

Report to the Cabinet

Report reference: C-022-2021/22

Date of Meeting: 8 November 2021

Portfolio: Planning & Sustainability – Cllr. Bedford

Subject: Implementation of the Local Plan: Update on progress

Responsible Officer: Nigel Richardson (01992 564110)

Democratic Services: Adrian Hendry (01992 564246)

Recommendations/Decisions Required:

- (1) 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 – E);**
- (2) To note the positive progress being made on the Epping Forest Local Plan Submitted Version (LPSV) following the consultation of the Main Modifications;**
- (3) That the Infrastructure Funding Statement 2020/2021 (see Appendix F) is agreed for online publication by 31 December 2021.**

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 is prepared by the Policy & Implementation Team to provide 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 continue to take place with site promoters and developers in accordance with project plans agreed within PPAs. The majority of workshops/meetings are taking place virtually but consideration is being given to in-person meetings, in particular for future Quality Review Panels (subject to COVID restrictions).

The District's emerging Local Plan is progressing well and at an advanced stage. As such, the Local Plan is being given substantial weight in the assessment of planning applications. The Main Modifications to the LPSV were published for consultation as a statutory part of the Local Plan Examination Process on the 15th July 2021 until 23rd September 2021. Following the consideration of the representations, the Inspector will prepare a Final Report which will



**Epping Forest
District Council**

include the Main Modifications necessary in order to make the Local Plan 'sound'. Full Council will consider the Inspector's report, its recommendations and if accepted, the Local Plan is likely to be adopted by the District Council in later 2021.

The CIL Amendment Regulations introduced a requirement for authorities to prepare Annual Infrastructure Funding Statements. Appendix F sets out the proposed Infrastructure Funding Statement for the District for 2020/2021. The Infrastructure Funding Statement (IFS) applies to financial year 2020/2021 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 report then sets out the S106 projects deliverable within the next 5 and 10 years. The IFS also sets out how the s106 income will be spent and prioritised over the plan period.

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.

Community Infrastructure Levy Guidance 2014 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 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. The Harlow and Gilston Garden Town (HGGT) Transport Strategy has been endorsed by the HGGT Board and is due to be considered by the EFDC Cabinet on 6 December 2021 to endorse it as a material planning consideration in connection with the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes. The Strategy is crucial in meeting the ambitions for sustainable movement set out within the HGGT Vision, against the backdrop of the challenges of future travel demand linked to planned growth as set out in the Council's emerging Local Plan.
5. Harlow Council Officers have advised EFDC that the new Conservative administration of Harlow reiterate its opposition to development south and west of Harlow and express its reservations over development to the east. A motion was passed at the Harlow Full Council meeting on 17th September 2021 noting that position and their Chief Executive will be writing to express the position of the Council, as described in the motion. Harlow Council have, however, reiterated their support for the Sustainable Transport Corridors

and active and sustainable modal shift, through the HGGT Transport Strategy which is due to be considered for endorsement by Harlow Cabinet in November 2021.

6. The process by which Strategic Masterplans would be endorsed, for consultation, or approval, by wider Garden Town partners and the determining authority has been developed and approved by the HGGT Board approval on 12 October 2021. This will inform the route through which the draft masterplans would be endorsed by HGGT and partners, and the engagement expected with the HGGT Board. This endorsement process is to be factored into the programmes and Planning Performance Agreements (PPAs) of the Garden Town masterplans.
7. A Memorandum of Understanding (MoU) is being developed for the five Garden Town partner authorities regarding the Rolling Infrastructure Fund (RIF). £171 million of Housing Investment Grant (HIG) was awarded by Homes England in March 2021 and the RIF is integral to the future funding mechanism for infrastructure delivery within the Harlow and Gilston Garden Town. It forms part of the Recovery and Recycling Strategy which permits the funding to be recycled as part of the developer contributions to mitigate the impacts of development, which can be used for future infrastructure funding and related items. The MoU will be considered by EFDC Cabinet on 06 December 2021.
8. EFDC officers continue to liaise with key stakeholders across the five 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 in the East of Harlow strategic site. Following the topic based workshop meetings held in June and July 2021, a sustainability workshop was held with the HGGT Quality Review Panel at the end of August that explored the sustainability of the building/fabric but also wider matters such as sustainable and active travel opportunities. These discussions are to inform the preparation of a joint position planning 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 in due course. An Interim Planning Position Statement was agreed between the HGGT Partners and PAH in October 2021.
9. On the Latton Priory Masterplan Area, workshop meetings took place between May and July 2021 to discuss the sustainable transport corridor (STC), Suitable Alternative Natural Green Space (SANG) provision, and masterplanning/design and landscape. Regular meetings have continued between the site promoters and Garden Town partner authorities and a draft strategic masterplan framework document has been submitted for review by the HGGT. A refreshed Planning Performance Agreement is being finalised between all parties to ensure that the Garden Town endorsement process and suitable engagement across partners and Members is undertaken. Discussions on Strategic Matters between EFDC, ECC and HDC officers are being scheduled on a regular basis, to ensure consistency and progress across Garden Town masterplan sites and PPAs.
10. Meetings have been held with the site promoters/agent for Water Lane in February and again in September 2021 to discuss the SANG and STC matters as well as agree the proposed work programme for developing the masterplans.

11. 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

12. 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. Informal public consultation was held with local residents and key stakeholders between mid-July and September 2021. Two virtual consultation events were also held to present the proposals and answer questions regarding the proposed draft Strategic Masterplan. The site promoters are currently reviewing the masterplan in light of feedback received during their consultation and will be arranging the next set of topic based meetings, in accordance with the signed PPA.

North Weald Airfield and North Weald Bassett masterplans

13. Officers are discussing the project programme with site promoters for North Weald Bassett and the next phase of topic based meetings are being arranged. The draft masterplan was referred to the Quality Review Panel in August 2021 and it was recognised that work on the masterplan was ongoing and should be referred back when key issues had been further developed. 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 facilitated the public consultation in November/December 2020 and early this year as well. A draft Strategic Masterplanning has been developed that is supported by technical evidence and this is being referred to the Council's Cabinet in November for agreement prior to any formal public consultation.

South Epping masterplan

14. 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.
15. Discussions on the two Concept Frameworks are still at an early stage in the process.

Other allocated sites

16. 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.

17. 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. The three residential applications at St John's, Hemnall Street and Civic Centre were submitted and registered at the beginning of April. All five planning applications are scheduled to be referred to District Development Management Committee on 27th October 2021.
18. Qualis have also submitted a planning application in respect of development of the former Waltham Abbey swimming pool in Roundhills, Waltham Abbey. The detailed proposals are being discussed between the applicant and the Council, including traffic and transport, noise (in particular arising from the nearby M25 motorway), layout/design and air quality relating to the Epping Forest Special Area of Conservation.

Update on Examination of the Emerging Local Plan

19. The Main Modifications to the Epping Forest District Local Plan Submission Plan (LPSV) were published for consultation as a statutory part of the Local Plan Examination Process on the 15th July 2021 until 23rd September 2021. The Main Modifications are changes to the published Local Plan Submission Version (2017) which are required to remedy issues of soundness.
20. Specific elements of the consultation included a District Member, Local Council and Developer Forum briefing sessions, presentation of all consultation materials and guidance on the Plan Examination/Council website, ensuring the availability of hardcopy materials at points within the District (taking into account any COVID19 restrictions), communication with the consultee database, a series of Council press releases and communication via social media. Officers responded to individual questions and provided support in navigating the material during the consultation.
21. A total of 228 representators submitted comments on the Main Modifications. Each representor made a number of comments on different Main Modifications, supporting documents or other matters. These comments are called representations. A total of 900 representations were made comprising 294 from members of the public, 257 from statutory consultees, 223 from landowners/ agents and 126 from others. A total of 10 late representations were received.
22. The Consultation has now closed. The Council will provide complete and full copies of all duly made representations on the Main Modifications to the Inspectors. This will include all supporting documents provided by representors. Representations will have been redacted to remove any sensitive information (e.g. personal information, offensive and discriminative comments towards groups or individuals). To facilitate the management of the representations the council will also provide the Inspectors with documents setting out the representations by representor and Main Modifications

including the representation or a summary of the representation. The full representations and documents will be available on the EFDC website.

23. Once the Inspector has considered the responses, including the evidence presented throughout the duration of the Examination, she will determine whether the Local Plan is 'sound' and produce a written report outlining her final recommendations. Following receipt of the Inspector's report and providing she determines it 'sound', the Plan will be considered by the Council and can be adopted if it makes the Main Modifications she recommends.

Ongar Neighbourhood Plan – Regulation 16

24. Ongar Neighbourhood Plan has submitted its Regulation 15 version of the Ongar Neighbourhood Plan to the District Council. The Council is in the process of considering whether the documents submitted comply with the relevant legislation and have asked the Parish Council to include further details of its Regulation 14 consultation in its Consultation Statement. If the Council agree that the submission is legally compliant, a 6 week consultation will be arranged where representations on the Neighbourhood Plan can be made. The Ongar Neighbourhood Plan will be accompanied by the Basic Conditions Statement, Consultation Statement, Strategic Environment Assessment and Habitats Regulation Assessment Screening Reports and other evidence base documents which can be downloaded from the website.
25. Following the consultation, the Neighbourhood Plan will be submitted to Examination which will test compliance against the Basic Conditions.

Infrastructure Funding Statement

26. 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.
27. The CIL Amendment Regulations introduced a requirement for authorities to prepare Annual Infrastructure Funding Statements. Appendix F sets out the proposed Infrastructure Funding Statement for the District for 2020/2021. The Infrastructure Funding Statement (IFS) applies to financial year 2020/2021 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 report then sets out the S106 projects deliverable within the next 5 and 10 years. The IFS also sets out how the s106 income will be spent and prioritised over the plan period.
28. Subject to meeting the 3 tests set out in CIL Reg 122 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.
29. 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, when developer contributions are received, have been spent or transferred to third parties.
30. In line with the Infrastructure Delivery Plan the Council will be seeking a broader range for developer contributions in order to deliver the growth identified in the emerging local plan such as new schools; healthcare, strategic highway and transportation improvements, sustainable transport, sports provision, community facilities, green Infrastructure and employment & Skills opportunities, if needed as part of the development.
31. 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 emerging Local Plan. It also set out how s106 contributions will be managed and monitored and 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.

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, Concept Frameworks and Housing Action Plan 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 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

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.