

Report to the Cabinet

Report reference: C-006-2019/20

Date of Meeting: 11 July 2019



**Epping Forest
District Council**

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:

- (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);**
- (2) The projects reviewed by the Quality Review Panel during 2018/19 are noted;**
- (3) The infrastructure contributions from Section 106 achieved within Epping Forest District for financial year 2018/19 are noted and:**
- (4) That members note the current position with regard to the Epping Forest Special Area of Conservation.**

Executive Summary

Following the October 2018 Cabinet meeting which set out 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 therefore provides members with an update on the progress of Strategic Masterplans, Concept Frameworks, Planning Performance Agreements, the Quality Review Panel and developer contributions within the District.

As part of the Independent Examination of the Local Plan, the Council have agreed and signed Statements of Common Ground with all the site promoters of the following strategic sites: North Weald Bassett, Waltham Abbey North, South Epping, West Ongar and South Nazeing. In relation to the Garden Town sites, which consists of Latton Priory, Water Lane and East of Harlow, the Council were able to sign Statements of Common Ground with all of the principle site promoters.

The strategic sites are progressing well and are all on track to meet the delivery of housing noted within the Housing Implementation Strategy Update 2019.

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.
- That members note the projects reviewed by the Quality Review Panel
- That members note the infrastructure contributions achieved 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. Such an approach is an important step towards boosting the timely delivery of high quality development and infrastructure within the District.
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. The LPSV has identified site allocations which should be subject to the Strategic Masterplanning approach (see LPSV para 2.90 and 2.91). These include the following masterplans:
 - Latton Priory
 - Water Lane
 - East of Harlow
 - North Weald Bassett
 - North Weald Airfield
 - South Epping
 - Waltham Abbey North
 - Jessel Green
 - Limes Farm Estate

And Concept Frameworks (see LPSV paras 2.99 and 2.100) for sites in:

- West Ongar
 - South Nazeing.
4. 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.
 5. The Implementation Team have been proactively engaging with relevant site promoters to progress the Strategic Masterplan and Concept Framework process. Some strategic sites are more advanced than others, but good progress has been made. Now that the local plan hearing sessions have been completed there will be a need to progress these in order to ensure that each of the sites will meet their projected delivery of housing, in accordance with the staggered trajectory as set out in the [Housing Implementation Strategy Update 2019](#).
 6. Alongside the Strategic Masterplan and Concept Framework sites, the Implementation and Development Management Teams have been progressing some of the smaller allocation sites contained within the LPSV. 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.
 7. Appendix B provides an update on the progress of the Masterplans and Concept Frameworks; Appendix C provides an update on the progress of each of the strategic and other allocated sites and Appendix D provides information on other proposals on non allocated sites over 0.2hectares in size or more than 6 dwellings.

Quality Review Panel

8. A Quality Review Panel (QRP) was established in April 2018 for both EFDC and for Harlow and Gilston Garden Town. The Panels comprise of 18 built environment specialists who provide independent advice to support the delivery of high quality developments. The panel is managed externally by Frame Projects, and coordinated internally by the Implementation Team. The Chair of the Panel is Peter Maxwell. Details of the Panel and Terms of reference are available on the website.
9. As set out in the 18 October 2018 Cabinet Report, and in policies SP 3 and DM 9 of the emerging Local Plan, it is expected that schemes comprising 50 or more residential units or 5,000sqm of commercial/other floor space will be considered by the QRP. Smaller complex or contentious schemes can also be recommended for review. The panel is also available to review strategic planning and policy documents.
10. To date, the Panel has undertaken 17 EFDC reviews in total, with 4 of these a return by the applicant for second reviews. There have been 4 reviews of Strategic Masterplans (Latton Priory twice, Water Lane and North Weald Bassett), with officers

from both Implementation and Development Management utilising the QRP (see Appendix E).

11. In June 2019, an Annual Meeting was held for the QRP, with 12 panel members in attendance and officers from EFDC and the HGGT partner authorities. Highlights and lessons learnt from the previous year of reviews were shared, and key quality and design topics raised from the reviews were discussed.
12. The EFDC/HGGT Quality Review Panel is currently undergoing monitoring and evaluation, with feedback being gathered on the process and the impact of quality review, and the learning from the Annual Meeting. This will be published in a public Annual Report to ensure that the panel remains accessible, accountable and transparent. In accordance with the agreed terms of reference, reports provided at the pre-application stage are not normally made public but once applications are submitted they become a public document and are published on the Council's website. The reports provide advice and guidance to members and officers and are a material planning consideration in the determination of planning applications.

Developer Contributions update

13. This report also provides an update on the S106 agreements completed in financial year 2018/19 (see Appendix A) to provide Infrastructure in support of the policies in the Local Plan Submission Version, Infrastructure Delivery Plan and associated documents.
14. The [Epping Forest District Council's Infrastructure Delivery Plan](#) was published in 2017 with the [Local Plan Submission Version](#). The Council is now undertaking further work to define infrastructure requirements and set out an approach to funding and developer contributions (see Agenda Item Report on 'Delivering Infrastructure in the District - Developer Contributions Strategy') which will provide internal procedures and guidance to ensure that the Council will effectively administer, monitor and deliver infrastructure to support planned growth in the District.
15. An [Infrastructure Delivery Plan Topic Paper](#) has been produced that provides a high-level framework to the apportionment and pooling arrangements for key infrastructure. It covers highways, public transport, education, health, open space and green infrastructure, sports facilities and community facilities but does not go as far as grouping developments into specific 'pools'. The Topic paper also provides information on those external funding sources outlined in the IDP, including the work currently ongoing to progress and secure funding, the risks of funding not being in place and contingency measures.
16. Addendum to the Topic Papers on [Education and Highways](#) have been published and [Sport Infrastructure](#) is currently being produced. Further work will be carried out to produce detailed addendums on Sustainable Transport, Health, Community Facilities and Open Space.
17. The [Harlow and Gilston Garden Town Infrastructure Delivery Plan](#) was published in April 2019 and includes the infrastructure requirements of the Garden Town, and all

of the sites in detail, including the three garden town communities that are within Epping Forest District.

Current Position on Epping Forest SAC

18. Under the Habitats Regulations, the Epping Forest SAC is classified as a 'European Site' and, as such, any plans and projects (including applications for planning permission) that are likely, either alone or in combination with other plans or projects, to have a significant effect on the SAC must be subject to an assessment, known as an Appropriate Assessment (AA). The purpose of an AA is to ascertain whether any development plan or proposal, either alone or in combination, will not harm the integrity of the European Site.
19. The Council has a legal duty as the 'competent authority' under the Habitats Regulations to protect the Epping Forest SAC from the effects of development (both individually and in combination). Specifically, two issues have been identified that are likely to have a significant effect on the integrity of the Epping Forest SAC, namely:
 - The impact of increased levels of visitors using the Forest for recreation arising from new development (referred to as recreational pressure); and
 - The result of damage to the health of the protected habitats and species of flora within the Forest, including trees and potentially the heathland habitats, from air pollution generated by increased motor vehicle usage (referred to as "air quality").
20. Policies DM 2 and DM 22 of the LPSV provide the policy context for dealing with identified issues in relation to the effect of development on the integrity of the Epping Forest Special Area of Conservation (SAC) as a result of increased visitor pressure arising from new residential development within 6.2km of the SAC, and from the effects of air quality throughout the District.
21. The Council commissioned a Habitats Regulations Assessment (January 2019) of the Epping Forest District Local Plan (2011-2033) Submission Vision (the 2019 HRA), which has been published on the Council Local Plan Examination website. The 2019 HRA includes an Appropriate Assessment of the planned development within the Local Plan and the effect of that development on the Epping Forest SAC. The 2019 HRA concludes that, subject to securing the urbanisation/recreational pressure and air quality mitigation measures to which Epping Forest District Council has committed, the adoption of the Local Plan will have no adverse effect on the Epping Forest SAC.
22. However, following their review of the 2019 HRA, Natural England has maintained their objection to the Local Plan, citing a number of specific concerns about the HRA, which are currently being considered by the Council within the context of the Local Plan Examination and generally.

Recreational Pressure

23. Notwithstanding this, an Interim Approach to Managing Recreational Pressure has been developed through joint working with the Conservators of Epping Forest and relevant local authorities, with assistance and advice from Natural England. This was agreed by the Council's Cabinet on 18 October 2018. The Council's Interim Approach concerns the whole of the SAC, not just that part lying within the Epping Forest District. The remainder of the SAC lies within the boundaries of the London Boroughs of Waltham Forest and Redbridge, respectively.
24. The Interim Approach to Managing Recreational Pressure identifies a number of costed schemes and the resources needed to support the implementation of avoidance and mitigation measures that have been identified in partnership with the Conservators of Epping Forest. To fund these mitigation measures over the Local Plan period (ending on 31 March 2033), the total financial contribution to be secured from new residential development within Epping Forest District is £1,347,837. The Interim Approach apportions the costs of implementing the strategy, including the measures identified, on a proportional basis, having had regard to the findings of a 2017 Visitor Survey, national planning policy and practice guidance, and the relevant legislative and legal framework.
25. As a result, the contribution to be sought from individual residential development schemes within 0 – 3 kms of the Epping Forest SAC boundary, involving a net increase in the number of residential units, is £352 per dwelling.

Air Quality

26. The Interim Approach referred to above does not, however, address the significant effect that all residential and employment development within the District is likely to have on the SAC with regards to air quality. There is currently no interim approach to managing air quality for the District and the Council and other partner organisations continue to work together to identify an acceptable air quality mitigation strategy.
27. As competent authority under Habitats Regulations, the Council cannot lawfully grant planning permission for any development proposals within the District that are likely to have an air pollution impact on the Epping Forest SAC (when considered alone and in combination with other plans or projects), save where an Appropriate Assessment demonstrates that the granting permission will not have an adverse impact on the integrity of the SAC. Until such a time as appropriate air quality mitigation strategy has been agreed with Natural England and approved by the Council, planning permission for development which would result in increased vehicular movements cannot be granted.

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 Strategic Masterplans and Concept Frameworks has been developed in accordance with Government policy (NPPF) 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.

Background Papers:

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

Habitat Regulations Assessment 2019

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.

APPENDIX A

Epping Forest District Council (S106) Developer Contributions Report 2018/19

The headline figures for 2018/2019 financial year are set out in the table below:

- **5** Legal Agreements signed during the year
- **£461,396** in S106 contributions were secured
- **£** in S106 funds were spent

Table 1: Financial Contributions **secured** through S106 Agreements

Type of Contribution	Value £
Affordable Housing	
Community Facilities	
Education	
Emergency Services	
Healthcare	
Open Space	£436,756
Recreation	£10,208
Special Area of Conservation (SAC) Recreational Pressure	£14,432
Sport & Leisure	
Stewardship	
Transport & Highways	
TOTAL VALUE	£461,396

Table 2: Financial Contributions **received** through S106 Agreements

Type of Contribution	Value £
Affordable Housing	
Community Facilities	
Education	
Emergency Services	
Healthcare	
Open Space	
Recreation	
Special Area of Conservation (SAC) Recreational Pressure	£14,080
Sport & Leisure	
Stewardship	
Transport & Highways	
TOTAL VALUE	£14,080

- S106 agreements relating to the Epping Forest Special Area of Conservation:

Recreational Pressure:

- 12 unilateral agreements with contributions paid on completion.
- 1 unilateral agreement with contributions to be paid 10 working days following written notice to the Council of the commencement.

Air Quality

- Approximately 80 planning decisions held in abeyance amounting to approximately 220 residential units currently awaiting approval pending agreement of the Habitats Regulations Assessment.

Legal Enforcement

The following outstanding amounts recovered:

Site	Contribution
Land at Millrite Engineering, Ongar	£32,000 and indexation of £7,190

Internal Audit Report: Section 106 Agreements 2018/19

The audit formed part of the agreed 2018/19 Internal Audit Plan. An audit of Section 106 Agreements had not been undertaken in recent years.

The purpose of the audit was to consider whether the Council has effective arrangements in place to administer Section 106 Agreements and ensure compliance with its statutory responsibilities.

Audit opinion

The work undertaken by Internal Audit provides **substantial assurance** over the Council's arrangements to administer Section 106 Agreements and ensure compliance with its statutory responsibilities.

Three recommendations were made:

1. the infrastructure strategy to be completed and approved as soon as is practicable (see Agenda Item)
2. to receive relevant Northgate training so that this can be used as a basis for administration and reporting of commitments under Section 106 agreements; and
3. a quarterly Section 106 report to be provided to the Local Plans Cabinet Committee alongside the monitoring of Masterplans.

Significant findings from the review will also be presented to the next Audit and Governance Committee. Implementation of recommendations will be tracked through a separate report to Corporate Governance Group and the Audit and Governance Committee.