

Report to the Cabinet

Report reference: C-070-2020/21
Date of meeting: 11 March 2021



Portfolio: Planning and Sustainability – Cllr. N Bedford

Subject: Sustainability Guidance for the District and Harlow and Gilston Garden Town

Responsible Officer: Alison Blom-Cooper (01992 564066).

Democratic Services: Adrian Hendry (01992 564246).

Recommendations/Decisions Required:

- (1) To note the public consultation process and outcomes (see Appendix C) and endorse the Epping Forest District Sustainability Guidance and Checklist documents (Volume 1: Major Developments Appendix A and Volume 2: Minor Developments Appendix B) as material planning considerations for the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes within the District.**
- (2) To note the public consultation process and outcomes (see Appendix E), and endorse the Harlow and Gilston Garden Town (HGGT) Sustainability Guidance and Checklist (Strategic Sites) (Appendix D) as a material planning consideration for the preparation of masterplans, pre-application advice, assessing planning applications and any other development management purposes within the Harlow and Gilston Garden Town.**
- (3) To agree that the Planning Services Director, in consultation with the Planning and Sustainability Portfolio Holder be authorised to make minor amendments to the EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments) and HGGT Sustainability Guidance and Checklist prior to their final publication.**
- (4) To note progress made on the Draft EFDC Sustainability Guidance and Checklist Volume 3: Extensions and Refurbishments (Appendix F), and give delegated authority to the Portfolio Holder to approve the Guidance for public consultation for a six week period**
- (5) To note that, following consultation and any subsequent revisions, it is**

intended that the final EFDC Sustainability Guidance and Checklist Volume 3 will be considered by Cabinet for endorsement as a material planning consideration for assessing householder planning applications (for extension or refurbishment work to an existing building), pre-application advice, and any other development management purposes within the District.

Executive Summary:

The Council's emerging Local Plan sets out policies in relation to sustainable and high quality design and construction of developments. On 19 September 2019 the Council declared a Climate Emergency, including a resolution to do everything within the Council's power to make Epping Forest District carbon neutral by 2030. To support these policies and this declaration, the Council has produced draft Sustainability Guidance and Checklist documents for use across the District; Volume 1: Major Developments (10+ units) and Volume 2: Minor Developments (1-9 units). These documents are in addition to the draft HGGT Sustainability Guidance and Checklist, which has been produced for sites located both within Epping Forest District and the Harlow and Gilston Garden Town. All three draft documents were approved by Cabinet for the purposes of public consultation on 19 October 2020.

This report sets out the changes proposed to the draft EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments) and the draft HGGT Sustainability Guidance and Checklist following the consultation process and seeks Cabinet endorsement of these documents.

In addition to the above documents, the Council is producing further EFDC Sustainability Guidance and Checklist Volume 3: Extensions and Refurbishment for use across the District. This document will provide householders with practical and technical guidance on how any extension or refurbishment work proposed to existing homes across the District can contribute to the Council's sustainability ambitions of becoming carbon neutral by 2030.

This report provides members with an update of progress in respect of Volume 3 and outlines a summary of the aims, objectives and purpose of the Volume 3 guidance. Further, this report requests that the Portfolio Holder for Planning and Sustainability is given delegated authority to approve the final draft of Volume 3 for public consultation. Following public consultation and any updates arising, the final Volume 3 guidance will return to Cabinet for endorsement as a material consideration in the determination of householder planning applications.

Reasons for Proposed Decision:

- To ensure that both the EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments) and the HGGT Sustainability Guidance and Checklist are afforded suitable planning weight by endorsing them as material considerations in the planning process. This will ensure that development proposals across the District contribute to the Council's sustainability ambitions, and that clear parameters are established for future pre-

application advice, preparation of masterplans, assessing planning applications and any other development management purposes.

- To agree that the draft EFDC Sustainability Guidance and Checklist Volume 3: Extensions and Refurbishments is delegated to the Portfolio Holder to agree for the purposes of a 6 week public consultation period.

Other Options for Action:

- Not to agree the EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments) and HGGT Sustainability Guidance and Checklist or endorse the three documents as material considerations in the planning process, which would mean that there would be no guidance to support the delivery of development proposals and achieve the objectives set out in the Council's emerging Local Plan policies SP3, DM5, DM9, DM11, DM15-22.
- Not to agree the draft EFDC Sustainability Guidance and Checklist Volume 3: Extensions and Refurbishments is delegated to the Portfolio Holder to agree for the purposes of a 6 week public consultation, which would mean that there would be no mechanism to support the delivery of sustainable extension and refurbishment of existing dwellings.

Report:

1. The National Planning Policy Framework sets out a presumption in favour of sustainable development. The policies in the emerging Epping Forest District Local Plan are in line with this objective and encourage the delivery of developments that promote growth in sustainable locations, sustainable transport and that mitigate the impact on biodiversity and natural habitats. Epping Forest District Council declared a Climate Emergency in September 2019, and a commitment to target net zero carbon across the District by 2030.
2. Sustainability Guidance documents have been developed to support key policies on sustainable and high-quality place making alongside the Council's commitment to deliver net zero carbon developments by 2030. The following documents are therefore attached to this report:
 - Appendix A – EFDC Sustainability Guidance and Checklist Volume 1: Major Developments, February 2021
 - Appendix B – EFDC Sustainability Guidance and Checklist Volume 2: Minor Developments, February 2021
 - Appendix C – EFDC Sustainability Guidance (Volume 1: Major Developments and Volume 2: Minor Developments) Engagement Tracker, February 2021
 - Appendix D – HGGT Sustainability Guidance and Checklist, February 2021
 - Appendix E – HGGT Sustainability Guidance and Checklist Engagement Tracker, February 2021
 - Appendix F – Draft EFDC Sustainability Guidance Volume 3: Extensions and

3. The National Design Guide (NDG) (published in 2019 and updated January 2021) supports the National Planning Policy Framework by setting out a list of 10 characteristics outlining the Government's priorities with regards to good design. The Sustainability Guidance documents align with the National Design Guide, especially with regards to the following principles;
 - Built Form; the NDG states that new developments should be compact in form and easily accessible by walking or cycling where possible. This aligns with the Sustainable Movement chapters of the Sustainability Guidance documents.
 - Movement; the NDG supports developments that prioritise active travel, and this is keeping with the ambitions of the Sustainable Movement chapters of the Sustainability Guidance documents.
 - Nature; the NDG's three ambitions as relating to the natural environment are (1) provide a network of high quality green infrastructure, (2) improve and enhance water management and (3) support rich biodiversity. These ambitions align with the Green Infrastructure chapters of the Sustainability Guidance documents.
 - Resources; the NDG places an emphasis on the energy hierarchy and careful selection of environmentally friendly materials and construction techniques – principles which are enforced throughout all of the Sustainability Guidance documents.
 - Lifespan; the NDG supports developments that are built to last, maintained by the communities that occupy them and adaptable to future needs. This section in particular is very closely aligned with the Socio-Economic Sustainability chapters of the EFDC Sustainability Guidance Volume 1 as well as the HGGT Sustainability Guidance.
4. This report seeks Cabinet endorsement for the EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments) and the HGGT Sustainability Guidance and Checklist to become material planning considerations when providing pre-application advice, preparing masterplans, assessing planning applications and any other development management purposes. The Guidance documents are intended to remain a consideration and support the policies in the Local Plan.
5. Applicants and designers will need to demonstrate how their proposals address the environmental sustainability checklist, and the socio-economic sustainability questions in the EFDC Sustainability Guidance and Checklist (Volume 1: Major Developments and Volume 2: Minor Developments) or HGGT Sustainability Guidance and Checklist, addressing the key principles for sustainable development. This should be through creating clear environmental targets, demonstrating an understanding and analysis of the site and landscape-led development, the proposed engagement with stakeholders and the community, and showing how the proposal will contribute to the existing communities and local needs of Epping Forest District, throughout the life of the

development.

6. The draft EFDC Sustainability Guidance and Checklist Volume 3: Refurbishments and Extensions will be the subject of public consultation prior to the endorsement as material planning consideration by the Council.

Objectives

EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments):

7. The principle objective for the EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments) is to act as a practical and technical guide for both applicants and officers in the design, development management and implementation processes to ensure new development in the District meets sustainability targets.
8. Within this overarching objective is a focus on a design and community-led and fabric-first approach to environmental, social and economic sustainability, to deliver high quality development while also establishing a framework for ensuring developments integrate themselves in existing communities and promote social equity.
9. The design of all new development should be landscape led and cross disciplinary and this should inform a proposal from its initial scoping through to detailed design submission of a planning application and discharge of conditions. The design should not address only a limited aspect of sustainability but demonstrate holistic consideration of the different topics presented within the guidance including; energy efficiency and carbon, renewable energy, sustainable movement, water efficiency, green infrastructure, circular economy, waste, pollution and air quality, and assuring performance. It is important that this design process is iterative, involving the Council's urban and landscape design officers, stakeholders; and that where appropriate, it is informed by use of the Quality Review Panel.
10. In addition to environmental sustainability, new developments within the District should also consider their implications on the social and economic sustainability of existing communities and residents. Applicants should demonstrate how their developments respond to the following areas: Health & Wellbeing, Economic Growth and Community Strength and Social Infrastructure.
11. The EFDC guidance documents were approved by Cabinet on 19 October 2020 for a 6 week public consultation period. Following the consultation (see details below), changes have been made based on the comments that were received. The intention is for the updated EFDC Sustainability Guidance and Checklist documents to be endorsed as material planning considerations in the consideration of planning proposals, including masterplans and concept frameworks, pre-application advice and

the determination of planning applications.

Draft EFDC Sustainability Guidance Volume 3: Extensions and Refurbishments:

12. The Guidance documents described above focus on new build developments. It is proposed to add to this suite of documents with a third volume for extensions and refurbishments. This guidance will provide practical and technical guidance on sustainability principles as they apply to householder applications, as well as make reference to the LETI Retrofit Working Group industry guidance (due to be published in early 2021). It will set out the EFDC policy context as it relates to sustainable development, provide best practice sustainable design principles that can be implemented by homeowners and signpost to other relevant guidance documents. It is proposed that this guidance should be consulted on once the LETI guidance has been published and included in the document as an Appendix.
13. Following consultation of the EFDC Sustainability Guidance Volume 3 (Extensions and Refurbishments) it will be updated to take account of consultation comments and then be brought back to Cabinet for endorsement as a material planning consideration in the consideration of planning proposals including householder applications for extension or refurbishment work to existing dwellings.

HGGT Sustainability Guidance and Checklist:

14. The principle objective for the HGGT Sustainability Guidance and Checklist is to act as a practical and technical guide for both applicants and officers in the design, development management and implementation processes to ensure new development in the Garden Town meets sustainability targets.
15. Within this overarching objective is a focus on a design and community-led and fabric-first approach to environmental, social and economic sustainability, to deliver high quality development while also establishing a framework for ensuring developments integrate themselves in existing communities and promote social equity.
16. The design of all new development should be landscape led and cross disciplinary and this should inform a proposal from its initial scoping through to detailed design submission of a planning application and discharge of conditions. The design should not address only a limited aspect of sustainability but demonstrate holistic consideration of the different topics presented within the guidance including; energy efficiency and carbon, renewable energy, sustainable movement, water efficiency, green infrastructure, circular economy, waste, pollution and air quality, and assuring performance.
17. In addition to environmental sustainability, new developments within the Garden Town should also consider their implications on the social and economic sustainability of existing communities and residents. Applicants should demonstrate how their developments respond to the following areas: Health & Wellbeing, Economic Growth and Community Strength and Social Infrastructure.

18. The HGGT guidance was approved by Cabinet on 19 October 2020 for a 6 week public consultation period. Following the consultation (see details below), changes have been made based on the comments that were received. The intention is for the HGGT Sustainability Guidance and Checklist to be endorsed as material planning considerations in the consideration of planning proposals, including masterplans and concept frameworks, pre-application advice and the determination of planning applications.

Consultation

EFDC Sustainability Guidance documents (Volume 1: Major Developments and Volume 2: Minor Developments):

19. The Council undertook some informal engagement prior to the development of the draft EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments). Following approval at Cabinet on 19 October 2020, these documents were published for formal consultation for a six-week period from 2 November 2020 to 14 December 2020.
20. The early engagement included whole-document reviews as well as specific topic-focused workshops with relevant officers across the Council. An EFDC Member workshop was held on 21 September 2020.
21. The formal consultation was undertaken in accordance with the Council's adopted Statement of Community Involvement. It took place during the COVID-19 pandemic, consequently involved both digital and non-digital means. The public was consulted simultaneously on the EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments) and the HGGT Sustainability Guidance and Checklist.
22. The following list provides a summary of the various engagement methods used during public consultation. Please refer to the October Cabinet report for more detail.

Digital engagement:

- Consultation notice via email to EFDC databases, statutory consultees and other targeted stakeholders.
- Dedicated email address for enquiries and consultation response submissions, with automated acknowledgement email and links to FAQs.
- Dedicated consultation page on EFDC website, including PDFs of documents and link to HGGT consultation website (for overview video and questionnaire).
- Social Media awareness campaign
- Staffed online webinars and Q&A for stakeholder groups

Non-digital engagement:

- Limited number of hard copy consultation packs on request: leaflet/ poster

- information to provide summary, and link/ QR Code to online document, and to provide hard copy of questionnaire/ survey.
- Freepost address available in case any stakeholders wished to return consultation response by mail.

23. The Council received comments through email responses, 4 online events and an online questionnaire. A full schedule of the representations received is attached at Appendix C.

The comments received in response can be broadly categorised into the following themes:

- Issues around the relevance of checklist questions, and other submission requirements that the Sustainability Guidance documents ask for, to different types of development and different types of planning applications.
- Clarification required on the purpose and status of guidance, as well as more information on the degree of flexibility allowed by the guidance checklist questions.
- Clarification on whether Sustainability Guidance documents have been factored in to Viability Assessments.
- Issues around the relevance of some of the case studies in terms of relevance to the context and character of development in the District.
- Further information required around certain terminology used.
- Detailed comments relating to specific themes and checklist questions.

24. Key updates and changes to the Guidance documents, to respond to the above consultation and comments, include:

- Restructuring of Guidance checklists to split questions in to two categories: those that apply to Outline applications and those that apply to Full / Reserved Matters planning applications.
- Further information provided in the Introduction chapter on role and purpose of the Guidance documents as material considerations in the assessment of planning applications, and degree of flexibility allowed by checklist questions.
- Case studies amended to become more representative of the type and character of development in the District.
- Changes made to 'Air Quality' section following more detailed conversations with EFDC Air Quality officer, to align document with District's Air Pollution Mitigation Strategy.

- General updates made to address comments on specific checklist questions and glossary terms.

Draft EFDC Sustainability Guidance Volume 3 (Extensions and Refurbishments):

25. The Council will continue to conduct workshops with EFDC officers in the preparation of the draft EFDC Sustainability Guidance and Checklist Volume 3: Extensions and Refurbishments. Informal engagement has been undertaken with the Local Plan Implementation Forum and officers across different service departments including Planning and Housing.
26. In accordance with the Council's Statement of Community Involvement (SCI), the Council will consult stakeholders and the general public on the draft EFDC Sustainability Guidance and Checklist Volume 3: Extensions and Refurbishments. It is proposed to do this when the LETI guidance has been published. The proposed period of consultation in line with the SCI is six weeks. All those on the Council's planning policy database will be notified, information including the document and an online survey/ questionnaire will be made available on the Council's website and by notification to statutory consultees.
27. Given current restrictions on in-person engagement due to COVID-19, it is proposed that the focus will be primarily through digital means. The consultation will seek to include the following:
- EFDC Sustainability Guidance Volume 3 available for viewing on EFDC website.
 - Digital questionnaire / survey available for viewing and completing on EFDC website.
 - Staffed online webinars and Q&A for particular stakeholder groups (e.g. Local residents and Community Groups, Developers, Members, Youth Councils)
 - Social Media awareness campaign
 - Notification of consultation via LPA Planning Policy databases and statutory consultees.
28. Consultation arrangements will be put in place and will be advertised ahead of the consultation, in accordance with the Statement of Community Involvement.
29. Following the consultation, the responses will be collated and where appropriate amendments made to the document. The EFDC Sustainability Guidance Volume 3 (Extensions and Refurbishments) will then return to Cabinet for formal endorsement as material planning consideration.

HGGT Sustainability Guidance and Checklist:

30. The Council undertook some informal engagement prior to the development of the draft HGGT Sustainability Guidance and Checklist. Following approval at Cabinet on 19 October 2020, the guidance was published for formal consultation for a six-week period from 2 November 2020 to 14 December 2020.
31. The early engagement included whole-document reviews as well as specific topic-focused workshops with relevant officers across the Council as well as HGGT Partner Authorities. External sustainability expertise has also been sought via the Quality Review Panel and UK Green Building Council. Two All-Member HGGT briefing and workshop sessions were held on 27 July 2020 and 26 August 2020.
32. The formal consultation was undertaken in accordance with the Council's adopted Statement of Community Involvement. It took place during the COVID-19 pandemic, consequently involved both digital and non-digital means. The public was consulted simultaneously on the EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments) and the HGGT Sustainability Guidance and Checklist.
33. The following list provides a summary of the various engagement methods used during public consultation. Please refer to the October Cabinet report for more detail.

Digital engagement:

- Consultation notice via email to HGGT databases, statutory consultees and other targeted stakeholders.
- Dedicated email address for enquiries and consultation response submissions, with automated acknowledgement email and links to FAQs.
- Dedicated consultation page on HGGT website including PDFs of documents, overview video and questionnaire.
- Social Media awareness
- Staffed online webinars and Q&A for stakeholder groups

Non-digital engagement:

- Limited number of hard copy consultation packs on request: leaflet/ poster information to provide summary, and link/ QR Code to online document, and to provide hard copy of questionnaire/ survey.
- Freepost address available in case any stakeholders wished to return consultation response by mail.

34. The Council received comments through email responses, 6 online events and an online questionnaire. A full schedule of the representations received is attached at Appendix E.

The comments received in response can be broadly categorised into the following themes:

- Issues around the structure of checklist questions in relation to different scales of development and different types of planning applications.

- Issues around the ambition of the guidance in context of the upcoming government Future Homes Standards (2022).
- Clarification required on the status of guidance in assessing incoming planning applications, as well as more information on the degree of flexibility allowed by the guidance checklist questions.
- Clarification on whether Sustainability Guidance documents have been factored in to Viability Assessments.
- Detailed comments relating to specific themes and checklist questions; including additional emphasis placed on Digital sustainability and a more integrated thread of the impacts of covid-19 pandemic in the Socio-Economic section of the guidance.

36. Key updates and changes to the Guidance, to respond to the consultation and comments, include:

- Restructuring of Guidance checklists to split questions in to two categories: those that apply to Outline applications and those that apply to Full / Reserved Matters planning applications.
- Further information provided in the Introduction chapter on role and purpose of the Guidance documents as material considerations in the assessment of planning applications, and degree of flexibility allowed by checklist questions.
- A new 'Digital Sustainability' page included in the 'Environmental Sustainability' section of the document
- Revision of the 'Job Creation' section; and additional questions in the Socio-Economic checklist related to this.
- Inclusion of questions from the 'Healthy Towns Framework' within the Socio-Economic section of the guidance
- General updates made to address comments on specific checklist questions and glossary terms

37. The amended EFDC and HGGT documents have sought to address the issues raised in the consultation, to ensure that a robust set of Guidance documents have been produced. Next steps include: ongoing work with site developers and planning applicants to ensure that sustainable and good quality design, as set out, is being achieved; ensuring that the Guidance documents are understood and disseminated to key Service areas and officers within the Council, providing colleagues in the Planning Service department with training sessions to ensure best use of guidance documents

Resource Implications

The work to support the draft EFDC Sustainability Guidance documents to be viewed alongside the emerging Local Plan is covered by the local plan budget and staff within the Local Plan and Implementation teams. Undertaking consultation during COVID-19, and the associated emphasis on printed information such as leaflets/ surveys, and enabling return postage, rather than in-person events and responses, may incur additional costs which will be met from the existing local plan consultation budget.

Safer, Cleaner and Greener Implications:

The Sustainability Guidance seeks to take forward emerging Local Plan policies designed to promote the notion of making good places to live, work and visit. This will include sustainable development, sustainable transport, energy efficiency and environmental considerations as well as principles of socio-economic sustainability.

The delivery of the Sustainability Guidance will help to address the impacts of recreational pressure and air quality on Epping Forest Special Area of Conservation and will contribute to safer, cleaner, greener objectives by planning for sustainable development.

Consultation Undertaken:

For the EFDC Sustainability Guidance and Checklist documents (Volume 1: Major Developments and Volume 2: Minor Developments) and HGGT Sustainability Guidance and Checklist, informal engagement has been undertaken with officers, the EFDC Leadership Team, Local Plan Implementation Forum and EFDC Councillors.

Formal consultation was then undertaken for the above three documents, in accordance with the Council's adopted Statement of Community Involvement. It took place during the COVID-19 pandemic, consequently involved both digital and non-digital means.

For the draft EFDC Sustainability Guidance Vol.3 (Extensions and Refurbishments), informal engagement with EFDC Officers and the Local Plan Implementation Forum has been undertaken.

Background Papers:

- Cabinet Report C-027-2021– Draft Sustainability Guidance for the District and Harlow and Gilston Garden Town 19 October 2020 (EB152)

Risk Management:

The use of these documents as material planning considerations will support the Council's objectives of achieving high quality and sustainable design in the district and reduce the risk of poor quality development.