

## **Report to Cabinet**

**Report reference:** C-023-2016/17  
**Date of meeting:** 6 October 2016



**Portfolio:** Planning Policy

**Subject:** Draft Epping Forest District Local Plan for consultation

**Responsible Officer:** Kassandra Polyzoides (01992 564119).

**Democratic Services Officer:** Gary Woodhall (01992 564470).

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### **Recommendations/Decisions Required:**

- (1) That the Cabinet endorses the Draft Local Plan at Appendix 1 and the non technical summary of the Sustainability Appraisal at Appendix 2 and recommends to Full Council that consultation on the Draft Local Plan under Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 should commence for a 6 week statutory period from 31 October to 12 December 2016 in accordance with the Statement of Community Involvement, and that representations received after 5pm on 12 December 2016 will be deemed invalid;
- (2) That the Cabinet recommends to Full Council that the Draft Local Plan be endorsed as a material consideration to be used in the determination of planning applications and enforcement decisions in accordance with paragraph 216 of the National Planning Policy Framework; and
- (3) That the Cabinet recommends to Full Council that the Director of Neighbourhoods in consultation with the Planning Policy Portfolio Holder be granted delegated authority to make any necessary minor non-material amendments to the Draft Local Plan prior to the commencement of public consultation on 31 October 2016.

### **Executive Summary:**

The report seeks agreement to consult under Regulation 18 of the Town and Country Planning (Local Planning) Regulations on the Draft Epping Forest District Local Plan. The Local Plan when adopted will supersede the combined policies of the Epping Forest District Local Plan (1998) and Alterations (2006) and will ensure that the Council has an up to date Local Plan to guide future development in the District. This will enable the Council to strategically plan for future development and infrastructure needs, promote sustainable development, and provide an adequate five year supply of deliverable land for housing in the future.

### **Reasons for Proposed Decision:**

The recommendations are in accordance with the Council's approved Local Development Scheme and Statement of Community Involvement; complies with necessary legislation/regulations and is considered necessary for meeting the Government objective for Councils nationally to have produced local plans by early 2017. The progression of the Local Plan is essential in order to ensure that the Council can strategically and positively plan for

future development and infrastructure needs and safeguard against inappropriate or uncoordinated development.

### **Other Options for Action:**

Not to agree the Draft Local Plan for consultation.

### **Report:**

1. The Draft Local Plan has been produced in response to the Community Visioning consultation in 2010/11 and Issues and Options Community Choices consultations which took place in 2012, and in liaison with our neighbouring authorities through the Cooperation for Sustainable Development Board. The Draft Local Plan has been prepared in compliance with the national planning requirements set out in the National Planning Policy Framework, Planning Practice Guidance and regulations. Since 2012 the Council has prepared an extensive evidence base to inform the development of policies for the Draft Local Plan. The draft policies have been developed in close and regular consultation with key stakeholders including Members (District and Parish) and officers at a series of workshops taking into account the commissioned evidence and consultation responses. Regular updates and reports have been provided to the Cabinet.

2. Appendix 1 contains the recommended public consultation document for the emerging Epping Forest District Local Plan 2011 – 2033. This is a Draft Local Plan consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Draft Local Plan outlines the Council's vision and preferred approach for development in the District for the next 17 years. It includes the identification of sites for housing and economic growth including proposed development of strategic sites around Harlow and draft development management policies.

3... Following consideration 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 of the Plan before it can be submitted to the Planning Inspectorate for examination. In the meantime decision makers can give weight to the relevant policies in emerging plans according to the stage of preparation of the emerging plan – the more advanced the preparation, the greater the weight that may be given – in accordance with paragraph 216 of the National Planning Policy Framework.

### Strategy for the Local Plan

4. The Draft Local Plan sets out the Council's preferred approach to development in the District for the period up to 2033 including the amount of new homes and jobs that the plan seeks to achieve, the distribution of that development between settlements, and the approach to the natural environment and green infrastructure. The purpose of the Plan is to deliver the vision and objectives for the District whilst contributing to sustainable development as described in the National Planning Policy Framework to achieve economic, environmental and social progress. This means taking a balanced approach to meeting the needs of existing and future residents, businesses and visitors, whilst protecting and enhancing the natural and historic environment and built heritage and addressing the impacts of a changing climate.

5. The Draft Local Plan sets out:

- The Council's vision and objectives for the District's development over the plan

period;

- Policies to ensure that development delivers high quality, sustainable homes, drive the quality of design and maintain our high quality built and natural environment;
- The future distribution for housing growth and requirements for affordable housing;
- Policies to build a strong, competitive economy and the future distribution for new employment land space and thus new jobs;
- Policies to maintain and enhance the vibrancy and vitality of our towns centres;
- Policies to support a sustainable transport and road infrastructure network; and
- Proposals for delivery including a draft Infrastructure Delivery Plan (IDP) to demonstrate the infrastructure requirements necessary to support the site allocations and other proposals.

6. As required by Section 33A of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework the Council has been working with East Hertfordshire, Harlow and Uttlesford District Councils and has jointly commissioned work to establish the objectively assessed housing and employment needs across the Strategic Housing Market and Functional Economic Market Area. The Strategic Housing Market Assessment published in 2015 and reported to Cabinet on September 2015 identified an objectively assessed housing need of 46,100 across the SHMA area. For Epping Forest District this equated to 11,300 new homes over the Local Plan period (2011-2033). Since the publication of the 2015 SHMA, the Office of National Statistics and Department for Communities and Local Government issued further population and household projections (in July 2016). The authorities have undertaken some sense checking of the objectively assessed housing need and this has indicated that the objectively assessed need for the SHMA area is now approximately 54,600 including 11,400 new homes for Epping Forest District.

7. The local authorities have taken the most recent population and household projections into account and have considered the most appropriate spatial distribution across the wider area and jointly commissioned work in order to establish the appropriate level of growth. This work has shown that the potential to increase the level of housing is constrained by infrastructure requirements as well as environmental and policy designations such that the maximum quantum of growth for the plan period is around 51,100 homes for the Strategic Housing Market Area with around 16,100 homes to be delivered in and around Harlow.

8. This led to a draft memorandum of understanding being considered at the 12 September 2016 meeting of the Cooperation for Sustainable Development Board. This sets out the spatial option for the Strategic Housing Market Area taking account of infrastructure (and in particular highways) constraints. It includes the preferred locations for growth in and around Harlow. This identifies the requirement for Epping Forest District to accommodate around 11,400 new homes over the Local Plan period (2011-2033) with economic growth of around 10,000 new jobs as evidenced by the joint study by Hardisty Jones reported to Cabinet on 3 September 2015. Thus the Draft Local Plan seeks to propose allocations to provide for this quantum of growth over the plan period (2011-2033).

9. The four authorities also commissioned a joint piece of work to assess the sites which were being promoted in and around Harlow to assess the preferred locations for the level of growth. The 16,100 homes identified in and around Harlow comprise the following sites

identified in the strategic sites assessment as the preferred locations for development:

<b>Epping Forest District</b>	Latton Priory	~ 1,000
	West Sumners	~ 1,000
	West Katherines	~ 1,100
	East of Harlow	~ 750
	Riddings Lane	~ 50
<b>Total for EFDC</b>		<b>~ 3,900</b>
<b>East Herts District</b>	Gilston (sites A & E)	~ 3,050
<b>Harlow District</b>	East of Harlow	~ 2,600
	Total in proposed sites	~ 9,550
In addition Harlow District will deliver within the District ~ 6.600 on sites not included in the strategic sites assessment		

\*The East of Harlow area is split between Harlow and Epping Forest Districts

10. The Council has considered the housing and economic needs of the local authorities within the Housing Market /Functional Economic Area and the opportunities that strategic allocations around Harlow can provide to support that strategic need. Taking this together with the evidence on other sites put forward in the District and in the context of policy and environmental constraints, it is proposed that the housing target of 11,400 for Epping Forest District will be delivered by taking a sequential approach to where new homes will be provided as follows:

- Allocating sites around Harlow (including making provision for Travellers and Travelling Showpeople) to support the vision of the London Stansted Cambridge Corridor – proposed allocations of the sites are set out in Policy SP 3 of the Draft Local Plan;
- Maximising opportunities for development on previously developed land within the existing settlements of the District;
- Utilising open space within settlements where such selection would not adversely affect open space provision within the settlement and make the best use of existing land without compromising local character;
- Previously developed land within the Green Belt (in anticipation of the NPPF being updated to take account of the proposed changes published in December 2015);
- Allowing for a limited release of Green Belt land to provide for housing on the edge of settlements to distribute housing across the District - this is in keeping with Green Belt policy that exceptional circumstances must be demonstrated for Green Belt release; and
- Enable small scale sites in smaller rural communities to come forward where there is a clear local need which supports the social and economic well-being of that community.

<b>The components of housing land supply over the period 2011-2033 are as follows</b>	
Number of homes required to be built 2011-2033: 518 x 22	~11,400 <sup>1</sup>
Homes Built (Completions) 2011-2016 up to 31 March 2016	1,173
<b>What is currently available in the future (supply)</b>	
Sites with planning permission up to 31 March 2016	1,194
Windfalls 35 x 17	595
Total supply	2,950
Requirement met through strategic sites around Harlow	3,900 (as set out in Policy SP 3 in Chapter 3 of the Draft Local Plan)
<b>Remaining requirement to be provided from elsewhere in the District</b>	~ 4,550 plus reserve sites (as set out in Policy SP 2 in Chapter 3 of the Draft Local Plan and Chapter 5)

<b>The components of traveller and travelling showpeople supply over the period 2011-2033 are as follows:</b>	
Number of pitches required 2011-2033 based on 2016 Interim Gypsy and Traveller Accommodation Assessment	38 pitches and 1 yard
No of pitches completed	16
Pitches with planning permission	4
<b>Remaining requirement to be provided</b>	<b>18 pitches and 1 yard</b> (identified in Policy SP 3 and Chapter 5 of the Draft Local Plan)

11. Following a rigorous assessment process to consider all the sites put forward as to their suitability, achievability and deliverability (see site selection background paper for the assessment of residential, traveller and employment sites), Chapter 5 of the Draft Local Plan sets out the proposed allocations for each of the main settlements in the District. The Draft Local Plan also includes proposals for the provision of an additional 18 pitches and 1 yard to accommodate the needs of Travellers and Travelling Showpeople and proposals for the delivery of new jobs.

12. Alongside the Draft Local Plan the Council is publishing a range of evidence studies to support the proposed approach and draft policies in the plan. All these documents will be available on the website with links to the documents provided in the Draft Plan which goes out to consultation. Members' attention is particularly drawn to the following studies which have not yet been published but which have been used to inform the preparation of the plan. The studies include:

- (a) The updated Strategic Land Availability Assessment prepared by Nathaniel Lichfield & Partners (July 2016);

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<sup>1</sup> Please note that the figures may not add up due to rounding.

- (b) The Stage 2 Green Belt Review prepared by Land Use Consultants (August 2016);
- (c) The Settlement Capacity Study prepared by Fregonese Associates (2016);
- (d) Historic Characterisation Study prepared by Essex County Council (August 2016);
- (e) Spatial Option for the Distribution of OAHN for West Essex and East Herts SHMA prepared by AECOM (September 2016);
- (f) Harlow Strategic Site Assessment prepared by AECOM for West Essex and East Herts authorities (September 2016);
- (g) Gypsy and Traveller Accommodation Assessment Interim briefing note for Epping Forest District Council (September 2016);
- (h) Epping Forest District Visitor Accommodation Needs Assessment Phase 1 prepared by Hotel Solutions (August 2016);
- (i) Town centres Review prepared by Arup (September 2016);
- (j) Site selection report prepared by Arup (September 2016); and
- (k) Draft Infrastructure Delivery Plan prepared by Arup (September 2016).

#### Sustainability Appraisal and Habitats Regulation Assessment

13. To ensure that the policies set out in the Draft Local Plan are in line with the objective of sustainable development, a Sustainability Appraisal (incorporating a Habitat Regulations Assessment) has been prepared. A non technical summary is included at Appendix 2. The appraisal is intended to assess the impact of planning policies in terms of their social, economic and environmental impacts. The Sustainability Appraisal addresses the requirements of the European Union Strategic Environmental Assessment Directive (OJEC, 2001) and complies with the Habitats Directive (OJEC, 1992).

14. AECOM, were first appointed by the Council to undertake the Sustainability Appraisal on the Local Plan in 2009. Since then a scoping report was consulted on during 2010 and an interim Sustainability Report was published alongside the Community Choices consultation in July 2012. During the intervening period AECOM has given support in developing the reasonable alternative options for delivering the housing and employment needs for the District and was involved in the development of the criteria for the site selection process which was developed from the Sustainability Appraisal criteria. AECOM has also undertaken a Sustainability Appraisal of the Draft Local Plan during its formulation and development, and is in the process of finalising the Sustainability Appraisal Report and Habitats Regulation Assessment. This will be one of the supporting documents which will be published for consultation along with the Draft Local Plan.

#### Consultation

15. Cabinet approved the Consultation Strategy for the Draft Local Plan on 1 September 2016. This strategy is in line with the Council's Statement of Community Involvement adopted in February 2013. During the consultation period between 31 October and 12 December 2016 there will be a series of staffed exhibitions at 6 locations on agreed dates in the district and static information points at 11 locations which will be permanent throughout

the consultation period. A new website has been developed and will include all the technical studies and background papers referred to in the Draft Plan together with an online questionnaire. An information leaflet will be distributed to every household during the week commencing 24 October 2016 with details of the consultation. Letters will be sent to all town and parish councils, individuals and organisations on the Council's data base and tailored letters issued to statutory consultees. To ensure that the consultation process is promoted as far as possible information postcards will be handed out during the peak periods at the District's underground and train stations – 11 locations in total.

16. The Draft Local Plan and hard copies of the questionnaire will be available in libraries and in reception at the Civic Centre. There will be regular information and updates on Council social media. In addition there will be surgery sessions for town/parish councils and residents associations on 22 November 2016 and surgery sessions available for land promoters on 18 November 2016.

#### Equality Impact Assessment

17. An Equality Impact Assessment will be carried out on the Draft Plan prior to its submission to the Secretary of State following the Regulation 19 publication of the Plan. The Equality Impact Assessment will consider issues relating to gender, age, ethnicity, religion/belief, disability, sexuality and low disposable income. This report is however accompanied by an Equality Analysis report at Appendix 3.

#### **Resource Implications:**

The budget for the Draft Local Plan consultation was approved as part of the Local Plan budget in June 2016. A delay in plan production or any significant change in emerging policy direction would be likely to require additional work or alterations to the evidence base which may have significant financial resource implications for the Council. The progression of the Draft Local Plan will enable the Council to pursue a clear strategy towards meeting future growth and infrastructure requirements in the District, including the collection of planning obligations from development.

#### **Legal and Governance Implications:**

The Council is required to prepare and maintain an up to date Local Plan to set out the strategic priorities for the area and the policies that address these. In the absence of an up to date Local Plan many of the Council's existing planning policies are considered to be out of date and therefore carry limited weight in accordance with the National Planning Policy Framework. Therefore, the progression of the Local Plan is essential in order to ensure that the Council can implement a clear future strategy to meet the needs of the District. In 2015 the Government announced that in cases where no Local Plan has been produced by early 2017, the Government will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate the process. Therefore, the progression of the Local Plan is required in order for the Council to retain control over the Local Plan process for the District.

#### **Safer, Cleaner and Greener Implications:**

The delivery of a Local Plan, informed by a robust evidence base, will contribute to safer, cleaner, greener objectives by planning for sustainable development. The Local Plan will enable the Council to promote sustainable development and safeguard the local environment in accordance with the local priorities for the District. The Local Plan is being subject to Sustainability Appraisal and Appropriate Assessment in accordance with the EU directive on Strategic Environmental Assessment.

### **Consultation Undertaken:**

Management Board on 16 September 2016

Officer Working Group on 22 September 2016

### **Background Papers:**

See Appendix 4 of the Draft Local Plan which lists the documents used to support the preparation of the Plan

Interim Sustainability Appraisal Report of the Epping Forest District Draft Local Plan September 2016 (AECOM)

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Draft Memorandum of Understanding on Distribution of Objectively Assessed Housing Need across the West Essex/East Hertfordshire Housing Market Area

Draft Memorandum of Understanding on Highways and Transportation Infrastructure for the West Essex/East Hertfordshire Housing Market Area

Draft Memorandum of Understanding on managing the impacts of growth within the West Essex/East Hertfordshire Housing Market Area on Epping Forest Special Area of Conservation

National Planning Policy Framework and Planning Policy Guidance

### **Risk Management:**

If the 31 October 2016 launch date and subsequent six-week consultation period is not approved or is considerably extended the Council would be at risk of intervention by the Secretary of State for not making timely progress with the Local Plan.

An up to date Local Plan is needed in order to provide up to date planning policies for the District, an adequate future housing land supply, and to ensure that the Council can plan strategically for future needs whilst resisting speculative or inappropriate development. In order to be capable of adoption to enable the Plan to become a statutory development plan document, it must be found to be 'sound' and 'legally compliant' by a Planning Inspector following Examination-in-Public.

To be sound, a local plan must be: positively prepared; justified; effective (deliverable over the plan period); and consistent with national policy. The Draft Local Plan has been produced in accordance with the extensive evidence base available, and having regard to all relevant guidance and regulations. It is vitally important that all policies are evidence based, and can meet the tests and requirements set out within national planning policy and legislation.

A change in policy direction would have considerable time and resource implications for the Council.

# 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 **unlawful 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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The Draft Local Plan will affect all who live, work and visit the District. As a document it will take into account the needs of the community and make provisions for their area up to 2033.

In preparing the plan all the needs of those are taken into account to ensure that the final document reflects the needs and makes provision for all.

An Equalities Analysis report (Appendix 3) has been submitted alongside the current report