panel provides, and to bring a mix of skills and diversity to the panel. Further panel members were sought in specialisms key to the District and Garden Town such as: sustainability and low carbon design; landscape and ecology; inclusive design, and; architecture and urban design. The panel's diversity in terms of gender, ethnicity, age and expertise has also been strengthened.
18. The QRPs reports remain confidential at pre-application stage. Their reports are utilised by applicants and officers to progress design and quality discussions. Reports at application stage are published on the Council's website at the above link, once applications or strategies are in the public domain. Public QRP reports are also appended to Officer Planning Reports and Cabinet reports to support decision-making.
19. Appendix A provides an update on the progress of the Masterplans and Concept Frameworks; Appendix B provides an update on the progress of each of the strategic and other allocated sites and Appendix C provides information on other proposals on non allocated sites over 0.2 hectares in size or more than 6 dwellings. Appendix D provides information on the schemes reviewed by the Quality Review Panel.

Interim Air Pollution Mitigation Strategy

20. As previously reported the Council has continued to work actively to resolve the current situation that has restricted housing and economic development coming forward in the District since June 2018. Following the report to Cabinet on 20 July 2020 setting out the Approach to Managing the Effects of Air Pollution and the potential mitigation measures and consultation with Natural England and the Conservators of Epping Forest. Natural England advised on 10 December that the strategy contained measures that would manage and mitigate the effects of new development on the Epping Forest SAC in relation to air quality if the measures identified in the Interim Air Pollution Mitigation Strategy are secured through appropriate policy wording within the emerging Local Plan. This will provide the necessary link with the Habitat Regulations Assessment. The Interim Air Pollution Mitigation Strategy has now been adopted by the Council. As agreed by Full Council on 8 February 2021 the Council hereby declares that:
- (i) it will determine planning applications only on the basis of the law, including the National Planning Policy Framework (NPPF) and other National Planning Guidance, the 1998 Local Plan, and the latest iteration of the new Local Plan;
 - (ii) that the Cabinet Member for Planning and Sustainability will form a cross party Portfolio Holder Advisory Group in no more than 1 month from the date of this resolution; and
 - (iii) the Group is formed to support the Portfolio Holder in the delivery of the Interim Air Pollution Mitigation Strategy and provide oversight of the work of the Technical Stakeholder Group. This could include working with officers to identify where further initiatives not identified in the APMS could be brought forward to advance Air Quality Improvements with the objective of removing the need to introduce a Clean Air Zone (CAZ). Alongside the acceleration and enhancement of mitigation measures the Portfolio Holder Advisory Group will provide democratic oversight of the development of any CAZ scheme prior to its consideration through the Council's formal decision-making processes and public consultation on it in the event that future air quality monitoring and modelling continues to demonstrate that, even after the acceleration and enhancement mitigation measures, a CAZ is required.
21. The Council will be proposing Main Modifications to Policies DM 2 and DM 22 to the Inspector to address the matter and will be submitting an updated HRA to take account of the latest evidence.
22. Officers will be reviewing all of the undetermined applications in terms of policy and other material planning considerations and the Council is proposing to release decisions on applications which have been held in abeyance in accordance with the following sequence:
- Applications with a Committee resolution to grant permission;

- Allocated or designated sites that comply with the ambitions of the emerging Local Plan;
- All other applications in order of validation date

Infrastructure Funding Statement

23. The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) came into force on 1 September 2019: <http://www.legislation.gov.uk/ukdsi/2019/9780111187449/contents> and Government has issued updated Planning Practice Guidance.
24. The CIL Amendment Regulations have introduced a requirement for authorities to prepare Annual Infrastructure Funding Statements (IFS). The IFS for the District for 2019/2020 was endorsed by Cabinet at the meeting on 19 October 2020 and was submitted to the MHCLG in December 2020 and published on the Council's website to comply with current requirements. The Infrastructure Funding Statement (IFS) applies to financial year 2019/2020 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.

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.

The successful delivery of Infrastructure in the District and Harlow and Gilston Garden Town will require a significant commitment of officer time. The Council's Developer Contributions Strategy includes provision for developers to contribute towards the cost of monitoring the compliance of S106 Agreements.

Legal and Governance Implications:

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

The IFS has been prepared in accordance with The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) that came into force on 1 September 2019.

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 Frameworks 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 Councils Masterplan and Concept Framework Plan Briefing note, these sites will be subject to public consultation in accordance with an endorsed Statement of Community Involvement.

Essex County Council as the local education authority were asked if they would be liaising with District Authorities in the production of our IFS but were not in a position to create anything additional beyond the IFS they must produce.

Background Papers:

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

Inspector's advice after hearings (ED98) 2 August 2019

Housing Implementation Strategy EB401A and B January 2019

Habitat Regulations Assessment (EB209) January 2019

Methodology review for the HRA for the Local Plan (ED105) February 2020

Update on progress of Inspector's actions in her Advice after Hearings (ED106) April 2020

C-013-2020-21 Approach to Managing the Effects of Air Pollution on the Epping Forest Special Area of Conservation (EB150) 20 July 2020

PLS-003-2020/21 Portfolio Holder Report (EB154) 4 December 2020

C-028-2020/21 Implementation of the Local Plan update on progress (EB153) 19 October 2020

Report to Full Council on 8 February 2021

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 or development occurring of a type that does not extract maximum value for the provision of social infrastructure and poor quality development may occur.